



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321353-24

#### Development

Demolition of house and construction of replacement house, ancillary garden room, widening of existing entrance and all associated site works as well as services.

#### Location

No. 4 Nutley Avenue, Dublin 4, D04 XH72.

#### Planning Authority

Dublin City Council South.

#### Planning Authority Reg. Ref.

3795/24.

#### Applicant(s)

Aoife Brady.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Grant with conditions.

#### Type of Appeal

Third Party.

#### Appellant(s)

Anne-Marie Murphy.

James Nolan.

#### Observer(s)

None.

#### Date of Site Inspection

21<sup>st</sup> day of February, 2025.

#### Inspector

Patricia M. Young.

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	6
3.3. Prescribed Bodies .....	8
3.4. Third Party Observations .....	8
4.0 Planning History .....	8
4.1. Site .....	8
5.0 Policy Context .....	9
5.1. Development Plan .....	9
5.2. Regional .....	10
5.4. Natural Heritage Designations .....	11
5.5. EIA Screening .....	11
5.6. Built Heritage .....	12
6.0 The Appeal .....	12
6.1. Grounds of the 2 No. Third Party Appeals .....	12
6.2. Applicant's Response .....	15
6.3. Planning Authority Response .....	16
6.4. Observations .....	16
7.0 Assessment .....	17
8.0 AA Screening .....	44
9.0 Recommendation .....	45

10.0	Reasons and Considerations.....	45
Appendix 1 – Form 1: EIA Pre-Screening		

## 1.0 Site Location and Description

- 1.1. No. 4 Nutley Avenue, the irregular rectangular shaped appeal site has a stated area of 0.145ha. The site is located on the northern side of Nutley Avenue, a mature residential street, circa 87m to the east of its junction with Nutley Road. It is also located circa 125m to the south of Ailesbury Road (R824), with No. 53 Ailesbury Road, the former French Ambassador's residence, (a Protected Structure), located in between. The site forms part of residential in land use character setting that forms part of the Dublin city suburb of Ballsbridge, Dublin 4.
- 1.2. The site contains a 2-storey detached dwelling that dates to circa 1960s and at the time of inspection, it was vacant. This dwelling is setback from the public domain of Nutley Avenue by a driveway that runs alongside the western side front boundary and that runs alongside the principal façade. This is of suitable width and depth to accommodate on-site parking. The sole entrance serving No. 4 Nutley Avenue is located on the western side of its road frontage at a point where it has a curving south easterly alignment and with semi-mature trees planted on either side of what is a wide tree lined street. To the immediate west of this entrance there are double yellow lines and to the immediate east is an on-street car parking space. The setback area also contains a semi-private mature garden area which is located to the east of the main driveway. With the front garden area for the most part enclosed by mature evergreen laurel hedging.
- 1.3. To the rear of the dwelling house there is a mature garden space mainly comprised of once manicured lawns and is divided into two by a brick wall with a central arch that subdivides it into two distinctive areas. The rear garden area contains mature and semi-mature tree species. Additionally, there is a change in alignment of the site to the north of the main rear elevation, with the site having a north easterly change in its orientation. There is a deep drainage located alongside the rear boundary of the site and the ground levels are relatively flat. No. 4 Nutley Avenue is bound to the east and west by detached dwellings on large garden plots.
- 1.4. The surrounding setting is characterised by its suburban residential character.

## 2.0 Proposed Development

### 2.1. Planning permission is sought for the following:

- (i) Demolition of a two-storey, five-bedroom detached dwelling, with a given floor area of 198m<sup>2</sup>.
- (ii) Construction of a replacement two-storey six-bedroom detached dwelling with attic accommodation, inclusive of rooflights, attic level dormers, and canopies forming ground floor covered terraces to rear and the construction of a flat-roof single storey garden room in the rear private amenity space. The given floor area of the two structures is given as 577m<sup>2</sup>, with 97m<sup>2</sup> of this figure relating to the proposed ancillary garden room. The proposed design resolution for the proposed dwelling is a contemporary take of the Tudor architectural style, with the single storey garden room being more contemporary in its architectural styling.
- (iii) Alterations to the existing vehicular/pedestrian entrance gate off Nutley Avenue to provide wider vehicular/pedestrian entrance gate. Of note this proposes to increase the width of the existing opening to 3.5m and provide solid entrance gate as well as new pillars flanking the entrance.
- (iv) Landscaping, boundary treatments, drainage, SuDS, and all ancillary works necessary to facilitate the development.

According to the planning application form the proposed development would have a plot ratio of 3.2 and a site coverage of 22%. Of note this planning application is accompanied by a Services Report and a Planning Report.

- 2.2. The applicant submitted their further information response on the 14<sup>th</sup> day of October, 2024. This resulted in a reduction in gross floor area of the replacement dwelling to 468m<sup>2</sup>. At the highest ridge point the replacement dwelling as lodged was reduced by 600mm and the main ridge height reduced by 300mm, with the latter including the chimney. The proposed development as revised would have plot ratio of 0.33 and a site coverage of 33%.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 8<sup>th</sup> day of November, 2024, the Planning Authority issued a notification to **grant** permission subject to 11 no. mainly standard in nature conditions. I note however the requirements of the following bespoke conditions:

Condition No. 3: *“The overall height and bulk of the building shall be reduced to reflect the changes outlined in the submitted drawing pack under the Further Information request which includes:*

- *Reduction in the highest ridge point by 600mm.*
- *Reduction in the floor area by 4sqm at ground floor level, 5sqm at first floor level and 3sqm at attic level.*
- *Separation distances from the surrounding boundaries lines as outlined in the submitted new Proposed Site Plan Dr No. 2024-09-P-100”. The given reason reads: “in the interests of visual amenity and sustainable development”.*

Condition No. 4: *“The first floor windows on the side elevations of the proposed property which accommodate en-suite bathrooms shall be obscured glazed for the lifetime of the development”. The given reason reads: “to protect the privacy of the adjacent neighbouring properties”.*

Condition No. 5: This condition included but was not limited to omitting the widening of the vehicle entrance (Note: 2.84m). The given reason reads: *“in the interests of sustainable development”.*

Condition No. 6: Sets out the Planning Authority’s archaeological requirements.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **final Planning Officers report** (01.11.2024) is the basis of the Planning Authority’s determination and it includes the following comments:

- No significant amendments to the proposed development in the applicant's further information response and therefore no new public notices are required.
- The demolition of the existing dwelling as opposed to its reuse and its replacement with a new dwelling based on the justification is acceptable.
- The amendments made to the replacement dwelling's scale, height, bulk and increased lateral separation distance is acceptable.
- The roof form to the rear is cluttered, however, it would not be visible from the streetscape scene.
- Overall, the proposed replacement dwelling as revised is acceptable subject to the omission of a side dormer.
- No EIA/AA issues arise.
- Concludes with a recommendation to grant of permission subject to conditions.

The **initial Planning Officers report** (24.07.2024) concluded with a further information request on the following matters:

- |         |   |
|---------|---|
| Item 1: | A demolition justification requested.   |
| Item 2: | Raises concerns over the height and bulk of the proposed replacement dwelling alongside its potential for adverse visual and residential amenity impacts. |
| Item 3: | Clarification sought on the physical relationship between the replacement dwelling and adjoining properties.  |

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

**Archaeological Section Report (10.07.2024):** Includes the following comments:

- The site is adjacent to the zone of archaeological constraint for the Recorded Monument (RMP) DU022-085 (Holy Well) which is subject to protection locally and nationally.
- The subject site is located 270m southeast of a Viking burial mound (RMP DU022-084).

- Given the small scale of development and distance from the relevant RMP the potential for archaeological impact is considered low. However, in the event of a grant of permission a precautionary archaeological condition should be imposed.

**Transportation Planning Division (05.07.2024):** No objection, subject to the following safeguards:

- Requires the omission of the widened entrance.
- Any repairs to the public road and services resulting from the development shall be at the expense of the developer.

**Engineering Department – Drainage Division (13.06.2024):** No objection, subject to standard safeguards.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. The Planning Authority during their determination received 2 No. Third Party appeals the content of which I have noted. I consider that the substantive issues raised in these observations correlate with their Third-Party Appeal submission to the Board which are summarised under Section 6 of this report.

## 4.0 Planning History

### 4.1. Site

4.1.1. No recent and/or relevant planning history.

### 4.2. Setting

4.2.1. **No. 6 Nutley Avenue (the adjoining property to the east of the appeal site).**

**ABP-300615-18 (P.A. Ref. No. 4077/17):** On appeal to the Board permission was **granted** subject to conditions for a development consisting of the construction of one and two-storey extensions to the rear and side of the house; construction of a dormer



to the attic at the rear at roof level; and the construction of a garden wall in the rear garden area.

Decision date: 10/05/2018.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Dublin City Development Plan, 2022-2028, is applicable.

5.1.2. The subject site is zoned 'Z1 -Sustainable Residential Neighbourhoods' under this said plan and the given zoning objective is: *"to protect, provide and improve residential amenities"*. Under Section 14.7.1 'residential' is listed as a permissible land use.

