



An
Bord
Pleanála

Inspector's Report

ABP-321319-24

Development

PROTECTED STRUCTURE:

Demolition of commercial buildings and construction of 4 houses and all associated site works.

Location

Kelly's Garage, 13A Mount Pleasant Avenue Lower, Dublin 6, D06 W281

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

4244/24

Applicant(s)

Aidan Kelly

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Aidan Kelly

Observer(s)

1. Geraldine Fox
2. Patrick and Corrie Ryan
3. Karol and Muireann Fox

Date of Site Inspection

14th May 2025

Inspector

Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site, no. 13A Mount Pleasant Avenue Lower, is located to the rear of no.13 Mount Pleasant Avenue Lower and no. 12 Mount Pleasant Avenue Lower, Dublin 6.
- 1.2. The subject site is currently occupied by a motor mechanics garage. The garage (Kelly's Garage) comprises of a shed type of structure which is situated within the former rear garden of no. 13 Mount Pleasant Avenue Lower. The mechanics garage also includes an outside yard located to the rear of no. 12 Mount Pleasant Avenue Lower. The garage structure and the yard form the subject site.
- 1.3. The appeal site measures approximately 0.0355 ha.
- 1.4. Bannaville, to the immediate south of no. 13A Mount Pleasant Avenue Lower, provides access to the rear of properties on Mount Pleasant Avenue Lower.
- 1.5. There is a mews house currently under construction to the immediate north of the appeal site. A terrace (Mount Pleasant Terrace) of single storey houses with front gardens is located to the east of the appeal site.
- 1.6. No. 13 Mount Pleasant Avenue Lower and no. 12 Mount Pleasant Avenue Lower situated to the immediate west of the appeal site are two-storey period residential properties with many original external features in-tact, including windows, doors, and front brick elevation, and are both protected structures.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following development.
 - Demolition of the existing single-storey commercial buildings.
 - Construction of a terrace of 4 no. two-bedroom dwellings, part two-storey and part three-storey.
 - The terrace has a maximum parapet height of 7.1 metres with third floor set back.
 - Private open space provision is accommodated over the three levels with privacy screens.

- 2.2. Table 1 below provides a breakdown of the residential floor areas, amenity spaces and storage provision proposed.

Residential unit	Floor area	Amenity space	Storage
Unit no. 1	110 sq. m ²	59.1 sq. m ²	8.4 sq. m ²
Unit no. 2	110 sq. m ²	34.4 sq. m ²	8.4 sq. m ²
Unit no. 3	110 sq. m ²	34.4 sq. m ²	8.4 sq. m ²
Unit no. 4	112 sq. m ²	34.4 sq. m ²	8.1 sq. m ²

- 2.3. The proposed development also includes a ground level car port providing for a car parking space per unit. Provision for cycle parking and bin storage is located within the car port.
- 2.4. The first party appeal submission (dated 25th November 2024) includes revised proposals to house no. 1. The amended proposal reduces the height of house no. 1 from 3-storey to 2-storey and omits the external terrace to the rear.

3.0 Planning Authority Decision

- 3.1. The Planning Authority decided to refuse permission for the following reasons.
1. The proposed development by means of its scale, massing and proximity to the rear of the Protected Structures, is overly dominant, would not conserve nor enhance the special architectural character of the setting of the Protected Structures and their curtilage. Therefore the proposed works would cause serious injury to the special architectural character and legibility of the Protected Structures, their setting and their curtilage as well as the wider Conservation Areas and would contravene Policies BHA2 (a), (b), (c), d), (e), (g), BHA9 (4), (6) and BHA14 of the Dublin City Council Development Plan 2022-2028. The proposed development would therefore set an undesirable precedent for similar type development, would devalue property in the vicinity

and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development by virtue of the increase in height, scale and massing would constitute an overbearing and visually obtrusive feature when viewed from the rear amenity area of the adjacent dwellings on Mount Pleasant Avenue and Bannaville. It is considered that the proposal is out of character with the established pattern of development in the area and would constitute over development of the site. It is therefore considered that the proposed development would materially contravene the zoning objective of the area 'to protect and/or improve the amenities of residential conservation areas', would seriously injure the amenities and depreciate the value of property in the vicinity and would thereby be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report dated 25th October 2024 notes the following.

- The demolition of the existing structure on site has not been appropriately appraised.
- Provision of private open space accords with minimum standards.
- Separation distance between first floor terrace of unit no. 1 and no. 12 Mount Pleasant Avenue Lower (MPA Lower) raises privacy concerns.
- Serious concerns with the separation distance to the rear of no. 12 & 13 MPA Lower and the rear amenity space of no. 11 MPA Lower and the impact on the setting and character of these protected structures, given height, scale and mass of proposal.
- In relation to AA it is considered that significant effects are not likely to arise.
- In relation to EIA, there are no real likely significant effects on the environment arising from the proposed development.
- In conclusion residential development accords with Z2 zoning, however the sitting, scale and massing and quantum of dwellings is considered to be

overdevelopment of a restricted site. Proposal would adversely impact on residential amenities and character of adjoining protected structures.

- It is considered that there is potential for mews development to the east of the site.

3.2.2. Other Technical Reports

- **Drainage Division:** - No objections subject to conditions.
- **Conservation Section:** - The heritage significance of Kelly's Garage has not been appropriately assessed by a conservation architect. The proposed works do not contain an appropriate level of documentation required under s. 11.5.1 of the Plan. Proposal not in accordance with DCDP policy objective BHA2. Proposal would constitute an inappropriate over-development of this historic curtilage of protected structures no. 12 & 13 MPA Lower. The scale of development would exceed the traditional scale of mews development. Serious injury to the special architectural character. Refusal recommended.
- **Transportation Planning Division:** - Additional information sought (1) Stage 1 Road Safety Audit required, (2)(a) revise the unit set back at ground level from the existing adjacent carriageway along the north-south section of Bannaville and at the junction splay due to the revised building line which removes the existing set back / splay at the junction and therefore reduces available sightlines. The set back area should provide for a privately maintained footpath. (2)(b) the vehicular entrance serving unit no. 4 shall be moved northwards by c. 5 metres from the T-junction with Mount Pleasant Terrace or omission of car port in this unit as a redesign. (3) submit details of auto tracking of access / egress requirements for all proposed car ports.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- Overdevelopment of site.
- Excessive height and mass leading to loss of daylight.

