



An
Bord
Pleanála

Inspector's Report ABP-321477-24

Development	Demolition of shed and construction of a house and all associated site works.
Location	Iveagh Gardens and No. 284 Crumlin Road (rear), Dublin 12, D12 TX26
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB2193/24
Applicant(s)	Nicole Hartnett & Ing-Mar Linn
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Decision
Appellant(s)	Maura Fleming
Observer(s)	None
Date of Site Inspection	3 rd February 2025
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.052 ha and is located at No. 284 Crumlin Road, Dublin 12. The site forms part of the original 1930s Iveagh Gardens housing estate and accommodates a detached 2-storey property with a single-storey extension and garden area to the rear. There is a small convenience retail use at ground floor level fronting onto the Crumlin Road and residential use above. A single storey shed extends along the rear / western side boundary of the site.
- 1.2. An L-shaped laneway extends along the side / western boundary of the site. A corrugated metal gate provides access into the rear garden of the property from the laneway. The laneway also provides access to 4 no. 2-storey dwellings (Nos. 2, 4, 6 & 8 Iveagh Gardens) beyond the appeal site. Uncontrolled parking was noted along the length of the laneway at the time of the inspection. Double yellow lines are in place on either side of the laneway adjacent to the Crumlin Road.
- 1.3. Two-storey residential dwellings are located on either side of the site along Crumlin Road and to the rear within the Iveagh Gardens estate.

2.0 Proposed Development

- 2.1. The proposed development will consist of the demolition of the existing single-storey shed, the creation of a new pedestrian and vehicular entrance from Iveagh Gardens, the construction of a new 2-bedroom (plus study) 2-storey and part single-storey dwelling house, 1 no. off-street parking space and all associated site, boundary, landscaping, drainage and ancillary works.
- 2.2. The dwelling has an overall floor area of 99 m² and is orientated in an east-west direction adjoining the northern / rear site boundary. The overall height and roof treatment reflects the neighbouring dwellings. A brick finish is proposed to the building façades. An area of 70.5 m² of private open space is proposed to serve the proposed dwelling, while an area of 95 m² will remain to serve the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission for the proposed development subject to 10 no. conditions issued on 18th November 2024.
- 3.1.2. Condition no. 4 requires that the room shown as a home office shall not be used as a bedroom.
- 3.1.3. Condition no. 5 requires that the flat roof to the rear shall not be used as a balcony or outdoor seating area.
- 3.1.4. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Basis of Planning Authority's decision.

3.2.3. Other Technical Reports

- 3.2.4. **Engineering Department – Drainage Division:** No objection to the proposed development subject to conditions.
- 3.2.5. **Transportation Planning Division:** No objection to the proposed development subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. **Uisce Éireann:** None received.

3.4. Third Party Observations

- 3.4.1. A total of 8 no. third party observations were made on the application by: (1) Anthony Blake, (2) Marie Fitzpatrick, (3) Maura & Emmett Fleming, (4) Yvonne & Edward Keating, (5) Bernard & Elizabeth Lyons, (6) Margaret Mason, (7) Paul Humphreys, and (8) Eilish & Tadhg Lathimore. The issues which are raised can be summarised as follows: (1) negative visual impact of new development, (2) loss of light, privacy

and overlooking, (3) devaluation of property, (4) impact on drainage infrastructure, (5) parking congestion on laneway, (6) loss of boundary wall and provision of railings not in keeping with the area, (7) tree loss on the site, (8) incorrect red line boundary, (9) concerns regarding visibility for vehicles existing the proposed development, (10) no information on separation distances to boundary walls, (11) inaccuracies / omissions in submitted drawings, (12) insufficient information on proposed materials, (13) construction noise and disturbance, (14) inappropriate precedent.

4.0 Planning History

4.1. None.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning “Z2 – Residential Neighbourhoods (Conservation Areas)” which has the objective “to protect and/or improve the amenities of residential conservation areas”.
- 5.2.2. Such areas have extensive groups of buildings and associated open spaces with an attractive quality of architectural design and scale. Special care is required in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective is to prevent these areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- 5.2.3. The principal land use encouraged in residential conservation areas is housing.

5.3. Housing

- 5.3.1. **Policy QHSN6 (Urban Consolidation):** To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

- 5.3.2. **Policy QHSN10 (Urban Density):** To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- 5.3.3. **Policy QHSN38 (Houses and Apartments):** To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

5.4. **Built Heritage**

- 5.4.1. The Iveagh Gardens development has been identified as a Priority Architectural Conservation Area (ACA) to be progress over the development plan period.
- 5.4.2. **Policy BHA9 (Conservation Areas):** To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

5.5. **Development Management**

- **Backland Housing**

- 5.5.1. Applications for backland housing (development of land that lies to the rear of an existing property or building line) should consider the following:
- Compliance with relevant residential design standards.
 - Provision of adequate separate distances.
 - That safe and secure access for car parking and service and maintenance vehicles is provided.
 - The scale, form and massing of existing properties and interrelationship with the proposed backland development.