5.1.3. Development Plan policies of relevance to the proposed development include:

- CA6: *"Retrofitting and Reuse of Existing Buildings - To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible"*.
- CA7: "Energy Efficiency in Existing Buildings To support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retro-fitting of appropriate energy efficiency measures in the existing building stock, and to actively retrofit Dublin Council housing stock to a B2 Building Energy Rating (BER) in line with the Government's Housing for All Plan retrofit targets for 2030".
- QHSN2: Regard will be had to the DEHLG Guidelines including but not limited to - 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) and 'Sustainable Residential Development in Urban Areas'.
- QHSN6: Deals with the matter of 'Urban Consolidation' and sets out that the City Council will seek to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

- QHSN22: Seeks to ensure that new housing is adaptable and flexible to the changing needs of the homeowner as set out under Section 5.2 of 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities', 2007.

5.1.4. Chapter 15 sets out the applicable development management standards.

5.1.5. Section 15.11 of the Development Plan deals with 'House Developments' and indicates that guidance and standards including in relating to demolition and replacement dwellings are provided for under Appendix 18.

5.1.6. Section 9.0 of Appendix 18 of the Development Plan on the matter of demolition and replacement dwellings states that this type of development: *"will be discouraged for sustainability reasons. Applications will be considered on a case-by-case basis. Dublin City Council will encourage deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant such as that the dwelling is uninhabitable and unsuitable for reuse, or that its demolition is necessary to facilitate the comprehensive redevelopment of a site"*. It also refers to Chapter 3 - Climate Action of the Development Plan.

5.1.7. Appendix 18 of the Development Plan also provides guidance on ancillary residential accommodation and states that they: *"will be subject to a condition to restrict the use of the room as ancillary living space to the main dwelling. The room may not be sold or rented separately from the main dwelling unit"*.

5.1.8. Section 3.5.2 of the Development Plan states that: *"another key mitigation measure in relation to the built environment is to ensure that proposals for substantial demolition and reconstruction works can be justified having regard to the 'embodied carbon' of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures"*.

## 5.2. Regional

5.2.1. **Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031:** This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO's). Of relevance is the following objectives:

- RPO 7.40: *“Local authorities shall include policies in statutory land use plans to promote high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retro fitting of energy efficiency measures in the existing building stock and energy efficiency in traditional buildings.”*
- RPO 7.41: *“Support and promote structural materials in the construction industry that have low to zero embodied energy & CO2 emissions.”*

### 5.3. **National**

- Project Ireland 2040 - National Planning Framework (NPF).
- Climate Action Plan, 2025.
- Housing for All - A New Housing Plan for Ireland, 2021.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht, and the Islands 1999.

### 5.4. **Natural Heritage Designations**

- 5.4.1. None within the zone of influence, however, I note that the nearest Natura 2000 sites are South Dublin Bay Special Area of Conservation (Site Code: 000210) and South Dublin Bay & River Toka Special Protection Area (Site Code: 004024) which are located c1.06km to the east of the site as the bird would fly.

### 5.5. **EIA Screening**

- 5.5.1. See Forms 1 and 2 appended to this report.
- 5.5.2. Having regard to the modest nature, scale and extent of the development proposed, the site's location outside of any sensitive location specified in article 109(4) of the Planning and Development Regulations 2001 (as amended) and consisting of a brownfield site that is located within an established built-up suburban area to the south Dublin city which is served by an existing connections to public infrastructure, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, there is no real

likelihood of significant effects on the environment arising from the proposed development.

- 5.5.3. Therefore, having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and the absence of any connectivity to any sensitive location, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for environmental impact assessment can, therefore, be excluded.

## **5.6. Built Heritage**

- 5.6.1. The site is located to the immediate south of the French Embassy, a Protected Structure (RPS Ref. No. 80).
- 5.6.2. The site is located c.106m to the west of DU022-085 – Ritual Holy Well and c.184m to the east of DU022-084 – Burial.

## **6.0 The Appeal**

### **6.1. Grounds of the 2 No. Third Party Appeals**

- 6.1.1. On the 29<sup>th</sup> day of November, 2024, the Board received a Third-Party appeal from Anne-Marie Murphy, with a given address of No. 5 Nutley Avenue. Additionally, on the 2<sup>nd</sup> day of December, 2024, the Board received a Third-Party appeal from James Nolan, with a given address of No. 3 Nutley Avenue. Both appeals seek that the Board overturn the decision of the Planning Authority and having read both submissions in my view there are overlapping substantive issues arise. To avoid repetition, I therefore propose to collectively summarise the two Third Party Appeals under the broad headings below.

### **Design**

- The proposed replacement dwelling is excessively large in its height, mass and scale when compared to the prevailing streetscape scene and it would be visually incongruous, overtly dominant as well as out of character with its setting.
- There is limited lateral separation between the proposed replacement dwelling and the side boundaries of the site and the adjoining Third Party dwellings.

## **Civil**

- This development includes oversailing of Third-Party properties without consent.

## **Demolition**

- No justification is provided for the demolition and replacement of the existing dwelling.
- The Development Plan encourages the retrofit of existing dwellings over their replacement because of sustainability and climate action.
- This development is materially contrary to Policy CA6 and CA7 of the Development Plan.
- Concerns are raised in relation to the robustness and accuracy of the TENT assessment provided by the applicant as part of their justification for demolishing the existing dwelling. Additionally, the Councils acceptance of the conclusions of this assessment is questioned.
- One of the appellants contends that they carried out a deep retrofit of their property in 2013 and it achieved a B2 BER rating, yet they contend that their property is older than the dwelling to be demolished. Considering the advancements in insulation, glazing and other energy efficient technology in the intervening years it is considered that it is highly plausible that a deep retrofit of the existing dwelling on site would achieve a higher BER rating result.
- The demolition of the existing dwelling has the potential to give rise to structural impacts on neighbouring properties.
- Additional concerns are raised in relation to the proximity of the proposed dwelling to the side boundaries.
- Demolition of a sound dwelling undermines environmental sustainability goals set out for developments in the Development Plan.

## **Residential Amenity**

- Serious injuries would arise from the proposed development to neighbouring properties in a manner that would be contrary to the land use zoning of this site and its setting.

- The proposed dwelling would be visually overbearing when viewed from neighbouring properties.
- The placement of windows would give rise to a loss of privacy of adjoining properties.
- The proposed dwelling would give rise to undue overshadowing of adjoining properties, both internally and externally.
- The daylight and sunlight analysis findings are questioned.
- The design of the replacement dwelling has not had regard to minimising impact on properties in its vicinity.

### **Visual Amenity**

- The replacement dwelling would disrupt the visual continuity of the streetscape.
- The width and bulk of the chimney feature would be visually intrusive.

### **Drainage**

- This development would result in increased water runoff impacts onto neighbouring properties.
- This development has the potential to change the water table due to its scale and proximity to a drainage ditch.

### **Ancillary Structures**

- The scale of the garden room is excessively large and is equivalent to the size of a 3-bedroom dwelling.
- The height of the garden room is excessive and overbearing in its context.
- The ancillary garden room gives rise to overdevelopment of the site and has the potential to not be used for the purposes indicated.

### **Precedent**

- The examples cited by the applicant as precedents are not comparable.

### **Further Information**

- The applicant's further information response provided no material changes to the proposed development and as a result it does not overcome the adverse visual as well as residential impacts that would arise from the proposed development.

## **6.2. Applicant's Response**

- 6.2.1. The First Party's response to the two separate Third Party appeals was received by the Board on the 19<sup>th</sup> day of December, 2025. This response seeks that the Board uphold the Planning Authority's decision on the basis that it is contended that the proposed development as revised by their further information response accords with the proper planning and sustainable development of the area. It includes the following comments:

### **Further Information Response**

- A reduction to the replacement dwellings floor area and the height of the proposed replacement dwelling was provided as part of their further information response.
- The revised height is like that of neighbouring properties.
- The applicant's justification for the demolition of the existing dwelling was accepted by the Planning Authority.

### **Demolition**

- The demolition of the existing dwelling will allow for the construction of a replacement energy efficient modern dwelling.

### **Design**

- The replacement dwelling has been designed having cognisance of the scale and massing of existing dwellings in its setting.
- Nutley Avenue consists of large detached two and three storey dwellings of varying design.

### **Residential Amenity**

- It is not accepted that the proposed development would give rise to any overbearing, overlooking or any undue disamenity to properties in its vicinity.

- There are no anticipated negative impacts arising from the proposed dwellings revised replacement dwellings height.
- Given the bend to the rear of this appeal site as well as the rear garden expanding in a northwest direction the depth of the proposed replacement dwelling will not have a significant impact on adjoining properties.
- The matter of overlooking to No.s 3 and 5 Nutley Avenue has been addressed by the provision of opaque glazing as well as by the overall design. Additionally further mitigation is provided for under Condition No. 4 of the Planning Authority's grant of permission.
- The orientation of the replacement dwelling together with having regard to its relationship with the neighbouring properties on either side means that the overshadowing arising from each dwelling overshadows their own private amenity space.