- Design is monolithic.
- Poor relationship with surrounding protected structures.
- Overlooking of properties to the north and south. Rooftop balcony would cause excessive overlooking.
- Inadequate provision of private amenity space.
- Traffic safety concerns.

4.0 Planning History

4.1. On-site

- None

4.2. Adjacent sites

- ABP-321435-24 – Permission granted, subject to conditions, to the rear of no. 11 Mount Pleasant Avenue Lower, for alterations to approved mews development, to comprise an increase floor area, internal and external alterations with associated works. PA granted permission (L.A. Ref. 2223/24).
- ABP-320939-24 – Permission granted, subject to conditions, to the rear of no. 11 Mount Pleasant Avenue Lower, for alterations to approved mews development (L.A. Ref. 2935/14). PA refused permission (L.A. Ref. 4003/24).
- ABP-302471-18 – Retention granted, subject to condition, for retention of 5 double glazed 6 over 6 timber framed sliding sash windows to 11 Mount Pleasant Avenue Lower. PA granted permission (L.A. Ref. 2969/18).
- L.A. Ref. 2935/14 – Permission granted, subject to conditions to the rear of no. 11 Mount Pleasant Avenue Lower for a 3-storey, 3-bedroom mews development.

5.0 Policy Context

5.1. National Planning Context

5.1.1. The National Planning Framework – First Revision (April 2025)

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 22 (standards based on performance criteria), NPO 45 (increased density) and NPO 90 (Built Heritage).

5.1.2. Section 28 Ministerial Planning Guidelines

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. Applicable policy for the proposed development includes:
 - Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
 - Section 5.3: includes achievement of housing standards as follows:
 - SPPR 1 – Separation Distances (minimum of 16m between opposing windows).
 - SPPR 2 – Minimum Private Open Space specifies standards for houses (1 bed 20sqm, 2 bed 30sqm, 3 bed 40sqm).
 - SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations.
 - SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
 - Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.

5.1.3. Architectural Heritage Protection - Guidelines for Planning Authorities (2004 as amended)

- Section 2.1 defines a protected structure as any structure or specified part of a structure, which is included in the RPS. This includes as well as interior of the structure, land lying within the curtilage of structure, any other structures lying within that curtilage and their interiors, and all fixtures and features which form part of the interior or exterior of the above structures.
- Section 13.5 refers to development within the curtilage of a protected structure, and the following is relevant to the proposed development.
 - *inappropriate development will be detrimental to the character of the structure.*
 - *The relationship between the protected structure and the street should not be damaged. New works should not adversely impact on views of the principal elevations of the protected structure.*
- Section 13.8 refers to other development affecting the setting of a protected structure within the curtilage of a protected structure, as follows.
 - *When dealing with applications for works outside the curtilage and attendant grounds of a protected structure or outside an ACA which have the potential to impact upon their character, similar consideration should be given as for proposed development within the attendant grounds.*
 - *New development both adjacent to, and at a distance from, a protected structure can affect its character and special interest and impact on it in a variety of ways. The proposed development may directly abut the protected structure, as with buildings in a terrace. Alternatively, it may take the form of a new structure within the attendant grounds of the protected structure. A new development could also have an impact even when it is detached from the protected structure and outside the curtilage and attendant grounds but is visible in an important view of or from the protected structure.*

- *The extent of the potential impact of proposals will depend on the location of the new works, the character and quality of the protected structure, its designed landscape and its setting, and the character and quality of the ACA. Large buildings, sometimes at a considerable distance, can alter views to or from the protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA.*

5.2. Dublin City Development Plan, 2022 – 2028

- 5.2.1. The site is located on lands that are zoned Z2 – ‘*To protect and/or improve the amenities of residential conservation areas*’. The principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering proposals, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.
- 5.2.2. Chapter 4 ‘Shape and Structure of the City’ includes guidance on urban density, increased height, urban design and architecture. In terms of urban density Chapter 4 recognises that RSES and Dublin MASP promotes greater densification and more intensive forms of development along strategic public transport corridors. The following policies are relevant to the proposed development.
- Policy SC1 – Consolidation of the Inner City
 - Policy SC11 – Compact Growth and sustainable densities
- 5.2.3. Chapter 5 ‘Quality Housing and Sustainable Neighbourhoods’ includes guidance for the delivery of well-design adaptable, infill and brownfield development. The following policies are relevant to the proposed development.
- QHSN37 – Houses and Apartments with satisfactory level of residential amenity
 - QHSN38 – Appropriate mix of houses /apartments
- 5.2.4. Chapter 11 ‘Built Heritage and Archaeology’. The following policies are relevant to the proposed development.

- Policy BHA2 – Development of Protected Structures, states as follows.

That development will conserve and enhance protected structures and their curtilage and will:

(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.

(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.

(h) Have regard to ecological considerations for example, protection of species such as bats.

- Policy BHA9 – Conservation Areas, states as follows.

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- 5. The repair and retention of shop and pub fronts of architectural interest.*
- 6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
- 7. The return of buildings to residential use.*

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

- Policy BHA14 – Mews, states as follows.

To promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed,

appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.

5.2.5. Chapter 15 'Development Management Standards'. Section 15.11 includes guidance on house developments including floor areas, aspect, daylight, sunlight, ventilation, private amenity spaces and separation distances. Relevant sections include as follows.

- Section 15.5.2 Infill Development
- Section 15.13.4 Backland Housing
- Section 15.13.5 Mews
- Section 15.15.2.2 Conservation Areas
- Section 15.15.2.3 Protected Structures

5.3. **Natural Heritage Designations**

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c. 3.55 km east
- South Dublin Bay SAC (Site Code 000210) c. 3.55 km east
- North Dublin Bay SAC (Site 000206) c. 6.7 km northeast
- North Bull Island SPA (Site Code 004006) c. 6.7 km northeast
- Grand Canal pNHA (Site Code 002104) c. 0.015 km south

6.0 **EIA Screening**

6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal may be summarised as follows.

