



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321324-24

|                                     |                                                                                                                                   |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | Construction of a vehicular entrance in the garden to the front of the property, one parking space and all associated site works. |
| <b>Location</b>                     | 2 Seafield Terrace (a protected structure), Coliemore Road, Dalkey, Co. Dublin, A96 XY60                                          |
| <b>Planning Authority</b>           | Dun Laoghaire Rathdown County Council                                                                                             |
| <b>Planning Authority Reg. Ref.</b> | D24A/0709/WEB                                                                                                                     |
| <b>Applicant(s)</b>                 | Colin and Nicola Keane                                                                                                            |
| <b>Type of Application</b>          | Permission                                                                                                                        |
| <b>Planning Authority Decision</b>  | Refusal                                                                                                                           |
| <b>Type of Appeal</b>               | First Party                                                                                                                       |
| <b>Appellant(s)</b>                 | Colin and Nicola Keane                                                                                                            |
| <b>Observer(s)</b>                  | None                                                                                                                              |
| <b>Date of Site Inspection</b>      | 7 February 2025                                                                                                                   |
| <b>Inspector</b>                    | Natalie De Róiste                                                                                                                 |

## Contents

|                                         |    |
|-----------------------------------------|----|
| 1.0 Site Location and Description ..... | 3  |
| 2.0 Proposed Development .....          | 3  |
| 3.0 Planning Authority Decision .....   | 4  |
| 4.0 Planning History.....               | 5  |
| 5.0 Policy Context.....                 | 6  |
| 6.0 The Appeal .....                    | 11 |
| 7.0 Assessment.....                     | 12 |
| 8.0 Appropriate Assessment.....         | 14 |
| 9.0 Recommendation.....                 | 15 |
| 10.0 Reasons and Considerations.....    | 15 |
| Appendix 1 – Form 1: EIA Pre-Screening  |    |

## **1.0 Site Location and Description**

- 1.1. The site, 2 Seafield Terrace, is located on the northside of Coliemore Road in Dalkey. It contains a single-storey over raised basement semi-detached villa-style house, one of a matching pair with 1 Seafield Terrace, both with oriel windows, paired doorcases, and a shared central flight of granite steps. This pair matches the pair 3-4 Seafield Terrace, and between the two pairs is an arched entrance with cast-iron gates, which leads into a terrace of four two-storey houses to the rear, Coliemore Villas, with a tarmacked tree-lined driveway. The appeal site is a protected structure (ref 1475), as are the other houses in Seafield Terrace, and 1-4 Coliemore Villas.
- 1.2. The front garden is curved, with a low rendered wall and a cast-iron pedestrian gate and granite piers. The front garden slopes down from the front boundary wall to the front of the house. There is a small area to the front of the basement, with steps leading up from a basement level door set into the flight of entrance steps.
- 1.3. The garden of no 1 Seafield Terrace has a low granite wall, while numbers 3-4 have some kerbing to the front boundary. There is a granite kerb to the pavement to the front of the subject site, at right angles to the road, not shown on the drawings.
- 1.4. The house has been extended to the rear, and has a pedestrian gate giving access to the forecourt to the front of Coliemore Villas. A number of cars were parked in the forecourt on the date of the site visit. There are double yellow lines to both sides of the public road, which curves at the front of the site. There is a footpath only on the north side of the road.

## **2.0 Proposed Development**

- Provision of a vehicular entrance to the front of the property, by removing c. 4.5 metres' length of front boundary wall along the curved section.
- New piers are indicated, but no gates.
- Amendments to basement level stairs, reducing their width from a max of 1.4 metres to 900 mm, construction of a low wall.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse permission for three reasons as follows:

- 1. The proposed development comprising of the demolition of the existing front boundary wall and the creation of vehicular entrance in its place would materially alter the front boundary and would take up a substantial portion of the front garden. Therefore, the proposed development would disrupt the visual and architectural significance of the Protected Structure. The proposed development would be contrary to Policy Objective HER 13 and Section 12.4.8.4 of the Dun Laoghaire-Rathdown County Development Plan, 2022-2028, which seeks to minimise the loss of original boundary treatments and to preserve the built character of the Protected Structure and the historic streetscape setting.*
- 2. Due to Endangerment of Public Safety as a result of obstruction of the adjacent public footpath by overhanging vehicles parked in the proposed hardstanding area/vehicular entrance - i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.*
- 3. Having regard to the location of the proposed site specifically the proximity of the subject site from Dalkey Dart Station approx. 500m (i.e. up to 5-6 minute walk) and SPRR 3 - Car Parking Standards from the Sustainable and Compact Settlements Guidelines the site would be considered an 'Urban Neighbourhood' as defined in Tables 3.1 and 3.8 of the Compact Settlement Guidelines and therefore It is a specific planning policy requirement of these Guidelines that car-parking provision should be minimised, substantially reduced or wholly eliminated. The Planning Authority Is not satisfied that the need for a car parking space at this location - also in the vicinity of the Dalkey Neighbourhood Centre - arises. The proposed development would not be consistent with the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

3.2.1. The planner's report referred to the zoning, the planning history, Development Plan policy on Architectural Conservation Areas, vehicular entrances and driveways, SPPR 3 of the Compact Settlement Guidelines (2024), and concurred with the reports and recommendations for refusal from other departments.

#### **3.2.2. Other Technical Reports**

- Transportation Planning – insufficient space to facilitate a vehicular entrance and hardstanding, contrary to Development Plan guidance (Section 12.4.8.1 and 12.4.5.2) and SPPR3 of Compact Settlement Guidance, refusal recommended due to endangerment of public safety.
- Conservation Section – section does not support the proposal, which would adversely affect the setting, amenity and appreciation of the protected structure, failing to comply with Section 12.4.8.4, Section 12.11.2.3, and HER8 of the Development Plan,
- Drainage Planning – no objection subject to standard condition on SuDS and surfaces.

### **3.3. Prescribed Bodies**

No observations received.

### **3.4. Third Party Observations**

None received.

## **4.0 Planning History**

### **4.1. On site**

4.1.1. D24A/0330 - Permission REFUSED by the Planning Authority for the construction of a vehicular entrance in the garden to the front of the property, one parking space and all associated site works for three reasons, relating to: endangerment to public safety by reason of traffic hazard or obstruction of road users or otherwise; impacts on the

setting of the Protected Structure and the established streetscape character; and non-compliance with Compact Settlement Guidelines policy to minimise, substantially reduce, or wholly eliminate car parking in urban neighbourhoods.

- 4.1.2. D22A/0817 - Permission GRANTED by the Planning Authority for a new two storey extension to the rear of the semi-detached house, alterations to the existing return to accommodate bathroom upgrades and all associated site works including SuDS drainage.
- 4.1.3. D17A/0439 – Permission GRANTED for alterations to fenestration and alterations to rear extension.

## 5.0 Policy Context

### 5.1. Dun Laoghaire Rathdown County Development Plan 2022-28

- 5.1.1. The Dún Laoghaire-Rathdown County Development Plan 2022–2028 (CDP), categorises the site as zoning objective ‘A’, which seeks *‘to provide residential development and improve residential amenity while protecting the existing residential amenities’*.
- 5.1.2. The appeal site is a protected structure (ref 1475), as are the other houses in Seafeld Terrace, and 1-4 Coliemore Villas. The site lies outside the Dalkey Architectural Conservation Area (ACA).
- 5.1.3. The subject site is located within the boundaries delineated by Specific Local Objective 130 which seeks:

*‘To ensure that development within this objective area does not (i) have a significant negative impact on the environmental sensitivities in the area including those identified in the SEA Environmental Report, and/or (ii) does not significantly detract from the character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements.’*
- 5.1.4. Chapter 11: Heritage and Conservation provides guidance on heritage through protection, management, sensitive enhancement, or appropriate repurposing. Relevant sections include:

*Policy Objective HER8: Work to Protected Structures*

*It is a Policy Objective to:*

- i. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.*
- iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.*
- iv. 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.*
- v. Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.*
- vi. Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.*
- vii. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.*
- viii. Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.*
- ix. Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*

- x. *Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).*

5.1.5. Chapter 12: Development Management provides guidance on standards to be applied to proposed developments. Relevant sections of this chapter include:

5.1.6. Section 12.4.8 addresses Vehicular Entrances and Hardstanding Areas. Of particular relevance is the following:

*12.4.8.1 - General Specifications- In general, for a single residential dwelling, the maximum width of an entrance is 3.5m. For a shared entrance for two residential dwellings, this may be increased to a maximum width of 4m. Each car parking space for a residential dwelling shall have a minimum length of 5.5m depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3m to allow for clearance from nearby wall/steps/boundary.*

*[ ] A minimum of a 1.2 metres access path shall be provided for each dwelling. Sufficient space shall also be provided for refuse storage and service metres (Section 12.3.4.7) cycle storage (Section 12.4.6) and urban greening and SUDS (see Section 12.4.8.3).*

*12.4.8.4: ACAs/Protected Structures - Boundary features such as walls, railings and gardens contribute to character and setting of Protected Structures and those areas which have been identified as ACAs and cACAs. Poorly designed off-street parking which involves the removal of boundary walls, gate piers, railings and gates can have an effect on the setting and appreciation of the building, groups of buildings and the wider streetscape and will not generally be permitted. In areas characterised predominately by pedestrian entrances, new or widened vehicular entrances will be resisted. Where existing rear site vehicular access exists or can be easily provided, off-street parking to the front will generally not be permitted. All proposals for off-street parking will be considered on a case-by-case basis and should:*

- *Minimise loss of original boundary treatment.*



- *Retain a significant amount of soft landscaping and planting to reduce the visual impact of the parked car. The vehicular entrance and hardstanding area should not dominate a property's forecourt or result in the loss of traditional finishes such as granite setts and flags.*
- *Provide surface treatments of a high quality using traditional materials compatible with the surrounding context. Bituminous and concrete surfacing are not acceptable.*
- *Where favourable site conditions exist minimum intervention, integration and reuse of materials will be the key considerations.*

*All other criteria for car parking within Section 12.4.8 shall also apply to parking within ACAs/ Protected Structures.*

- 5.1.7. Section 12.11 – Heritage includes guidance for assessing applications for works to a protected structure, having regard to national guidance.

## 5.2. Other Relevant Guidance

- Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

Chapter 13 deals with works in the curtilage and attendant grounds of a relevant structure, with specific sections on boundary features, basement areas, hard landscaping, gardens, and car parking.

- Design Manual for Urban Roads and Streets (2019)
- Sustainable and Compact Settlements: Guidelines for Planning Authorities (2024). Section 5.3.4 Car Parking – Quantum Form and Location deals with car parking, and SPPR 3 is as follows:

### *SPPR 3 - Car Parking*

*It is a specific planning policy requirement of these Guidelines that:*

- (i) *In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations,*

*where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.*

- (ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.*
- (iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling*

*Applicants should be required to provide a rationale and justification for the number of car parking spaces proposed and to satisfy the planning authority that the parking levels are necessary and appropriate, particularly when they are close to the maximum provision. The maximum car parking standards do not include bays assigned for use by a car club, designated short stay on–street Electric Vehicle (EV) charging stations or accessible parking spaces. The maximum car parking standards do include provision for visitor parking.*

*This SPPR will not apply to applications made in a Strategic Development Zone until the Planning Scheme is amended to integrate changes arising from the SPPR. Refer to Section 2.1.2 for further detail.*

### **5.3. Natural Heritage Designations**

Rockabill to Dalkey SAC – 500 m east

Dalkey Islands SPA – 200 m east

Dalkey Coastal Zone and Killiney Hill pNHA – 100 m east

### **5.4. EIA Screening**

The proposal is not a class of development specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001.

## **6.0 The Appeal**

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

One appeal was received, from the first party. Issues raised are summarised as follows:

- Street parking was provided when the applicants purchased their property in 2017, with double yellow lines applied to the road in 2021, denying parking to the applicants.
- A conservation architect has been engaged to ensure compliance with Policy Objective HER8 and Section 12.11.2 Architectural Heritage. The proposal removes only a corner section of the wall, retaining the pedestrian gate, and front and side sections of the wall. The corner will be delineated in a contrasting paving. All remedial work will be carried out under supervision of a conservation architect.
- The drawings show the car parking space is contained wholly within the property boundary, and will not cause endangerment or obstruction. The planning authority failed to assess the amended design.
- The applicants require a car parking space as they have a young family, as well as friends and older relations who cannot visit as no parking is available. The DART station, half a kilometre away, is of limited use for access to activities or work that is not on the DART line. Car parking in proximity to the house is required for safety reasons, due to a need to leave for work before daylight.