### **Overdevelopment**

- The proposed dwelling would be in keeping with other properties addressing Nutley Avenue and would not give rise to any overdevelopment given the size of the site.
- The replacement dwelling will maintain 832m<sup>2</sup> of private amenity open space which is significantly more than what is required.
- Site coverage and plot ratios for the proposed development fall below the thresholds provided in the Development Plan.

### **Precedents**

- Reference is made to what are considered to be planning precedents in the surrounding area for replacement dwellings.

## **6.3. Planning Authority Response**

- 6.3.1. The Planning Authority's response seeks that the Board uphold its decision and that any grant of permission include a Section 48 contribution.

## **6.4. Observations**

- 6.4.1. None.



## **7.0 Assessment**

### **7.1. Preliminary Comments**

7.1.1. I am satisfied that the main issues that arise in this appeal case are those raised by the two Third-Party Appellant's in their appeal submissions to the Board. I therefore propose to assess this appeal case under following broad headings:

- Accuracy of Information
- Civil Matters
- Structural Integrity
- Principle of the Proposed Development & Compliance with the Development Plan
- Amenity Impact
- Drainage
- Other Matters Arising

7.1.2. The matter of 'Appropriate Assessment' also requires examination. For clarity purposes I also note that my assessment below is based on the proposed development as revised by the applicant's further information response received by the Planning Authority on the 14<sup>th</sup> day of October, 2024. This decision is based in particular on the revised design of the replacement dwelling includes a reduction in its overall ridge height, a reduction to its built volume as well as mass at ground, first and attic level through to the provision of additional lateral separation distance between it and adjoining properties to the east as well as west. These amendments in my view have reduced the visual and residential amenity impacts of the proposed replacement dwelling on its setting. Additionally, it provides further clarity is provided on the applicant's justification for the demolition of the existing dwelling. The latter allows for a more informed decision to be made.

### **7.2. Accuracy of Information**

7.2.1. Concerns are raised regarding the accuracy of the information provided with this application, including in terms of depicting the relationship of the proposed development to adjoining properties in the existing and resulting context were permission to be granted. With this concern giving rise to further questions in relation

to assessments provided by the applicant in particular setting out the existing and resulting impact arising from the proposed development to adjoining properties in terms of daylight through to overshadowing impacts.

- 7.2.2. In relation to this concern, I note to the Board that I have carried out an inspection of the site, had regard to all information provided on file through to I had regard to available recent aerial and photography images of the site and its setting. In addition, I have carried out a detailed examination of the planning history of site context. With particular focus had on the adjoining properties to the east and west of the site as well as an examination of the various planning decisions that have been raised as precedents.
- 7.2.3. My assessment of likely impact of the proposed development below has had due cognisance to the accuracy concerns raised by the Third Parties and I consider that on the whole that there is sufficient information on file for the Board to make an informed decision on the proposed development sought under this application.

### **7.3. Civil Matters**

- 7.3.1. The Third-Party appeal submissions raise the concern that the proposed development has the potential to encroach and/or oversailing onto their properties without their legal consent.
- 7.3.2. Having examined the proposed development as originally lodged I consider that this concern appears to have been addressed by the applicant's amendments to the proposed development as lodged.
- 7.3.3. These amendments included the slight increase in lateral separation distances between the replacement dwellings and the eastern as well as western boundaries of the site.
- 7.3.4. The First Party in their response to the grounds of appeal on this matter contend that the proposed replacement dwelling would not give rise to any physical encroachment and/or oversailing on property outside of their legal interest.
- 7.3.5. However, based on the drawings provided it would appear in my view that there may be potential for encroachment and/or oversailing arising from the roof structure despite the revisions made to the replacement dwelling as part of the applicant's further information response.

- 7.3.6. There is also a lack of clarity regarding the legal status of the side boundaries of the site. That is to say that there is no clarity on the status of ownership of what is the demarcated site boundary between No. 4 Nutley Avenue and the adjoining properties particularly on either side based on any evidentiary fact, including whether the physical boundary is a shared boundary.
- 7.3.7. Notwithstanding, it is my view that any interference with any properties outside of the applicant's legal interest in the absence of consent would be a civil matter for resolution between the parties concerned. In saying this I note that Section 5.13 of the Development Management Guidelines 2007 which deals with such circumstances states that: *"the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development"*.
- 7.3.8. It also states that: *"only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis. If notwithstanding the further information, some doubt still remains, the planning authority may decide to grant permission. However, such a grant of permission is subject to the provisions of section 34(13) of the Act, referred to above. In other words, the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission."*

7.3.9. Conclusion

On the basis of above, I recommend that the Board as part of any grant of permission require by way of condition a restriction of the roof structure over the revised replacement dwelling from encroachment and/or oversailing of Third-Party land. As well as include as an advisory note Section 34(13) of the 2000 Act as a precaution.

7.4. **Structural Integrity**

- 7.4.1. Both Third-Party appellants raise concerns that the proposed development has the potential to adversely impact upon the structural integrity of their properties.
- 7.4.2. On this point I note that the appellants properties appear to be of a similar building era as No. 4 Nutley Avenue despite the varying degrees of additional alterations and

additions made to them since their construction in circa the mid-20<sup>th</sup> Century. Like No. 4 Nutley Avenue they are not afforded any specific protection or appear to have any structural vulnerabilities apparent to them.

- 7.4.3. I also accept that the revised replacement dwelling has modestly increased the lateral separation of the main building envelope to No. 3 and No. 4 Nutley Avenue in comparison to the proposed development as lodged. Notwithstanding the revised drawings appear to indicate that the roof structure has localised oversailing onto and potentially beyond the red line boundary of the site relative to these adjoining properties.
- 7.4.4. In this regard the drawings appear to suggest that the main volume of the replacement dwelling at its closest point the replacement dwelling would have a lateral separation distance between the main envelope (not the roof structure) with the eastern boundary of the site of 1.105m, with this increasing to 2.015m at its most generous. In relation to the property to the west again when the overhang of the roof structure is omitted over the main envelope of the replacement dwelling the lateral separation as indicated in the submitted drawings at its closest is 1.33m and at its most generous is 1.530m. Such side lateral separation distances between the main ground and first floor footprint of the replacement dwelling as revised are not dissimilar to the pattern of development within this type of suburban setting.
- 7.4.5. It is also common in my view within a suburban zoned residential development setting like this where improvements to residential amenities are deemed to be acceptable to have demolition, alteration through to new building layers/built insertions constructed. Such works should they give rise to any actual structural integrity and damage issues to the appellants properties is in my view also a civil matter for resolution between the parties concerned. I therefore again refer to Section 34(13) of the 2000 Act as stated in the previous section above.
- 7.4.6. Further on matters relating to compliance with Building Regulations, it is my opinion that such issues are essentially building control matters which are subject to other regulatory control / legislative provisions and thus are not pertinent to the consideration of the subject appeal. Whereas any nuisance such as noise, vibration, dust, traffic management and the like that would arise from the proposed development were it to

be permitted during the construction phase would be of a short-term nature and would be required to be carried out in compliance with standard codes of practice.

7.4.7. Moreover, it is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission. Such conditions were included in the Planning Authority's notification to grant permission, and I recommend that the Board should they be minded to grant permission include similar conditions.

7.4.8. Conclusion:

I consider that this concern to be a civil matter that should the Board be minded to grant permission can be appropriately dealt with by the safeguards recommended above which I note are the same as those recommended under Section 7.3 above.

## **7.5. Principle of the Proposed Development**

7.5.1. As set out in detail in Section 2 of this report above by way of this planning application permission is sought for the demolition of an existing mainly two storey but part single storey detached dwelling and its replacement by a part single, mainly two storey with attic level dwelling, with both dwellings setback in a manner that is consistent with the setbacks of neighbouring properties on the northern side of Nutley Avenue to the east and west.

7.5.2. The information provided with this application indicates that this existing dwelling was built in 1961 and that it is a five-bedroom detached dwelling. In my view it is not a building that could reasonably be considered to be of any rarity or uniqueness value that warrants protection based on it having special interest or merit architecturally, technical, or otherwise. However, I accept that the existing dwelling at No. 4 Nutley Avenue displays a level of harmony and consistency in its design, built form, palette of materials through building to space relationship with other existing two storey dwelling that survive from the same era on either side of Nutley Avenue. As such it does contribute to Nutley Avenue's streetscape scene intrinsic character.

7.5.3. For clarity I note also that No. 4 Nutley Avenue and its neighbouring properties that address the northern and southern side of this road are not afforded any specific protection individually. Nor collectively is Nutley Avenue's buildings through to space afforded any specific protection under the Dublin City Development Plan, 2022-2028.