Conservation

Context

- The appeal site is a brownfield site to the rear of protected structures.
- The site is currently occupied by a single storey commercial premises established c. 1960.
- Permission granted for a mews development to rear of no. 11 MPA Lower.
- The principle land use encouraged in residential conservation area is housing.
- Historic mapping indicates that MPA Lower was completed in 1844.

Existing Structure

- The existing Kelly's garage structure is a blockwork structure and corrugated metal roof and suggestions that the structure is associated with the Art-Deco movement are unfounded.

Curtilage of Protected Structures

- It is acknowledged that the curtilage of protected structures is important, however this should be considered on a case-by-case basis.
- The appeal site has different ownership to the protected structures, and the appeal site is not greenfield.
- Site responsive design counters the Conservation Officer's comments that the development involves erosion of urban plots. An example of this includes the ESB HQ in Fitzwilliam Square Lower which engaged with the Georgian buildings typical characteristics.

Established Pattern of development

- Acknowledged that front of MPA Lower has retained much of its original features, however rear of the MPA Lower has been extended extensively.

- Originally rear gardens of MPA Lower ran all the way to Bannaville, however today many rear gardens are subdivided.

Scale, mass and proximity to protected structures

- Two-storey mews have developed to the rear of no.s 1-6 MPA Lower and no. 10 MPA Lower. Three-storey mews permitted to rear of no. 11 MPA Lower. Existing mechanics garage developed to rear of no. 12 & 13 MPA Lower.
- Historically rear gardens to MPA Lower have been developed. This includes the rear of no. 20-24 MPA for the development of 10 no. terrace dwellings.
- In some rear gardens, adjoining side lanes, structures have been constructed orthogonally to the protected structures.

Overdevelopment

- Traditionally two-storey development is considered acceptable for mews development. However, a recent permission (L.A. Ref. 2935/14) for 3-storey with use of attic space is noted.
- Contrary to the Conservation Officer's view the site is not a mews site and is considered brownfield.
- Proposal completes the urban cell and provides for a strong urban design response.
- Proposal is contemporary in style but has been designed to complement and be sympathetic to protected structures. Proposal includes a brick finish with pitch roofs to ensure the form is in keeping with traditional forms in order to minimise height of the new building at the rear of protected structures.

Amended Proposal

- Amended drawings submitted with appeal to revise unit no. 1 to address PA concerns in respect negative impact on the amenity and architectural quality.

Scale, massing and proximity to rear protected structures no. 12 & 13 MPA Lower

Separation Distances

- An existing single storey structure on the appeal site adjoins the rear site boundary of no. 12 MPA Lower. Proposed to demolish this structure and create buffer between no. 12 (protected structure) and the proposed development.
- There is no separation distance currently between the rear site boundary of no. 12 and the existing structures on the subject site. Proposed to provide a c. 14m separation distance between west facing elevation of unit no. 1 and the rear elevation of no. 12 MPA Lower, which is a vast improvement.
- Separation distance from the main rear elevation of no. 13 MPA Lower to the on-site building is c. 10.5m which is unchanged, although noted that the new structure is 2.5 storeys in height.
- An example of an established precedent includes no. 20 MPA Lower and no. 6 Garden view which has a separation distance of 13.5m.

Overbearing / visually obtrusive

- Proposed plot ratio 1.86 is within the DCDP recommended plot ratio of 1.5 – 2.0 for Conservation Areas in Appendix 3.
- The residential units comply with the DCDP standards.
- In relation to overbearing the proposed units are designed as two-storey with attic space living area.
- Contrary to the PA's assertion that the existing garage on site is an anomaly, the garage structure forms part of the established pattern of development in the area and part of the urban grain.
- The existing on-site structure has set a precedent, and the site is not a mews site.
- Amended proposal submitted as part of the appeal submission involves redesign of unit no. 1 which will reduce the overbearing impact on properties no. 11 – 13 MPA Lower.

7.2. Planning Authority Response

The Planning Authority submit the following.

- The Board recommended to uphold PA decision to refuse permission.
- If permission is granted the PA requests that the following conditions are included, section 48 contribution, payment of bond, naming and numbering condition.

7.3. Observations

3 no. observations were received. The issues raised in the observations are summarised as follows.

Geraldine Fox (no. 13 MPA Lower)

- 3 no. stories to rear of garden will reduce light onto existing property.
- Overdevelopment and out of character with existing environs on Bannaville, Mount Pleasant Avenue and Terrace.
- The proposed car ports would result in cars crossing narrow footpaths onto the public road, and obstructing pedestrians.
- Proposed balconies and terraces will result in overlooking and reduce privacy.
- Adverse impact on the protected structure, no. 12 MPA Lower, due to separation distance.
- Overbearing impact on existing house and would depreciate the value of property.

Patrick and Corrie Ryan (no. 14 MPA Lower)

- The developments scale, massing and proximity to the rear of MPA Lower's protected structures would cause significant harm to their architectural character and curtilage.
- Loss of privacy due to overlooking.
- Overdevelopment and out of character with area.
- The existing garage raises environmental concerns in relation to ground contamination from oil, tyre storage, and other garage waste.

Karl and Muireann Fox (no. 11 MPA Lower)

- Environmental concerns in relation to existing garage use.
- Over intensification of development site.
- Adverse impact on existing resident's daylight.
- Insufficient proposed private open space provision.
- Adverse impact on traffic due to reversing movements from proposed car ports and also adverse impact on existing availability of on-street car parking.
- EIAR required.

8.0 **Assessment**

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Architectural Heritage
- Impacts on Established Residential Amenity
- Compliance with Residential Standards
- Traffic and Access
- Amended Proposals
- Other Matters

8.1. **Principle of Development**

- 8.1.1. The appeal site is zoned 'Residential Neighbourhoods (Conservation Areas) – Zone Z2 in the Dublin City Development Plan, 2022 – 2028, and the Objective is, '*to protect and improve the amenities of residential conservation areas*'.