### **6.2. Planning Authority Response**

The planning authority's response referred the Board to the planner's report, noting the appeal did not raise any new matters which would justify a change in the planning authority's attitude.

### **6.3. Observations**

None received.

## 6.4. Further Responses

Submission invited from Development Applications Unit – no response received.

## 7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Impacts on Built Heritage
- Traffic Hazard

## 7.2. Principle of Development

7.2.1. The *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (2024) superceded the Development Plan standards on car parking. The Development Plan set out standards for car parking within new developments; those standards did not apply to existing houses. The Compact Settlement Guidelines deal largely with standards for new housing; however, *SPPR3 – Car Parking* does not specifically mention new housing, and refers to car parking provision in general. As such, it is of relevance here.

7.2.2. The site lies within 1 km of an existing high capacity urban public transport node (the DART), and is therefore located in an urban neighbourhood of Dublin city (having regard to Tables 3.1, 3.2, and 3.8). SPPR 3 is clear in setting out that car parking provision should be minimised, substantially reduced or wholly eliminated in city centres and urban neighbourhoods of Dublin and other cities. However, it sets a maximum of 1 space per dwelling. As such, in the absence of any specific policy or plan by the Local Authority to further reduce or eliminate car parking in this specific area, a proposal for one car parking space for the dwelling can be considered on its merits.

### 7.3. Impacts on Built Heritage

- 7.3.1. The submitted Architectural Heritage Impact Assessment describes the property as ‘one of four semi-detached villas built in the 1840s’, in pairs on either side of ‘the impressive entrance archway to Coliemore Villas’. The boundary is described as ‘a low rendered random rubble wall with granite piers and pedestrian gate’. The four semi-detached villas, and the terraced houses accessed via the archway, are all protected structures. The group (partly obscured by mature trees) terminates the view on the approach from Dalkey village from the west, located as it is on the curve in the road, and is visible from the outskirts of the ACA.
- 7.3.2. The house has a small front garden, with a boundary length of c. 11 metres. The proposed development would remove a stretch of c. 4.5 metres of the original wall, which is a distinctive low wall with a curved top, which curves to enclose the garden, and makes a positive contribution to the setting of the protected structure. This would involve a loss of original fabric, and have a considerable visual impact on the protected structure, and on the streetscape as a whole. The front garden would be dominated by car parking, and it would not be possible to *‘retain a significant amount of soft landscaping and planting to reduce the visual impact of the parked car’* in line with Section 12.4.8.4 of the Development Plan, due to the limited size of the garden, and the location of the parking provision adjacent to the front boundary. In my view, the proposal to delineate the line of the wall in contrasting paving is insufficient to mitigate the impacts of the removal of the boundary, and the proposal would negatively affect the character of the protected structure.
- 7.3.3. It is also proposed to make alterations to the steps to the basement. This stairwell curves, and it is proposed to reduce the width of the staircase to the basement from a maximum of 1400 mm to 900 mm, and provide a 300 mm low wall at the side of the steps. No detailed drawings have been submitted. No rationale has been given for this development, which would provide a very small increase to garden area while reducing accessibility to the basement, and potentially providing for an increase in ground level in front of the basement window.
- 7.3.4. I note the Planning Authority considered the development contrary to Policy Objective HER 13: Architectural Conservation Areas. While the site is visible from the Dalkey Architectural Conservation Area, I consider the negative impacts on the

special character of the protected structure and its group setting to be more significant than the impacts on the ACA, and I am recommending a refusal on these grounds.