- 7.5.4. Whilst its rear boundary and its rear garden bounds a Protected Structure, a matter which merits comment separately and is of particular relevance in the consideration of the ancillary single storey structure also sought under this application, No. 4 Nutley Avenue, the site forms part of a larger zoned suburban parcel of land subject to the following stated objective *“to protect, provide and improve residential amenities”*. With the principle of residential development deemed to be generally acceptable on such zoned lands subject to safeguards.
- 7.5.5. The Development Plan in a consistent manner with evolving regional and national planning provisions and guidance recognises that it is vital that the current and future form of the built environment respond as well as be resilient to the impacts of climate change.
- 7.5.6. As part of the Development Plans Core Strategy set out in Chapter 2 it indicates that: *“central to the entire core strategy is the clear purpose of driving forward the steps necessary that deliver climate action”*; that within the city that it can sustain and grow a low carbon society as provided for in greater detail under Chapter 3 and that it also seeks to: *“support the principle of “Just Transition” to ensure that no members of society are left behind when transitioning to a zero carbon society”*.
- 7.5.7. Against this context I note that Chapter 3, Section 3.5.2 of the Development Plan indicates that there is: *“a need for both new and existing development not only to mitigate against climate change, but also to adapt to such changes”*. Also with regard to climate mitigation actions it sets out that one measure in relation to the building environment is: *“to ensure that proposals for substantial demolition and reconstruction works can be justified having regard to the ‘embodied carbon’ of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures”*.
- 7.5.8. In tandem with this Chapter 3 sets out a number of policy provisions. Of relevance to the development sought under this application is the requirements of Policy CA6 of the Development Plan. It states that it is the policy of the City Council: *“to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible”*. Additionally, Policy CA7 of the Development Plan is also of relevance to the nature of the proposed development sought. It states that it is the policy of the City Council: *“to support high levels of energy conservation, energy*

*efficiency and the use of renewable energy sources in existing buildings, including retro-fitting of appropriate energy efficiency measures in the existing building stock, and to actively retrofit Dublin Council housing stock to a B2 Building Energy Rating (BER) in line with the Government's Housing for All Plan retrofit targets for 2030".*

- 7.5.9. In relation to the Developments Plan's development management provision, I consider that it is of further relevance that Section 15.7.1 on the matter of re-use of existing buildings states that: *"where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible in accordance with Policy CA6 and CA7".* It goes on to state that: *"where demolition is proposed, the applicant must submit a demolition justification report to set out the rational for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. Existing building materials should be incorporated and utilised in the new design proposals where feasible and a clear strategy for the reuse and disposal of the materials should be included where demolition is proposed".*
- 7.5.10. The Planning Authority's Planning Officer in their initial assessment of the proposed development as lodged raised concern that no demolition justification report had been submitted with the application and that the submission of such a report was required as per Section 15.7.1 which I have set out above. They further noted that the Planning Authority generally resists wholesale demolition if the current building on site is structurally sound, and they recommended that clarity by way of further information be sought on this matter.
- 7.5.11. I note that the appellants Third Party submissions to the Planning Authority also raised similar concerns and questioned the applicant's approach for a replacement dwelling over a deep retrofit and/or extension.
- 7.5.12. The applicant's further information response submitted to the Planning Authority was accompanied by a report titled 'Sustainability Report' prepared by a named engineering company. In its executive summary it indicates that the objective of this

document is to conduct an independent analysis and comparison of the energy and carbon impact of the following two scenarios:

- 1) Deep refurbishment and extension
- 2) New build

- 7.5.13. This report indicates that the base line of their examination includes a previously prepared BER of C3 (Note: 43.7 KgCO<sub>2</sub>/m<sup>2</sup>/yr). A copy of this BER assessment is attached. It indicates that this was carried out on the 04.07.21, is valid until 04.07.31 and based on the energy use for space heating, water heating, ventilation and lighting as well as calculated based on standard occupancy of the existing dwelling.
- 7.5.14. In relation to this result I note that a Building Energy Rating (BER) certificate rates the energy efficiency of a home, with the efficiency of property under rated on a scale of A to G with A representing the most energy efficient and G the least and in terms of carbon dioxide (CO<sub>2</sub>) Emissions Indicator KgCO<sub>2</sub>/m<sup>2</sup>/yr this also is expressed as 0 KgCO<sub>2</sub>/m<sup>2</sup>/yr being the best and worst greater than 120 KgCO<sub>2</sub>/m<sup>2</sup>/yr being the worst.
- 7.5.15. The C-rating of the existing dwelling of means that it requires from 150 to 224 kWh of energy per square meter a year, with such a rating having regards to recent figures of the Central Statistics Office (SCO) on this matter reflective of circa 37% of Irelands existing housing stock. With I note CSO indicating that 24% obtain a BER D rating. I also note that according to generally accepted knowledge within this field that a BER rating of C3 is typical of homes in Ireland constructed 15 to 20 years ago.
- 7.5.16. Against this consideration I note that the assessment seeks to compare the operational carbon emissions over a given year for the existing dwelling against the existing building, the deep refurbishment and extension to the new build option.
- 7.5.17. I raise a concern that as part of this examination the authors discount embodied carbon in the existing building with the basis of this being that none of its materials and construction is relevant in the present day.
- 7.5.18. The report sets out that data and records used by the authors of this report to determine what impact deep refurbishments and an extension would have in relation to examining the resulting energy performance outside of the aforementioned assessment are not provided in any detail. On this point I note that it includes no detailed structural examination of the existing dwelling. It is unclear based on



evidence-based data on this existing dwelling what actual inputs outside of the BER C3 rating was used to examine the life-cycle assessment of the refurbishment option and the replacement option.

- 7.5.19. There is also an absence of a halfway more balanced approach in terms of demolition where part of the existing main building is integrated into achieving the applicant's habitation dwelling in space and architectural aesthetic aspirations for this site. With I note that the documents set out that the applicant is committed to ensuring the use of low carbon materials such as recycled concrete and steel through to re-purposed granite. The latter is included within the life-cycle assessment comparisons between the two scenarios provided. Whereas none of the existing built envelope of the dwelling is considered in the scenarios on the given basis that its materials and construction are not relevant to today. With this against a context where a Tudor architectural idiom is proposed as opposed to seeking a building to be a qualitative example of its time where contemporary architecture is more likely to achieve passive standards as opposed to the applicant's indicated commitment to achieving A1 BER.
- 7.5.20. The assessment goes on to indicated that the existing building on site was built at a time where best practice guidelines were not to today's standards and that inherent building defects renders a deep refurbishment unable to achieve a comparable performance and design life of a new build.
- 7.5.21. Again, I refer to the concern raised previously that there is no up-to-date or otherwise structural survey of a building that in my view appears to be structurally sound and fit for human habitation.
- 7.5.22. There is also no indication that structural defect was apparent at the time of its recent sale or that the building has been subject to any adverse circumstance that would since its recent purchase renders it unfit for human habitation.
- 7.5.23. Moreover, the assessment indicates that unless the entire internal building fabric is dismantled together with the fact that further works are likely to be required to its frame to maintain any performance achieved further supports the rationale behind its replacement. With the assessment contending that: *"an air-tight new-build can achieve an extremely low operational carbon rating of A1 due to improved ventilation, insulation, electricity generation and heat dissipation"*.

- 7.5.24. Additionally it states that: *“the embodied carbon of the new build can also be minimised as modern methods of construction can be used to create the entire frame from materials with an ultra-low carbon footprint”* and that: *“for the newly built dwelling, an acceptable range of embodied carbon investment during construction is currently argued to be 400 to 650 KgCO<sub>2</sub>/m<sup>2</sup>”* with the proposed dwelling having an indicative carbon investment of 413 KgCO<sub>2</sub>/m<sup>2</sup>.
- 7.5.25. As such they consider that this is within the acceptable range and in comparison, to a replacement of all windows and re-insulation of the entire building which would achieve a B3 standard in 20 years the new build would eclipse this to be a sustainable new build.
- 7.5.26. To this they consider that this is alongside that the sustainability of the replacement building is compounded by the long-expected design life and a high level of comfort throughout for the occupants. With this against a context where they contend that in terms of life cycle emissions a total of 281 tonnes more CO<sub>2</sub> would be emitted from the refurbishment and extension of this existing building whereas the new build would give rise to carbon savings that would increase over time.
- 7.5.27. Having regards to the above I consider that the information provided does not demonstrate robustly that the demolition of this existing dwelling relates to a building that is structurally unsound and unfit for human habitation. There is no evidence to support that this is the case.
- 7.5.28. Further, the information provided is very limited in terms of the scope of the examination provided in relation to the two scenarios and the refurbishment option of the existing building alongside its extension in terms of its overall scope is not one that aligns with the significant improvements that have been made for deep retrofitting of existing buildings including but not limited to in terms of envelope of an existing dwelling, space/water heating solutions, capturing of solar and/or kinetic energy to limit reliance on the grid.
- 7.5.29. I am also cognisant that existing buildings envelopes externally and internally similar to No. 4 Nutley Avenue are often highly adaptable as well as flexible to change through to expansion of habitable floor area as part of achieving contemporary living solutions, lower operating costs, improved thermal comfort through to indoor environmental quality and can in terms of their architectural expression be significantly revised as

part of the process thus potentially achieving a more qualitative architectural aesthetic. This I note can be seen in relation to alterations and additions made to similar in era, design, construction, and material buildings that front onto Nutley Avenue.