- 8.1.2. Both no. 12 and 13 Mount Pleasant Avenue Lower, situated to the immediate west of the appeal site, are protected structures in accordance with the provisions of the DCDP, 2022 – 2028. A key objective of the Z2 zoning objective is to protect structures, both protected and non-protected, from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- 8.1.3. The principle land-use encouraged in residential conservation areas (Z2) is housing, as such I would consider that the principle of the proposed development, which relates to 4 no. houses, is consistent with the current Development Plan zoning objective.
- 8.1.4. I would therefore consider that the principle of the proposed development, subject to appropriate protection of architectural quality of the area and the established residential amenities, and the achievement of appropriate residential standards in terms of amenity, is acceptable.
- 8.1.5. The Board will note that the Planning Authority's second refusal reason is based on the proposal being a material contravention of the zoning objective Z2 'Residential Neighbourhoods' (Conservation Areas) of the DCDP, 2022 – 2028. Zoning objective states as follows.

'to protect and improve the amenities of residential conservation areas'.

- 8.1.6. Having regard to the assessment of the proposed development set out below I would not consider that the proposed development would materially contravene the zoning objective Z2 'Residential Neighbourhoods' (Conservation Areas) of the DCDP, 2022 – 2028.
- 8.1.7. The Z2 zoning objective is not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.
- 8.1.8. However, should the Board consider that the proposed development materially contravenes the DCDP, 2022 – 2028, and is minded to grant planning permission one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, must be met.

8.2. **Architectural Heritage**

8.2.1. **Introduction**

The two properties to the immediate west of the application site boundary, no. 12 and no. 13 Mount Pleasant Avenue Lower, are protected structures, and recorded as Ref. 5482 and Ref. 5483 on the DCDP, 2022 – 2028 RPS respectively. The description on the RPS for both properties is 'house'.

8.2.2. The site of no. 13A Mount Pleasant Avenue Lower is indicated on the red line application site boundary that accompanied the planning application. The appeal site forms part of the historic curtilage of no. 12 and 13 Mount Pleasant Avenue Lower and the appellant, in their appeal submission, has demonstrated this former relationship by historic mapping.

8.2.3. **Architectural Heritage Impacts**

The Conservation Officer of the PA concluded, in their report, that the proposed development of 4 no. houses would constitute an inappropriate over-development of the historic curtilage of protected structures no. 12 and no. 13 Mount Pleasant Avenue Lower, and the scale of the proposed development would exceed the traditional scale of a mews development. Furthermore, the PA considered that the proposal would alter the architectural character of Mount Pleasant Avenue Lower and would therefore contravene DCDP policy objectives BHA2 (protection of protected structures and their curtilage), BHA9 (conservation areas) and BHA14 (mews).

8.2.4. I will consider the impacts of the proposed development on the architectural quality of the area and the special architectural interest associated with the protected structures having regard to the location of the appeal site within a Z2 (Conservation Area) area and situated immediately to the rear of two protected structures, no. 12 and 13 Mount Pleasant Lower Avenue.

8.2.5. In considering the impact of the proposed development on the architectural quality of the area and the special architectural interest I would have regard to DCDP policy objectives BHA2, BHA9, BHA14 and the Z2 (Conservation Areas) zoning objectives. I have set out the provisions of policy objectives BHA2, BHA9, BHA14 and the Z2 in

paragraph 5.2 above, which relate to enhancing / conserving protected structures and their curtilage and protecting the special interest and character of Dublin's Conservation Areas.

- 8.2.6. Having regard to these architectural heritage policy provisions, the reports of the PA, and the applicant's appeal submission, I would consider the key issues for consideration are scale, massing and proximity to protected structures and overdevelopment.

8.2.7. Scale, Massing and Proximity to Protected Structures

In respect of scale, massing and proximity to protected structures I would agree with the appellant's comments, based on my site assessment, that the front elevations of Mount Pleasant Avenue Lower, which forms part of late Georgian / early Victorian streetscape make a positive contribution to the setting of the protected structures and the conservation area. However, the rear of Mount Pleasant Avenue Lower has been subject to significant interventions. Mount Pleasant Avenue Lower which forms part of a terrace of protected structures dates from the early nineteenth century and includes many elegant period features. I noted from my site assessment that many of these front elevations and gardens of Mount Pleasant Avenue Lower, have their original features in-situ including windows, doors, Flemish bond brickwork, granite cills and front garden boundary railings, and the front elevations and uniformed scale contributes positively to the character of the area in terms of its architectural integrity and historic streetscape, and as such creating a special architectural interest.

- 8.2.8. The appeal site is the former curtilage of no. 12 and no. 13 Mount Pleasant Avenue Lower and given the proximity and scale of the proposed development there is potential to impact on the setting and architectural character of these protected structures.

- 8.2.9. I note the appellant's comments that the appeal site is a brownfield site, however the issue of brownfield or greenfield site is not overly relevant in this instance, as the key issue, given the location of the site, is the impact that the development proposal would have on the architectural character of the area and the special architectural interest. The appellant refers to ESB HQ in Fitzwilliam Square, Dublin 2, as an example of a successful integration between contemporary architectural and protected structures, however having regard to scale and context, the merits of the

submitted example, in my view, would not be a precedent for the proposed development.