#### **7.4. Traffic Hazard**

- 7.4.1. The proposed parking area is irregularly shaped, c. 2.8 metres at its narrowest point, and c. 6 metres in length. The Development Plan standard set out in Section 12.4.8 is 3 metres x 5.5 metres, with a path width of 1.2 metres, and room for refuse storage, service metres, cycle storage, and urban greening and SUDS. This property has pedestrian access to the rear, and cycles and bins could be stored there. However, the drawings submitted (which show a relatively compact car measuring c. 4.2 metres by 1.7 metres) indicate limited room to exit and manoeuvre around the car for the driver or passengers, and an obstructed path to the door for visitors arriving on foot when the car is parked up. There is a risk that the car would be parked partly in the public realm to allow room to manoeuvre within the site, with obstruction of the adjacent public footpath, and/or the entrance to Coliemore Villas. There is a footpath on only one side of the road at this location, compounding and exacerbating the inconvenience and risk of any obstruction.
- 7.4.2. Furthermore, the car would need to be either reversed in, or reversed out, given the lack of any room to turn in the site. While this is typical of many domestic driveways, the location and angle of this one could lead to unorthodox manoeuvres on the road and footpath, close to the entrance to Coliemore Villas and close to a bend with a single white line.
- 7.4.3. Given the lack of compliance with Development Plan standards for car parking, and the risk of obstruction and inconvenience to other road users, I am recommending a refusal on these grounds.

#### **8.0 Appropriate Assessment**

- 8.1.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a

significant effect, individually, or in combination with other plans or projects, on any European site.

## 9.0 Recommendation

I recommend permission be refused, for the reasons and considerations given below.

## 10.0 Reasons and Considerations

1. The proposed removal of a stretch of c. 4.5 metres of the rendered rubble stone boundary wall, and the use of the majority of the small front garden for car parking, would seriously detract from the character and setting of the protected structure and the streetscape of the area, and be contrary to Policy Objective HER 13 and Section 12.4.8.4 of the Dun Laoghaire-Rathdown Development Plan 2022-28. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposal does not comply with the standards set out at Section 12.4.8 of the Dun Laoghaire Rathdown County Development Plan 2022-28 regarding the provision of a path of 1.2 metres, and a parking space of 5.5 x 3 metres, and would result in a cramped and substandard form of development likely to lead to obstruction of the adjacent public footpath or public road, and hazardous manoeuvres to access and/or egress the site, leading to traffic hazard or obstruction of road users.

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

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Natalie de Róiste  
Planning Inspector

28 February 2025

# Form 1

## EIA Pre-Screening

|                                                                                                                                                                                                                |                                     |                                                                                                                                    |                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>ABP Case Reference</b>                                                                                                                                                                                      | APB-321324                          |                                                                                                                                    |                                              |
| <b>Proposed Development Summary</b>                                                                                                                                                                            | Vehicular entrance and parking area |                                                                                                                                    |                                              |
| <b>Development Address</b>                                                                                                                                                                                     | 2 Seafield Terrace, Coliemore Road  |                                                                                                                                    |                                              |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |                                     | <b>Yes</b>                                                                                                                         | <input checked="" type="checkbox"/>          |
|                                                                                                                                                                                                                |                                     | <b>No</b>                                                                                                                          | <input type="checkbox"/>                     |
| <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>                                                                                                                                                                                                     | <input type="checkbox"/>            | State the Class here.                                                                                                              | Proceed to Q3.                               |
| <b>No</b>                                                                                                                                                                                                      | <input checked="" type="checkbox"/> |                                                                                                                                    | 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>                                                                                                                                                                                                     | <input type="checkbox"/>            | State the relevant threshold here for the Class of development.                                                                    | EIA Mandatory EIAR required                  |
| <b>No</b>                                                                                                                                                                                                      | <input type="checkbox"/>            |                                                                                                                                    | 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>                                                                                                                                                                                                     | <input type="checkbox"/>            | State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold. | Preliminary examination required (Form 2)    |
| <b>5. Has Schedule 7A information been submitted?</b>                                                                                                                                                          |                                     |                                                                                                                                    |                                              |
| <b>No</b>                                                                                                                                                                                                      | <input type="checkbox"/>            | Pre-screening determination conclusion remains as above (Q1 to Q4)                                                                 |                                              |
| <b>Yes</b>                                                                                                                                                                                                     | <input type="checkbox"/>            | Screening Determination required                                                                                                   |                                              |

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

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