- 7.5.30. Moreover, I note that the revised dwelling has a given floor area of 468m<sup>2</sup> (Note: a 270m<sup>2</sup> increase in the floor area of the existing dwelling) and that the examination does not include any regard to what is a substantive single storey structure that is described as being a garden room of a stated 97m<sup>2</sup>. This garden room is not revised as part of the applicant's further information response and as shown in the submitted drawings it contains a number of internal rooms including a WC, a lounge space with dining area, a bar, a sauna through to gym. This single storey c3.6m in height more contemporary in appearance and design structure is not included in part of the overall examination of the proposed replacement dwelling.
- 7.5.31. On this point I consider that albeit the garden rooms being described as ancillary habitable space for the proposed dwelling, having regards to Section 15.7.1 of the Development Plan it indicates that as part of this type of development that an the applicant must submit a demolition justification report that has regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures is provided.
- 7.5.32. This therefore requires the inclusion of the garden room structure and arguably other new construction which appears to include extensive remodelling of the entire site including significant removal of existing green deep soil covered areas. This is part of facilitating improved off-street car parking, external circulation spaces, outdoor entertainment spaces and other sundry spaces.
- 7.5.33. Alongside this I note that Policy CA6 of the Development Plan sets out that the City Council will not only promote and support retrofitting and reuse of buildings rather than their demolition and reconstruction, where possible.
- 7.5.34. It also refers particularly to Section 15.7.1 which as set out above I am not satisfied that the applicant has demonstrated with robust evidence justification compliance with.
- 7.5.35. Further, as raised a concern there are more robust measures that could be used to achieve a more improved BER than the poorly detailed refurbished and extended

scenario which is indicated to achieve a B3 BER and not the B2 BER actively encouraged by the City Council under Policy CA7 of the Development Plan which is in line with the Government's Housing for All Plan retrofit targets for 2030 nor is it in the spirit of Climate Action Plan, 2025, which I note includes a residential target of 40% reduction in GHG emissions by 2030 and that all new homes to be constructed to nearly zero energy building standard in 2025.

7.5.36. Having regard to the above concerns I am not satisfied that the documents provided with this application and on appeal demonstrate compliance with Section 15.7.1; the Core Strategy set out in Chapter 2 or Policies CA6 and CA7 of the Development Plan. Thus, I raise a concern that to permit the proposed development in the absence of providing evidence-based demolition justification for the development sought would be materially contrary to these provisions which I consider are not contradictory in nature and meaning. I also consider that these local policy provisions are consistent with higher level planning provisions.

7.5.37. In this regard I note that RPO 7.40 of the Regional, Spatial and Economic Strategy for the Eastern and Midland Regional Area, 2019-2031, encourages the retrofitting and reuse of existing buildings rather than their demolition and reconstruction.

7.5.38. Further at a national level the National Policy on Architecture – People and Places on the matter of the contribution of architecture to sustainability states: *“by reusing, repairing, adapting and upgrading buildings in a sensitive and holistic way we help Ireland move towards a carbon-neutral society (with net-zero emissions) and circular economy”*. Of further note on the matter of place-based decarbonisation it states: *“local and national architecture and design strategies will prioritise the reuse and adaptation of existing buildings with particular focus on urban centres: avoiding or minimising the demolition of existing structures”* and that: *“place-based decarbonisation means carefully screening where and which buildings should be permitted and assessing their projected quality, longevity and usability as part of life cycle analysis. It means working with and repairing the existing building stock wherever possible, rather than planning new construction by default”*.

7.5.39. In addition to the above comments I also consider that the proposed development does not give rise to a densification of residential units on this subject site despite the concerns raised by the appellants that the garden room has the potential to be used

as an additional habitable unit. A matter which I concur with the Planning Authority can be dealt with by way of a condition in the event of a grant of permission. Given that outside of this concern I consider that this structure is unlikely to give rise to any undue visual and/or residential amenity impacts that would be exceptional in its suburban setting. It is also a structure that despite its location in proximity to the attendant grounds of a Protected Structure (Note: RPS Ref. No. 80) which lies to the north of it as well as with Protected Structures aligning the southern side of Ailesbury Road to the east and west of the said Protected Structure I consider that there would be ample separation distances between this proposed building as well as that the mature landscaping would provide effective screening of its single storey flat roofed built form.

7.5.40. Additionally, I consider that the Board if minded to grant permission could by way of condition position this structure further southwards on this substantial in area site as well as increase the lateral separation distance from the eastern boundary of the site.

7.5.41. These two modest amendments would allow for the linear planting indicated in the new landscaping of the rear garden space to continue eastwards, to the rear and alongside the western boundary in proximity of this structure. Thus, providing more ample screening and protection of the amenities of properties particularly if evergreen pleated tree species were to be used. With only modest lost in floor area of the proposed ancillary habitable structure.

7.5.42. The proposed development despite resulting in a significant increase in residential floor area with additional bedspaces associated with the proposed replacement dwelling when compared to the more modest two storey c198m<sup>2</sup> dwelling on site does not give rise to a densification of a residential units on this site. With I note Appendix 3 Table 2 of the Development Plan setting out indicative site coverage of 45-60% and plot ratio of 1.0-2.5 and the proposed development as revised having a given site coverage of 33% and a plot ration of 0.33.

7.5.43. Conclusion:

Based on the above considerations I consider that the proposed development which includes the demolition of an existing dwelling house has not demonstrated that it is a type of development that is consistent with local, regional and national planning provisions which in tandem promote, support and encourage the retrofitting and re-use of existing buildings as one of the measures towards a more climate resilient form

of spatial planning. As opposed to their wholesale demolition particularly in the context where there is insufficient justification provided for a dwelling house that there is no evidence to support that it is not structurally sound, uninhabitable nor suitable for deep retrofitting as part of a more meeting the applicants habitable spatial and future living requirements. Therefore, on the basis of the information provided, having regards to the generally accepted sustainable climate resilient building practices and methodologies through to having regard to local planning provision requirements for the nature of the development proposed I do not concur with the conclusion of the Planning Authority that the proposed development is one that could be considered to be consistent with the proper planning, sustainable and climate resilient development of the area in this case.

## **7.6. Amenity Impact**

- 7.6.1. The appellants in their grounds of appeal raise concerns that the proposed development, despite the revisions made to it as part of the applicant's further information response, would give rise to undue visual and residential amenity impacts. In terms of the level of these impacts they are of the view that with particular focus on the residential amenity impacts to the adjoining properties to the east and west of Nutley Avenue that it would be contrary to the land use zoning objective of this locality which seeks to protect, provide and improve residential amenities by virtue of its visual overbearance, overshadowing and diminishment of established levels of privacy.
- 7.6.2. In relation to the visual amenities of the adjoining properties and the streetscape scene of Nutley Avenue I consider that the existing dwelling house is characteristic of similar era detached dwellings neighbouring it. I also consider that it is not visually inconsistent with the design, built aesthetics through to building to space relationship of detached properties addressing either side of Nutley Avenue.
- 7.6.3. Further, I note that the Protected Structure to the north of the site is amply separated from the southern boundary of this property (Note: circa 56m) and the mature tree and hedge planting in the southern portion of the attendant grounds together with those towards the northern boundary of the site provides visual screening and buffering. As such the existing situation is one where there are limited views of this property from the attendant grounds of the Protected Structure or any other Protected Structures to the northwest and northeast of the site with frontages onto Ailesbury Road.

- 7.6.4. Moreover, I consider that the existing property of No. 4 Nutley Avenue does not have a dissimilar built form as well as staggered rear building line alignment when compared with other neighbouring properties to the east and west of it. In this regard the existing levels of visibility between the existing dwelling and other properties particularly to the east, west and north of the site is one that results in a level of established overlooking. The level of overlooking through to the privacy arising from the existing natural and solid features are also not at odds with generous sites like that which align the northern side of Nutley Avenue or indeed the properties that align the southern side of Ailesbury Road.
- 7.6.5. In my view the existing dwelling is therefore not a type of development that is at odds with the established pattern of development at this location and as such I accept that it reinforces the character of development particularly in the context of Nutley Avenue which does not have the same level of architectural merit as the properties that address the southern side of Ailesbury Road.
- 7.6.6. Notwithstanding the concerns raised on the matter of the applicant's justification for the demolition of the existing dwelling to facilitate a replacement dwelling, I did observe that the existing building stock of Nutley Avenue of a similar era to the subject property have been subject to various alterations through to additions over time. This is opposed to the more limited examples of where they have been replaced. This fact is also apparent in an examination of the planning history of Nutley Avenue.
- 7.6.7. Where similar in period dwellings have been altered and extended the architectural aesthetic preference is largely traditional, with such works facilitating the modernisation through to increasing habitable area for occupants of these dwellings.
- 7.6.8. As said, there are limited examples of demolition and replacement within the streetscape scene of Nutley Avenue, with the subject dwelling not being in the immediate context where this approach was carried out.
- 7.6.9. In saying this I am cognisant that No. 4 Nutley Avenue is not afforded any protection individually nor does it form part of a collection of buildings, structures and spaces that robustly contributes to Nutley Avenue's streetscape scene. A streetscape scene that is also visually buffered and softened when the deciduous trees that align either side of it are in leaf. Therefore, whilst the demolition of a dwelling in this instance has not demonstrated that it accords with the applicable provisions of the Development Plan

as part of facilitating its replacement with a replacement dwelling. Notwithstanding, the loss and replacement of this existing dwelling subject to safeguards would not be a type of development that would be contrary to the land use objectives of these 'Z1' zoned lands which supports residential developments subject to safeguards. Nor would it give rise to any undue visual impacts, also subject to safeguards.