- 8.2.10. The south facing elevation of the proposed 4 no. houses is 3-storeys in height, albeit the second-floor level is set back c. 1 metres from the front elevation. The parapet height of the proposed south elevation is 7.1 metres above ground level and the roof apex of the proposed development has a height of c. 9 metres above ground level. I note from the submitted drawings that both no. 12 and no. 13 Mount Pleasant Avenue Lower have a parapet height of c. 6 metres above ground level. The height and scale of the proposed 3-storey development is more extensive relative to the prevailing pattern of development within this area of architectural quality and area of special architectural interest.
- 8.2.11. A significant issue, in my view, having regard to the proposed increase in parapet height is the scale of the proposed southern elevation which is c. 26.3 metres in length and would not be subordinate to the established scale on Mount Pleasant Avenue Lower. The height and scale of the proposed 3-storey development, given its location, would, in my view, detract from the period elegance of Mount Pleasant Avenue Lower and the Conservation Area, having regard to the prevailing pattern of development to the rear of these protected structures which are subordinate in terms of their height and scale to this area of architectural character and special architectural interest. The proposed development exceeds the prevailing height and scale, and would undermine the overall character and integrity of the Conservation Area.
- 8.2.12. Furthermore, the massing of the proposed development given its proximity to Mount Pleasant Avenue Lower would be visible at the junction of Bannaville and Mount Pleasant Avenue Lower and having regard to its scale, given its proximity, would impact on the architectural integrity and setting of the historic streetscape Mount Pleasant Avenue Lower and by extension its special architectural interest. A key issue, I would consider, is the effect on the character of the area and special interest on the protected structures and this is recognised in relevant guidance and policy. Section 13.8 of the Architectural Guidelines which states.

New development both adjacent to, and at a distance from, a protected structure can affect its character and special interest and impact on it in a

variety of ways. The proposed development may directly abut the protected structure, as with buildings in a terrace. Alternatively, it may take the form of a new structure within the attendant grounds of the protected structure. A new development could also have an impact even when it is detached from the protected structure and outside the curtilage and attendant grounds but is visible in an important view of or from the protected structure.

The development plan is also supportive of protecting the setting of protected structures in respect of scale, mass and height. DCDP policy BHA2 (d) states

Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

- 8.2.13. I would consider that the proposed development would appear overly dominant, having regard to its height, scale, massing and proximity to protected structures and the conservation area, and would, in my view, undermine the architectural integrity and historic setting of Mount Pleasant Avenue Lower which is of special architectural interest and architectural quality of the area of Mount Pleasant Avenue Lower and Bannaville, which is a conservation area.
- 8.2.14. The appellant refers to no.s 20 – 24 Mount Pleasant Avenue Lower and Garden View as an established precedent for scale, massing and proximity to protected structures having regard to the intervention of 10 no. terrace dwellings. I have reviewed the relationship of no.s 20 – 24 Mount Pleasant Avenue Lower and Garden View, and I note that this terrace of 10 no. dwellings is established on the OS 25 Inch mapping series, which was surveyed between 1863 and 1924. These dwellings are not visible from Mount Pleasant Avenue Lower, and as such do not, in my view, impact on the special architectural interest of this area and the conservation area which is the historic setting and architectural integrity of Mount Pleasant Avenue Lower, similar to that of the proposed development.
- 8.2.15. The proposed development involves the demolition of the existing mechanics garage on the subject site. This existing structure having regard to the information on the file, including the PA's Conservation Officer's report and the applicants appeal submission, dates from the 1950's – 1960 period. I would agree with the applicant's

appeal submission, based on my site assessment that the existing garage on the subject site, is primarily constructed of blockwork and corrugated metal roof is not, as contended by the PA, an Art-Deco structure, and its demolition, in my view, would not have a negative impact on the architectural quality of the area or the special architectural interest associated with the protected structures.

8.2.16. Overdevelopment

8.2.17. In terms of overdevelopment I note that the appellant refers to the permitted three-storey height of the mews development to the rear of no. 11 Mount Pleasant Avenue Lower and argues that this case would support the proposed development. However, the location of the permitted mews facing onto Bannaville would have no impact on the architectural quality of the area or the special architectural interest of the protected structures on Mount Pleasant Avenue Lower. I therefore would not consider that the height of the permitted mews would support the case for the proposed development, as it is a single house development located to the rear of a protected structure and therefore differs from the context of the proposed development.

8.2.18. I would agree with the assertion in the PA's Conservation Report that the proposed development exceeds the traditional scale of a mews development, based on the scale of the proposed development, and I would acknowledge that there is a tradition of mews development in the vicinity of the appeal site. However, I do not consider that any other form of residential development on the subject site is precluded, subject to satisfactory adherence to conservation objectives and the development plan development standards. Therefore, I would not consider that the subject site, containing two former rear gardens, would be restricted to mews only type development, and by extension I would therefore consider that policy objective BHA14 would not be a relevant consideration for the proposed development, which is not a mews type development.

8.2.19. In terms of overdevelopment I would consider that the proposed site coverage is a relevant metric in protecting the architectural quality of the area and the special architectural interest associated with the protected structures.

8.2.20. The site coverage for the proposed development is 78% whereas the indicative site coverage in the DCDP for a Conservation Area is 40% - 50%. Site coverage is a

control for the purpose of preventing adverse effects of over development and the proposed site coverage, in my view, would indicate, an extensive development in respect of established pattern of development, and a development that would have potential impacts on the architectural quality of the area and the special architectural interest, as described above.

8.2.21. Separately I would acknowledge as submitted in the applicant's appeal submission that the plot ratio for the proposed development is 1.8, and the proposed plot ratio is within the indicative range of 1.5 – 2.0 in accordance with the provisions of the DCDP, 2022 – 2028. The proposed plot ratio compares to an existing plot ratio of 1.06. However, plot ratio, as advised in the development plan should be considered in conjunction with other development control measures including site coverage and building height and is therefore not an indicative control measure on its own.

8.2.22. Conclusion

Having regard to the scale and massing of the proposed development and its proximity to protected structures and the overdevelopment of this site, the proposed development, having regard to its proximity to the setting of protected structures, would adversely impact on the architectural quality of the area and the special architectural interest associated with the protected structures, and would set an undesirable precedent for other such development in the area.

8.3. **Impacts on Established Residential Amenity**

8.3.1. Introduction

I would note that the PA Planning Officer's report considers that the proposed development would give rise to serious concerns with the separation distance to the rear of no. 12 and no. 13 Mount Pleasant Avenue Lower and the rear amenity space of no. 11 Mount Pleasant Avenue Lower.

8.3.2. The applicant in their appeal submission considers the proposed development would improve the separation distances with no. 12 Mount Pleasant Avenue Lower, and that the proposed development would have no impacts on the existing separation distance in respect of no. 13 Mount Pleasant Avenue Lower.