- 7.6.10. On the matter of visual overbearance I consider that despite the significantly larger resulting part two storey with attic space and part single storey replacement dwelling proposed that the revised design results in similar comparative lateral separation distance between detached dwellings and adjoining properties that align the northern side of Nutley Avenue. However, I consider that the replacement dwelling maintains a consistent front and rear building line above single storey height that in terms of its overall built form is consistent with the pattern of development in this suburban setting.
- 7.6.11. In relation to the overall height I consider that the reduction in height of the replacement dwelling by 600mm is not substantially taller than the ridge height of the existing dwelling. On this point I note that the existing dwelling has a maximum ridge height of 8.13m and the replacement dwelling as revised has a maximum ridge height of 9.225m. In this regard I note that the building volume including its height are modulated downwards from where its gable fronted western side is c1.6m taller than the maximum height existing dwelling. This reduces to its gable fronted eastern side which is 1.09m higher than the maximum height of the existing dwelling, with the main ridge height in between being 1.95m taller than the maximum height of the existing dwelling.
- 7.6.12. Moreover, in relation to the adjoining property to the east when the chimney stack is excluded, which I note has also been reduced in its overall height by c300mm, the difference in height between the gable projection and what is shown as the maximum ridge height of No. 3 Nutley Avenue, is that the replacement dwelling would be c.955mm taller than this adjoining property.
- 7.6.13. In relation to the adjoining property to the west the drawings appear to suggest that the tallest ridge height of No. 5 Nutley Avenue would be the same as the proposed replacement dwelling's maximum revised height. Albeit I note that the design includes sinking part of the structure below the existing ground levels to the rear as part of the measures to minimise potential visual overbearing impact from the replacement



dwelling relative to properties on either side of it. The modulation of the overall built form of the two storey and attic level replacement dwelling also includes dormer window projections within its roof structure. These features not only improve the internal amenity space of the attic but also together with the gable modulations of the roof structure provide a visual interest and break up what would otherwise be a highly prominent roof structure.

- 7.6.14. The architectural aesthetic of the proposed replacement dwelling is a somewhat modern take of Tudor architectural idiom. This design approach arguably echoes some of the Arts and Crafts properties as well as detailing and features of Protected Structures that align either side of Ailesbury Road to the north. It is not one that is characteristic of Nutley Avenue's streetscape scene, which I acknowledge does not consist of matching or highly uniform in their overall design of its building stock. As said the streetscape scene of Nutley Avenue is visually softened by natural features including the trees that align either side of its public domain but also the mature trees and hedging that characterise the semi-private spaces c20m setbacks to the front properties that address it.
- 7.6.15. Whilst I accept that the replacement dwelling would give rise to a significant change in context particularly when viewed from the adjoining properties to the east and west of it, this is not an insubstantial brownfield site in terms of its 0.145ha area, with the proposed replacement dwelling when considered with the ancillary garden room giving rise to a site coverage of 22%. Arguably having regard to local through to national planning provisions a site of this size has the potential to accommodate more than the one replacement dwelling sought under this application subject to safeguards.
- 7.6.16. In terms of overlooking the proposed development, I concur with the Planning Authority that requiring opaque glazing of upper floor level side windows facing into the side boundaries of No.s 3 and 4 Nutley Avenue. These measures are appropriate as part of limiting the potential for undue loss of privacy of both properties from the proposed revised replacement dwelling.
- 7.6.17. I also consider that the level of glazing above first floor level would not give rise to overlooking that could be considered as exceptional in this type of suburban context where a level of overlooking has been established and where the adjoining property also has glazing facing to the rear of the site at attic level (Note: No. 5 Nutley Avenue).

I also observed that this adjoining property has a similar level of clear glazing to the dormer window and similar orientation facing towards the northeast of the site.

- 7.6.18. I consider that the main loss of privacy to the properties on either side and potentially properties to the north, including the Protected Structure, would arise from the significant loss of the existing mature trees and hedge planting to the rear of the existing property. Also, the visual screening arising from the tall boundary wall that subdivides the rear garden into two. I consider that there is no effective boundary planting in proximity to the north, east and west of the proposed garden room. With the rear elevation of this structure having windows with what appears to be shown as fitted with clear glazing windows that are of height and overall size that could give rise to additional overlooking of the property to the north should the planting to the rear of that property be lost.
- 7.6.19. Additionally, the proposed landscaping scheme includes more formalised hedge planting to the east and west of the rear garden space. This forms part of the significant reworking of this site to accommodate the more extensive in size, mass through to volume replacement dwelling sought under this application, with its single storey rear projecting element extending more significantly northwards from that of the existing dwelling house and in comparison to existing extensions to the rear of properties to the east and west of it.
- 7.6.20. I consider that the outcome would improve over time as planting matures particularly if the boundary planting that formed part of this more formalised treatment of the rear private amenity space included evergreen pleached tree species. Through to the addition of an evergreen boundary to the east, north and west of the ancillary garden structure that is also proposed to the rear of the site.
- 7.6.21. I consider that these amendments to the proposed development would be both reasonable and appropriate to ensure that the resulting proposed development provided adequate levels of year round privacy that were not as dependent on screening measures of other properties. This I consider is the case with the proposed development as revised. The provision of adequate screening to the rear of the site to the east, north and west of the garden room structure would however require more lateral separation distance than that is proposed between it and the boundaries of the site with for example its north western corner being less than 2m from it. The provision

of opaque glazing or clerestory window glazing on the northern elevation of the ancillary garden room would also ensure no undue overlooking from this structure into the rear attendant grounds of the adjoining Protected Structure.

- 7.6.22. Subject to the amendments discussed I am of the view that the proposed development would not give rise a level of overlooking of properties in its vicinity that would warrant and support a refusal of permission, including on the basis that the proposed development would be contrary to the local planning provisions for this type of development in particular the 'Z1' land use zoning objective referred to above.
- 7.6.23. In relation to overshadowing, the appellants raise concerns that the level of overshadowing that would arise would adversely impact their established residential amenities. They also raise concerns that the applicant's documents fail to accurately depict the existing and resulting proposed outcome of the development in terms of overshadowing impacts.
- 7.6.24. I have noted that the available information on file together with having carried out an inspection of the site setting through to examined up-to-date aerial views of the site and adjoining properties. With this together showing that there are significant extensions to the rear of No. 5 Nutley Avenue as well as providing general clarity on the built features, natural features, orientation of these features, through to building to space relationships between the site and its setting.
- 7.6.25. To this I also note that a substantial area of the new structure is at ground floor level and that the first-floor levels to the rear are not inconsistent or out of character with first floor rear second floor level additions to the rear of properties aligning the northern side of Nutley Avenue or within this wider mainly suburban residential in character setting.
- 7.6.26. Moreover, whilst I note that the single storey rear projecting element is within just over 1m from the rear side boundary with No. 5 Nutley Avenue and that the existing mature landscaping present in the existing context would be lost to facilitate this development.
- 7.6.27. Notwithstanding, the design has in part sunken the replacement dwelling with this particularly evident in terms of the arrangement of the staggered in its lateral separation distance from the western boundary ground level extension. This is in addition to the design including a flat roof over the ground level rear single storey

projection. On this point I note that the ground floor level is given a maximum 3.9m height over the existing ground floor level of No. 5 Nutley Avenue and reduces to 3.3m.

- 7.6.28. To this the design also maintains the main above ground floor levels to a similar rear building line of the furthest projection of the existing dwelling's rear elevation. It also echoes in its built form that the rear above ground floor level with the pattern of first floor level rear extensions existing and permitted to properties to the east and west of it. Alongside the northern side of Nutley Avenue in general.
- 7.6.29. Altogether I consider that these design measures minimise the potential for this structure whilst extending a further c11.5m beyond the existing rear building line of the existing dwelling on site on its easternmost side and c15.3m on its westernmost side result in a level of overshadowing that is not dissimilar to that arising from extensions to detached properties on the northern side of Nutley Avenue.
- 7.6.30. To this I further note that the staggered alignment of the setback on the western side elevation of the ground floor level projection further minimises the potential for undue overshadowing of the property to the west particularly in the morning to around noon most of the year.
- 7.6.31. In this regard, I note that the lateral separation to the western boundary of the site is at its closest 4.85m though this includes an attached single storey canopy over this space on the north westernmost end in proximity to this boundary.
- 7.6.32. Further to this I note that the first-floor level extends further to the rear on its eastern side of the rear extension than the existing dwelling. As well as it extends further north eastwards than the rear single storey addition element of the extension to No. 5 Nutley Avenue.
- 7.6.33. Having regards to the locational context of the site and the characteristics of its setting, particularly relative to No.s 3 and 5 Nutley Avenue, I consider that there would be a change in context for these properties by way of an increased level of overshadowing. However, it has not been demonstrated by the Third Parties by way of any evidence based assessment carried out in accordance with accepted current standards for daylight and sunlight impacts that the level of diminishment would be exceptional or seriously injurious to neighbouring properties within this suburban context.

- 7.6.34. In terms of any depreciation of property values arising from the proposed development were it to be permitted I am also not satisfied that there is any expert evidence on such matters provided that would support that this would be the case and how this determination was reached.
- 7.6.35. On the matter of nuisances arising from the proposed development as a whole were it to be permitted and subsequently implemented, I accept that these are likely to give rise to localised impact nuisances particularly during the process of the wholesale demolition of the proposed development through to the excavation works associated with the construction of the replacement dwelling, the ancillary garden structure through to extensive hard surfacing and landscaping works proposed.
- 7.6.36. There is also potential for additional pressure on the on-street publicly provided car parking spaces in the vicinity of the site by virtue of deliveries, removal of demolition wastes through to the parking generated by those working on the site during these phases of the proposed development. This is despite the site's proximity to public transport and the space available on this site. As previously discussed, I consider that such nuisances would be of a temporary nature and the developer would be required to carry them out in compliance with standard codes of practice. It is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission.
- 7.6.37. During the operational phase of the proposed development I consider that the occupation of the proposed replacement dwelling together with the use of its ancillary garden room and associated spaces would give rise to any exceptional nuisances to residential properties in its vicinity, subject to safeguards including not limited to the restriction of use of this development as a whole to one dwelling unit.
- 7.6.38. In terms of the drainage concerns I note that no substantive concerns were raised by the Planning Authority's experts on these matters subject to standard best practice which includes sustainable climate resilient surface water drainage solutions. There is, notwithstanding, a missed opportunity in my view for the flat roof structures that form part of the proposed replacement dwelling and garden structure to include surface water capturing by way of the provision of living green roofs. Such an approach would in my view be a more climate resilient solution for the flat roof structures proposed. It would also be beneficial for local biodiversity. This concern is coupled

with the fact that the extensive roof structures over this replacement dwelling, and its ancillary garden room structure do not include any form of capturing sunlight for space heating and on-site micro electricity generation. Such measures I note would further improve the BER rating of the proposed replacement dwelling and would have also improved that of the existing dwelling as part of a deep retrofit.

7.6.39. In terms of residential amenity for future occupiers, I am satisfied that the level of amenity being afforded to future occupants would be satisfactory and would be compliant with relevant required local through to national standards for dwelling units. I also consider that any interior diminishment of interior spaces of adjoining properties to a level that they would no longer be compliant with planning and building regulations codes has not been demonstrated by any evidenced based data. Additionally, I consider compliance with Building Regulations is outside of the Boards remit.

7.6.40. Conclusion:

On the basis of the above I concur with the Planning Authority's Planning Officer that the proposed development as revised would not seriously injure the visual and residential amenity of properties in a manner that would be contrary or materially contrary to the local planning provisions through to this location's land use zoning objectives.

## **7.7. Drainage**

7.7.1. My final concern relates to drainage concerns raised by the Third-Party Appellants.

7.7.2. On this matter I note that the information provided in the accompanying Service Report provided with this planning application, the ground conditions of the site through to the conclusions of the Planning Authority's Engineering Department Drainage Division which raised no objection to the proposed development subject to standard safeguards through to the fact that this site forms part of a zone of archaeological influence relating to a Recorded Monument and Place – 'holy well'. The site is not one that is liable for flooding nor is there any evidence to support any adverse flooding event in the past.

7.7.3. Having regard to the above I am not satisfied that that the proposed development, if permitted, would give rise to any substantive drainage issues subject to adherence to best practice including the incorporation of more robust climate resilient measures to

deal with surface water capture on site than that proposed in the documentation provided with this application. This I note is advised by the Planning Authority's experts in this area in their report assessing this matter as part of its determination of this application. Additionally, the Planning Authority's Planning Officer raised no substantive drainage concerns in relation to the proposed development.

- 7.7.4. I am satisfied that this appeal gives rise to no other substantive issues outside of those indicated in the broad heading above.

## **7.8. Other Matters Arising**

- 7.8.1. **Omission of the Widening of the Existing Vehicle Entrance:** Should the Board be minded to grant permission for the proposed development I recommend that it include the omission of the changes to the existing vehicle entrance and roadside boundaries of the site. In this regard the existing vehicle entrance serving the site is given as having a 2.8m width. It is positioned on the western side of the roadside boundary at a point where vehicles exiting onto public domain have an existing dropped kerb at a point where there are semi-mature trees to the east and west in proximity to it. As well as the road has a curving alignment in an easterly direction where the road alignment curves southwards.

Additionally, the existing gate, piers and roadside boundary treatment is consistent with properties to the east and west of it. They are also consistent with those within its Nutley Avenue streetscape scene.

The proposed amendment to the roadside boundary consists of increasing the width of the existing entrance to 3.5m, with the existing opening widening in an easterly direction. This amendment would also necessitate the provision of a wider drop-down kerb along the roadside edge. The provision of a wider drop down kerb has the potential to undermine the root structure of the existing street tree to the west of the site.

This drop of the kerb would overlap with the on-street car parking space provided immediately to the east of the existing on-street car parking space so that the entrance aligns with the public road.

Moreover, the access and egress of vehicles from the revised widened entrance has the potential to encroach onto the space allocated for on street car parking in the immediate vicinity of the modified entrance.

I therefore raise a number of concerns in relation to this component of the proposed development. Firstly Section 4.1 of Appendix 5 of the Development Plan states that: *“there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances”*. This I note is in the context where the on-site provision of car parking has the capacity to exceed the Development Plan standards for a single dwelling at this particular suburban location.

Section 4.3.1 of Appendix 5 of the Development Plan also states that the: *“vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines”*.

In this context the widening of the existing vehicle entrance not only results in a further diminishment of the pedestrian realm by the creation of a larger change in ground level to accommodate vehicles accessing and egressing from the property. As said, this would also result in potential for conflict with the existing on-street public car parking space through to diminish the integrity of the root structure of the street tree to the immediate east of the revised entrance.

This street tree together with the encroachment of cars parked on the single car parking space when occupied would in my view give rise to a greater potential for conflict to arise with road users.

It would also in my view result in a situation where the likely space remaining for the car parking space to the east due to the provision of a larger dropped kerb to meet the movements and manoeuvres generated by the increase in width entrance no longer be of a length to adequately function as a single standard on-street car parking space.

Additionally, there is potential for this car parking space to the east if occupied when vehicles are exiting the increased in width entrance that the sight lines to the east would be more diminished over the existing situation.



Moreover, Section 4.3.1 of Appendix 5 of the Development Plan states that for a single residential dwelling *“the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width”*. As such the proposed 3.5m revised width does not comply with this Development Plan provision.

Furthermore, Section 4.3.2 of Appendix 5 of the Development Plan states that: *“in all cases, the proposed vehicular entrance shall not interfere with any street trees. Proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted in exceptional circumstances, must be mitigated. Where a street tree is located in close proximity to a vehicular entrance, protective measures shall be implemented during construction to safeguard against any damage caused and a financial security required to cover any damage caused”*.

I consider that there are no exceptional circumstances for the proposed widening of the existing vehicle entrance onto Nutley Avenue serving this site. Nor are there any adequate assurances that the existing street tree or on-street car parking space to the immediate east of the proposed widened vehicle entrance would not be adversely impacted from this component of the proposed development.

- 7.8.2. **Material Contravention:** The Third Party Appellants in this case raise concerns that the proposed development is one that is in material contravention of the Development Plan. The basis for this is given as the lack of compliance with the provisions set out in it for circumstances where demolition and replacement of dwellings are permitted as well as the amenity impact of the proposed development would be such that in their view it would materially be inconsistent with the land use zoning provisions of the site and its setting.

I note that the Planning Authority did not refuse permission on the basis that the proposed development materially contravenes the Development Plan and as noted under Section 3 above granted permission subject to conditions.

To this I note that this is a residential development on residentially zoned land and includes a type of development that is not inconsistent with the general pattern of development within this suburban setting, and I consider that the general principle of the development is generally acceptable outside of the concerns raised above and I

am satisfied that no material contravention of the Development Plan arises in this case were the Board minded to grant permission for the proposed development as revised.

This conclusion is on the basis that I have assessed the development against the four criteria under Section 37(2)(b) of the Planning and Development Act 2000 (as amended), which are the criteria that allows the Board to grant permission in the event of a material contravention.

In relation to these criteria, I am first satisfied that the demolition and replacement of an existing dwelling as proposed under this application is not of strategic or national importance.