8.3.3. In relation to overbearing the applicant in their appeal submission, considers the proposed units are designed as two-storey with attic space living area and would form part of the established pattern of development in the area and part of the urban grain.

8.3.4. Overlooking

In terms of overlooking I would consider, based on submitted plans and my site assessment, that the proposed development would introduce overlooking to established residential amenities from a number of points. The south facing second floor outdoor terraces (c. 8 sq. metres) would introduce overlooking, from units 1, 2 and 3, towards the rear gardens of Mount Pleasant Terrace and Mount Pleasant Avenue Lower, given their orientation and proximity to these gardens.

8.3.5. The proposed second floor terraces are set back approximately 7.6 metres from the existing rear garden boundaries on Mount Pleasant Terrace and Mount Pleasant Avenue Lower and having regard to the height of the second-floor terraces they would overlook existing amenity spaces and set an undesirable precedent.

8.3.6. I would acknowledge that the proposed development includes screens/walls to prevent overlooking, however the screens/walls are limited in height. The wall enclosing the south facing terraces is c. 1m high and, in my view, would not prevent overlooking towards Mount Pleasant Terrace and Mount Pleasant Avenue Lower.

8.3.7. I would consider that a further area of overlooking would arise from the proposed rear terraces of units 1, 2 and 3, which abut the rear garden boundary of no. 11 Mount Pleasant Avenue Lower. These proposed terraces (c. 14.1 sq. metres) would directly overlook the amenity space of no. 11 Mount Pleasant Avenue Lower and also the rear amenity space of the permitted mews house to the rear of no. 11 Mount Pleasant Avenue Lower.

8.3.8. I would acknowledge that the rear walls of the north facing terraces is c. 1.8m high, notwithstanding the side glass screen is c. 1.1m high, and given proximity to existing amenity spaces would not prevent overlooking.

8.3.9. I would be of the view, given the limited height of the proposed screens and the proximity of the proposed terraces to established amenity spaces, that the proposed

terraces would introduce overlooking and set an undesirable precedent for development in the area.

8.3.10. The proposed first floor terrace to the rear of the proposed residential unit no. 1 would orientate towards the rear garden of no. 12 Mount Pleasant Avenue Lower, however the separation distance from the first-floor terrace to the rear elevation of no. 12 is approximately 14 metres, which I would consider acceptable in an urban area.

8.3.11. In conclusion I would have concerns in respect of overlooking from the proposed 4 no. south facing terraces at second floor level which orientate towards the rear gardens of Mount Pleasant Terrace and Mount Pleasant Avenue Lower and the 4 no. north facing terraces at first floor level adjacent to the side garden boundary of no. 11 Mount Pleasant Avenue Lower.

8.3.12. Shadowing

The existing residential amenity space of no. 11 Mount Pleasant Avenue Lower is located to the north of the appeal site and having regard to the orientation of the proposed development relative to these established amenities, there is potential for overshadowing or loss of daylight.

8.3.13. The application documentation includes a shadow analysis of the proposed development on the 21st of June and the 21st of March respectively.

8.3.14. I would note from the submitted shadow analysis that any additional shadowing on no. 11 Mount Pleasant Avenue Lower arising from the proposed development would be marginal and would not in my view, adversely impact on established residential amenities.

8.3.15. The BR 209 guidelines recommend that an amenity space to appear adequately sunlight throughout the year it is required that at least half of the amenity space should receive at least two hours of sunlight on the March 21st. The application documentation, or the supporting appeal submission, does not include a sunlight analysis on March 21st. However, having regard to the design of the north facing elevation, which adjusts to part 2-storey height I would consider that it is likely that 2 hours of sunlight is achieved for at least 50% of the amenity space.

8.3.16. On balance, and based on the information available, I would consider that any additional overshadowing from the proposed development would not adversely impact on established residential amenities.

8.3.17. Visual Overbearing

8.3.18. No. 13 Mount Pleasant Avenue Lower

The proposed development abuts the site boundary at a number of locations and adjoins established residential amenities at these locations. In respect of the proposed relationship with no. 13 Mount Pleasant Avenue Lower, I would note that the apex height of the proposed side elevation abutting onto the site boundary with no. 13 Mount Pleasant Avenue Lower is 9 metres, and the proposed parapet height abutting onto this boundary is 7.1 above ground level.

8.3.19. The existing structure on the appeal site that abuts onto this site boundary is single storey with a maximum height of approximately 3.4 metres. The proposed development therefore represents an alteration from approximately 3.4 metres (existing) to c. 9 metres (proposed) without any transition, which would, in my view, have a significant impact in terms of visual overbearing, on the amenity space to the rear of no. 13 Mount Pleasant Avenue Lower.

8.3.20. I would acknowledge the appellants comment that the proposed development is set back approximately 10.5 metres from the main rear elevation of no. 13 Mount Pleasant Avenue Lower. I noted from my site assessment that no. 13 Mount Pleasant Avenue Lower has a rear annex which is set back c. 4 metres from the site boundary with the proposed development.

8.3.21. Overall, I would consider that the proposed 3-storey 9 metre west facing elevation onto an established rear amenity space would unduly impact on the established residential amenities of no. 13 Mount Pleasant Avenue Lower, in terms of visual overbearing.

8.3.22. No. 11 Mount Pleasant Avenue Lower / Rear Permitted Mews Development

A further area of concern relates to the proposed north facing elevation facing onto the rear garden of no. 11 Mount Pleasant Avenue Lower and the existing permitted mews development to the rear of no. 11. The existing building on the appeal site is

set back from the northern site boundary which adjoins the rear garden of no. 11 Mount Pleasant Avenue Lower.

8.3.23. The proposed development introduces a part two-storey elevation, which accommodates the 4 no. outdoor terraces, with two of the outdoor terraces abutting the site boundary with no. 11 Mount Pleasant Avenue Lower, and 1 no. outdoor terrace abutting the rear amenity space of the permitted mews house and therefore impacting on the rear amenity spaces of both no. 11 and the permitted mews house. This intervention which extends the full length of the southern garden boundary of no. 11 and the mews development would, in my view, adversely impact on the existing residential amenities in terms of visual impact and overbearance and would set an undesirable precedent for other such development in the area.