Secondly, I consider that there are no conflicting objectives in the Development Plan, nor are its objectives not clearly stated, as far as the proposed development is concerned. As said the proposed development is residential in its nature and the land use objective for the site as well as its setting lists residential as one of its primary permissible land uses, subject to safeguards.

Thirdly, in my view there is no planning related imperative for permission for the proposed development to be granted having regard to regional spatial and economic strategy for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government Having regard to these policy, objectives and guidelines documentation, and to the nature of the development but rather such higher level planning provisions support the retrofitting of existing buildings where practical as opposed to their demolition as part of climate action measures to be included in spatial planning.

Fourthly, while I am satisfied that the pattern of development in the area is generally characterised by residential development and the zoning objective for the subject site allows for development proposals for residential use to be consider as 'permitted in principle', this is however subject to safeguards which as detailed in the assessment above there is a lack of demonstration of the proposed development meeting the requirements of where this type of development would be deemed acceptable.

Having regard to the foregoing, I conclude that a material contravention does not arise in this case.

7.8.3. **Archaeology:** Should the Board be minded to grant permission I recommend that it include a standard archaeological condition like that imposed by the Planning Authority based on the archaeological sensitive of the site's setting (Note: Condition No. 6). I consider that such a condition is reasonable and appropriate to ensure that the proposed development accords with Policy BHA26 of the Development Plan at a location where there is a recognised archaeological sensitivity particularly by way of the site overlapping with the zone of archaeological constraint of a Recorded Place and Monument.

7.9. **Precedent:** I note the precedents set out by the Applicant in both their planning application and appeal documentation. I also note the concerns raised by the Appellants in relation to the precedents cited by the Applicant in terms of relevance. In this case while I have had regard to the examples cited, the intervening time since many of these developments were approved, with local through to nationally planning provisions having become more robust and evolved on the matter of climate resilience measures within spatial planning, it is my consideration that the subject application / appeal should be considered on its own merits and on a site-specific basis, having regard to local, regional and national relevant planning considerations.

7.10. **Bespoke Conditions:** Should the Board be minded to grant permission in the interests of safeguarding the privacy of adjoining properties I recommend that it include the requirements of Condition No. 4 of the Planning Authority's notification to grant permission.

I note to the Board that Condition No. 4 requires that the first-floor windows on the side elevations of the proposed property which accommodate en-suite bathrooms shall be fitted with obscure glazing for the lifetime of the development based on protecting the privacy of the adjacent neighbouring properties. I consider that this condition is reasonable given the measure of protection provided for in the land use zoning of the site and its setting for existing residential amenities. Therefore, a similar condition should in my view be included as part of any grant of permission alongside the bespoke conditions recommended in my assessment above.

7.11. **Development Contributions:** I refer to the Dublin City Council Development Contribution Scheme. In this regard the development is not exempt from the requirement to pay a development contribution. It is therefore recommended that

should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development as set out in Section 2 above in light of the requirements of Section 177U of the Planning & Development Act, 2000, as amended.
- 8.2. The subject site is not located within or adjacent any Natura 2000 sites designated Special Areas of Conservation (SAC) or Special Protection Areas (SPA). The closest Natura 2000 sites are South Dublin Bay Special Area of Conservation (Site Code: 000210) and South Dublin Bay & River Toka Special Protection Area (Site Code: 004024) which are located c1.06km to the east of the site as the bird would fly, respectively. There are other Natura 2000 sites that are located at a further lateral separation distance from the site. These are also beyond the zone of influence of the proposed development sought under this application.
- 8.3. The proposed development is located in a mature serviced suburban area that has a long history of human habitation. The wholesale demolition works of the existing dwelling with attached garage and associated site clearance would facilitate the construction of a part single and part two storey with attic level relate to a brownfield serviced site.
- 8.4. No significant nature conservation concerns were raised as part of this appeal case and including by the Planning Authority in their determination of this planning application.
- 8.5. Similarly, no significant nature conservation concerns are raised by any of the Parties in this appeal.
- 8.6. Having considered the nature, scale, extent, and location of the development I am satisfied it can be eliminated from further assessment as there is no conceivable risk to any Natura 2000 Sites.
- 8.7. The reasons for reaching of this conclusion are based on the following factors. The nature, scale and extent of the development whose main components consist of a

replacement 6 bedroom detached dwelling, ancillary garden room to the rear and the associated ancillary works in what is a mature suburban area to the south of Dublin's city centre, a location that is served by public mains drainage and potable water supply. Together with the surface water drainage measures incorporated into the design, the distance to any Natura 2000 sites, and the suburban nature of intervening habitats as well as the absence of ecological pathways to any Natura 2000 site including sites that are located at a further distance to those identified above.

- 8.8. I am also cognisant that there are significant improvements currently ongoing to the capacity and treatment of foul water as part of the upgrading works to Ringsend Wastewater Treatment Plan. These works will enable it to treat the increasing volumes to the required standards and with treated water discharged to the marine environment of Dublin Bay of an improved qualitative standard. Further though the bedspaces indicated in the replacement dwelling, the number of bathrooms and the like are more than the existing dwelling the documentation indicates that despite the significant increase in the size of the dwelling and its associated ancillary spaces that it would be used as one dwelling. As such the proposed development does not represent a significant densification of the established residential use of this site.
- 8.9. Conclusion: I conclude that based on objective information the proposed development would not have a likely significant effect on any Natura 2000 site(s) either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment Stage 2 under Section 177V of the Planning & Development Act, 2000, as amended, is not required.

## **9.0 Recommendation**

- 9.1. I recommend that permission be REFUSED.

## **10.0 Reasons and Considerations**

1. The Board considered that the Applicant has not provided an adequately robust justification for the demolition of the existing dwelling at the subject site to facilitate the construction of a replacement dwelling. The subject dwelling does not appear to be fundamentally uninhabitable, structurally unsound or unsuitable for appropriate ameliorative repair, deep retrofitting and extension works (subject to

planning permission, as applicable) to result in a dwelling house that meets the applicants needs for improved habitability, additional habitable and ancillary space through to the upgrading of the design aesthetic of this dwelling as well as its energy efficiency.

It is considered that the proposed development is not compliant with Section 15.7.1 of the Dublin City Development Plan, 2022-2028, which requires an evidenced basis for the demolition of existing dwellings and their replacement.

This requirement is considered reasonable and consistent with the Core Strategy set out under Chapter 2 or Policies CA6 and CA7 of the Development Plan. In particular these Development Plan policies in a consistent and supporting manner with each other promote and support the retrofitting as well as reuse of existing buildings rather than their demolition and reconstruction, where possible, and support the achievement of high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retro-fitting of appropriate energy efficiency measures in the existing building stock.

The Board also considers that the local planning provisions and policies align with the Regional, Spatial and Economic Strategy for the Eastern and Midland Regional Area, 2019-2031, which supports under Regional Policy Objective 7 the use of renewable energy sources in existing buildings, including retro fitting of energy efficiency measures in the existing building stock and energy efficiency in traditional buildings. Through to National Policy on Architecture – People and Places, 2022, which in a consistent manner supports the reusing, repairing, adapting, and upgrading buildings in preference to their demolition. They also align with the targets set out within the Climate Action Plan, 2025, which provides for a more energy efficient outcome than that proposed for the replacement dwelling and the nature of the ancillary spaces proposed.

The proposed development is a type of a development that the Planning Authority may only where compliance with Section 15.7.1, Policies CA6 and CA7 is demonstrated. The Board considers that the Applicant has failed to demonstrate compliance with these Development Plan provisions. The proposed development, if granted, would set an undesirable and negative precedent for similar demolition of existing dwellings in their entirety in the local area and within the wider area. The

proposed development would not accord with 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.*

---

Patricia M. Young  
Planning Inspector

23<sup>rd</sup> day of April, 2025.

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	<b>ABP-321353-24</b>		
<b>Proposed Development</b> <b>Summary</b>	<b>Demolition of house and construction of replacement house, ancillary garden room, widening of existing entrance and all associated site works as well as services.</b>		
<b>Development Address</b>	<b>No. 4 Nutley Avenue, Dublin 4, D04 XH72.</b>		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<input checked="" type="checkbox"/>
		<b>No</b>	No further action required
<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 checked="" type="checkbox"/>	Class 10(b)(i) (infrastructure – Dwelling Units) and Class 14 (works of demolition carried out in order to facilitate a project listed in Part 2 of Schedule 5).	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	<input checked="" 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>	✓	<ul style="list-style-type: none"> <li>Class 10(b)(i) (infrastructure – Dwelling Units): Below threshold replacement dwelling on a brownfield 0.145ha site.</li> <li>Class 14 (works of demolition carried out in order to facilitate a project listed in Part 2 of Schedule 5): Modest dwelling of combined habitable and garage space totally 198m<sup>2</sup>. Development outside of the zone of influence of any Natura 2000 sites with no likely significant effects on the environment arising from the quantum, nature, scale, and extent of works proposed.</li> </ul>	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓ No Screening Determination required in this case.	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

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

Date: 23<sup>rd</sup> day of April, 2025.