8.3.24. No. 12 Mount Pleasant Avenue Lower

I acknowledge the appellants comments in response to the relationship of the proposed development with no. 12 Mount Pleasant Avenue Lower and I would agree that the proposed development would represent an improvement in respect of the separation distance from the proposed development and no. 12 Mount Pleasant Avenue Lower. In this respect the existing separation distance of approximately 7 metres to an on-site building on the appeal site is increased to a distance to approximately 14 metres in the proposed development and this regard overbearing impacts on no. 12 are not considered significant.

8.3.25. Collective Impact

I have noted above that the site coverage for the proposed development is 78% whereas the indicative site coverage in the DCDP for a Conservation Area is 40% - 50%. Site coverage is a control for the purpose of preventing adverse effects of over development and the proposed site coverage, in my view, would indicate, a development that would have potential impacts on adjoining amenities having regard to the established pattern of development.

8.3.26. The applicant's appeal submission notes that the plot ratio for the proposed development is 1.8 and that this is within the indicative range of 1.5 – 2.0 in accordance with the provisions of the DCDP, 2022 – 2028. However, plot ratio, as advised in the development plan should be considered in conjunction with other

development control measures including site coverage and building height, and not solely by itself.

8.3.27. I therefore would have concerns with the scale of the proposed development, in particular its location adjacent to an established residential development no. 13 and no. 11 Mount Pleasant Avenue Lower. I would consider that the height, mass, and scale of the development which adjoins the site boundary to established residential development would be visually overbearing and would have an adverse impact on established residential amenities.

8.3.28. Conclusion

Having regard to the height, mass and scale of the proposed development, particularly abutting established residential amenities of no. 11 and no. 13 Mount Pleasant Avenue Lower and the introduction of overlooking from the proposed south and north facing terraces, it is considered that the proposed development would constitute overdevelopment of the site, would have an unreasonable overbearing and visually dominant effect on adjoining sites and would seriously injure the residential amenities of the area by way of undue overlooking and visual overbearing.

8.4. **Compliance with Residential Standards**

8.4.1. Section 15.11 of the DCDP, 2022 – 2028, refers to residential standards relating to house developments and this includes guidance in respect of minimum floor areas and private open space provision.

8.4.2. Table 2 below sets out the proposed floor areas and private open space in respect of the proposed 4 no. houses relative to the minimum required standards in accordance with the DCDP, 2022 – 2028.

Residential unit	Floor area	DCDP min. required floor area	Amenity space	DCDP min. private open space
Unit no. 1 (2-bed)	110 sq. m ²	80 sq. m ²	59.1 sq. m ²	40 sq. m ²
Unit no. 2 (2-bed)	110 sq. m ²	80 sq. m ²	34.4 sq. m ²	40 sq. m ²
Unit no. 3 (2-bed)	110 sq. m ²	80 sq. m ²	34.4 sq. m ²	40 sq. m ²

Unit no. 4 (2-bed)	112 sq. m ²	80 sq. m ²	34.4 sq. m ²	40 sq. m ²
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- 8.4.3. I note from Table 2 above that the proposed residential floor areas would provide an acceptable standard of residential amenity for future occupants, however the private open space provision in respect of proposed residential units no. 2, no. 3 and no. 4 would be substandard relative to the minimum requirements of the DCDP, 2022 – 2028.
- 8.4.4. I would consider that the private open space provision in respect of proposed residential units no. 2, no. 3 and no. 4, would materially contravene the development plan management standards in respect of private open space provision.
- 8.4.5. However, I would consider that the private amenity spaces would be acceptable given that this is an urban site with good proximity to amenities and services and also having regard to the overall standard of residential amenity offered by the proposed development. The floor areas of the proposed residential units which exceed the minimum floor areas by c. 30 metres and therefore offer a good qualitative standard of residential amenity to future occupants.
- 8.4.6. Separately SPPR 2 of the Compact Settlement Guidelines (2024), which superseded the adoption of the DCDP, 2022 – 2028, requires that proposals for 2-bedroom houses meet a minimum private open space standard of 30 sq. metres. The private open space provision in the proposed residential units no. 2, no. 3 and no. 3 would exceed the requirements of SPPR 2.
- 8.4.7. I would also acknowledge that the PA's Planner's Report was satisfied with the overall provision of private open space for the proposed development, and that the development plan provides for a degree of flexibility in respect of private open space standards for houses, and in this regard s. 15.11.3

Private Open Space' of the plan states 'these standards may be relaxed on a case-by-case basis subject to a qualitative analysis of the development'.

- 8.4.8. The maximum required car parking provision for the proposed development is 1 space per dwelling, in accordance with the provisions of the DCDP, 2022 – 2028. The proposed development, providing for a car port with a single car parking space for each unit, would therefore include adequate car parking provision and I would

also note that the proposed development includes provision of cycle parking and bin storage within the car port consistent with the requirements of the DCDP, 2022 – 2028.

- 8.4.9. Overall, I would consider that the proposed development would provide an adequate standard of residential amenity for future occupants, having regard to the provisions of the DCDP, 2022 – 2028, and the Compact Settlement Guidelines (2024).

8.5. Traffic and Access

- 8.5.1. The Transportation Section considered it relevant that the applicant submit, as further information, a Stage 1 Road Safety Audit and details of auto tracking of access / egress requirements for all proposed car ports. I would agree with the PA, based on my site assessment and having regard to the narrow width of the road at Bannaville, which would not facilitate two-way traffic, that additional information would demonstrate compliance with traffic safety standards.
- 8.5.2. In respect of access, I would note that the Transportation Section of the PA has raised concerns in respect of the proposed car port for unit no. 4 given its proximity to the T-junction at Bannaville and advise to relocate the car port approximately 5 metres north or omit the car port for house no. 4. Further the PA raises concerns with the loss of setback / splay due to a revised building line and recommend that the unit is set back at ground floor level from the existing adjacent carriageway along the north-south section of Bannaville and at the junction splay. I would concur with the PA and consider, based on the submitted plans, that a redesign of unit no. 4 would be required to address these traffic safety concerns.
- 8.5.3. In respect of achieving adequate set back / splay at the junction and other issues in relation road safety audit and auto tracking of access / egress requirements, I would consider that having regard to the substantive issues in this appeal that this issue is not pursued further by the Board.

8.6. Amended Proposals

- 8.6.1. Amended proposals were submitted by the applicant as part of the appeal submission. This includes a revised proposal to house no. 1. The amended proposal

reduces the height of house no. 1 from 3-storey to 2-storey and omits the external terrace to the rear.

- 8.6.2. I would consider that the amended proposals would address concerns in respect of the proposed relationship of the development proposal with no. 13 Mount Pleasant Lower Avenue. However other substantive impacts in terms of overlooking towards the rear gardens of Mount Pleasant Avenue Lower and Mount Pleasant Terrace, and also to the rear amenity space of no. 11 Mount Pleasant Avenue Lower and the permitted mews development to the rear of no. 11 Mount Pleasant Lower Avenue have not been addressed.
- 8.6.3. In addition, the overbearing and visual impact of the proposed development in relation to no. 11 Mount Pleasant Avenue Lower, given that the proposed development abuts the site boundary, have not been adequately addressed. Although I would acknowledge that the amended proposal to unit no. 1 would address some of the impacts on no. 11, overall, the impacts arising from units no. 2 and no. 3 would cause undue overbearing and visual impacts on the existing residential amenity of no. 11.
- 8.6.4. In terms of impacts of the revised development on the architectural quality of the area or the special architectural interest associated with the protected structures, I would consider that the scale of the north facing elevation is not substantially altered to address the impacts on the architectural character of the area and would in my view dominate the view from Mount Pleasant Avenue Lower at the junction with Bannaville, and as such the revised proposal has not addressed concerns in relation to architectural heritage.

8.7. **Other Matters**

- 8.7.1. In respect of environmental issues raised by the observers I would consider site clearance and concern with any adverse environmental implications can be addressed by a construction management condition having regard to the modest scale of this urban site, should the Board be minded to grant permission.
- 8.7.2. I note that the observers also submitted that an EIAR is required for the proposed development. I have considered the requirement for an EIAR in Form 1 and Form 2

in Appendices of this report and I have set out my conclusion in paragraph 6.0 above that the proposed development does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 AA Screening

9.1. I have considered case ABP-321319-24 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises of the demolition of an existing motor mechanics garage and the construction of 4 no. houses. The closest European Sites, part of the Natura 2000 Network, is the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA, both located approximately 3.55 km east of the proposed development. The European Sites, North Dublin Bay SAC and North Bull Island SPA, are located c. 6.7 km northeast of the proposed development.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The nature and scale of the proposed development and the location of the site on developed serviced lands.
- The absence of any ecological pathway from the development site to the nearest European Site.
- Location-distance from nearest European site.

I conclude, 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 (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that planning permission be refused for the reasons set out below.

11.0 Reasons and Considerations

1. Having regard to the existing character and the prevailing pattern of development, the site location within a Z2 Conservation Area and the proximity to structures of architectural interest which are listed as a Protected Structure in the current Development Plan for the area, it is considered that the proposed development, by reason of its scale, massing and proximity to protected structures, would be out of scale with its surroundings, would seriously detract from the architectural character and setting of protected structures at Mount Pleasant Avenue Lower. The proposed development would, therefore, materially and adversely affect the character and setting of Z2 Conservation Area, and the setting of protected structures, would be contrary to the policy objectives BHA2 (Development of Protected Structures) and BHA9 (Conservation Areas) of the Dublin City Development Plan, 2022 – 2028, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale and height of development, it is considered that the proposed development would constitute overdevelopment of the site, would have an unreasonable overbearing and visually dominant effect on adjoining sites and would seriously injure the residential amenities of the area by way of undue overlooking and visual impacts. The proposed development would, therefore, by the precedent it would set for other development, would seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the development plan in this regard and 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.

Kenneth Moloney
Senior Planning Inspector

16th June 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321319-24
Proposed Development Summary	Demolition of commercial buildings and construction of 4 houses and all associated site works.
Development Address	Kelly's Garage, 13A Mount Pleasant Avenue Lower, Dublin 6, D06 W281
	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.	
<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	

<p>development 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) of Part 2: threshold 500 dwelling units.</p> <p>Class 10(b)(iv) of Part 2: threshold 2 ha.</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"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321319-24
Proposed Development Summary	Demolition of commercial buildings and construction of 4 houses and all associated site works.
Development Address	Kelly's Garage, 13A Mount Pleasant Avenue Lower, Dublin 6, D06 W281
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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposed development consists of demolition of an existing motor mechanics garage and the construction of 4 no. houses located to the rear of no. 12 and no. 13 Mount Pleasant Avenue, Dublin 6. The proposed development is part 2-storey and 3-storey in height. The proposed development will provide for 1 no. car parking space, within a car port, for each residential unit at ground level. The proposed development includes terraces as private open provision. There are established residential properties within the immediate context of the development site. The proposed floor area of the individual housing units are c. 110 sq. metres. The proposal is not considered exceptional in the context of neighbouring properties. During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. Any potential contamination arising from the existing use would be limited in scale, having regard to modest scale of the existing use would have a localised impact. Demolition works are proposed. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.

<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural or historical significance. The development site is the former curtilage of protected structures, and the proposed development would have an impact on the character of the protected structures, however these impacts are localised.</p> <p>The nearest designated European Sites to the appeal site are the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024), both located approximately 3.55 kms east of the proposed development. The European Sites, North Dublin Bay SAC (000206) and North Bull Island SPA (004006), are located c. 6.7 km northeast of the proposed development.</p> <p>Given that there are no hydrological connections I have concluded in my AA Screening that the proposed development would not likely have a significant effect on any European site.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the scale of the proposed development (i.e. part 2-storey and 3-storey in height) and the limited nature of construction works associated with the development, its location removed from any 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 environment.</p>
<p>Conclusion</p>	

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.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)