- The impacts on either the amenity of the existing properties in terms of daylight, sunlight, visual impact etc or on the amenity obtained within the unit itself.
- The materials and finishes proposed with regard to existing character of the area.
- A proposed backland dwelling shall be located not less than 15 m from the rear façade of the existing dwelling, and a minimum rear garden depth of 7 m.
- A relaxation in rear garden length may be acceptable once sufficient open space is provided to serve the proposed dwelling, and the applicant can demonstrate that the proposed dwelling will not impact negatively on adjoining residential amenity.

5.5.2. All applications for infill developments will be considered on a case-by-case basis. A relaxation of standards may be permitted to promote densification and urban consolidation in specific areas.

- **Infill / Side Garden Housing Developments**

5.5.3. The Planning Authority will favourably consider the development of infill housing on appropriate sites, having regard to development plan policy on infill sites and to facilitate the most sustainable use of land and existing urban infrastructure. In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements.

5.5.4. A minimum standard of 10 m² **private open space** per bedspace will normally be applied for houses. Generally, up to 60-70 m² of rear garden area is considered sufficient for houses in the city.

5.5.5. The site is located within Zone 2 of the city with respect to **car parking** provision and within which a max. standard of 1 no. space per dwelling applies.

5.6. Conservation Areas

5.6.1. All planning applications for development in Conservation Areas shall:

- Respect the existing setting and character of the surrounding area.
- Be cognisant and / or complementary to the existing scale, building height and massing of the surrounding context.
- Protect the amenities of the surrounding properties and spaces.
- Provide for an assessment of the visual impact of the development in the surrounding context.
- Ensure materials and finishes are in keeping with the existing built environment.
- Positively contribute to the existing streetscape.
- Retain historic trees as they add to the special character of an ACA, where they exist.

5.7. Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024)

5.7.1. The Guidelines acknowledge that to achieve compact growth, more intensive use of existing buildings and properties will need to be supported, including more intensive use of previously developed land and infill sites.

5.7.2. Development standards for housing are set out in Chapter 5 of the Guidelines, with the key standards applicable in this case including: (1) separation distance of 16 m between opposing 1st floor windows (or less where no opposing windows serving habitable rooms), (2) private open space of 30 m² for a 2-bedroom house, and (3) a max. of 1 no. car parking space.

5.8. Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

5.8.1. The Guidelines identify a target gross floor area of 80 m² for 2-bedroom, 4-person, 2-storey dwellings. The area of a double bedroom shall be at least 11.4 m² and of the main bedroom shall be at least 13 m² in a dwelling designed to accommodate 3 or more persons.

5.9. Natural Heritage Designations

5.9.1. None.

5.10. EIA Screening

5.10.1. See Appendix 1 and 2 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been lodged by Maura Fleming & Others, the grounds of which can be summarised as follows:

- Negative visual impact on Iveagh Gardens, loss of historic character and unified architectural merit of the area.
- Unwelcome precedent for infill development.
- The proposed development is modern in design and is not in keeping with the historic character of the area.
- Insufficient information on proposed building materials.
- Loss of light and privacy, overshadowing and overbearing impacts on neighbouring residential properties (Nos. 282 and 284 Crumlin Road and Nos. 99,100, 101 and 102 Iveagh Gardens).
- Devaluation of property.
- Loss of large tree from the site.
- Separation distances from the neighbouring property boundaries are not indicated on the planning drawings.
- Proposed garden space is small and constrained.
- The separation between the existing residential unit at 1st floor level and the proposed development needs to be clarified.

- Traffic hazard on the laneway, increased congestion, loss of parking and impact on emergency services access.
- Lack of visibility for vehicles exiting the proposed development.
- Lack of detail / omissions / errors in submitted planning application drawings.
- The existing footprint and site boundary of No. 284 Crumlin Road are not shown.
- Construction noise and disturbance.
- Impact on integrity and stability of boundary wall.
- Impact on water and drainage services.
- Impact on existing infrastructure including roads, schools and public transport.
- The single-storey extension to the rear of the existing property does not appear to have planning permission.
- The planning history for the wider area illustrates a careful consideration and lack of precedence of any disruption on the architectural siting of the area.
- An Bord Pleanála refused permission for a 2-storey end of terrace dwelling to the side of No. 286 Crumlin Road (Planning Authority Reg. Ref. 1580/05).
- Site plans do not identify all built elements in the immediate vicinity. Existing tree at the rear boundary also not identified.
- Concerns regarding the adequacy of the remaining outdoor space for No. 284 Crumlin Road due to the full existing extension not being shown on the plans.
- The submitted Shadow Analysis is not provided in a scalable format and is missing context in terms of the single storey ground floor extension to No. 282 Crumlin Road.
- Surface water drainage proposals should have been included with the planning application.
- A Service Delivery and Access Strategy should have been provided.
- The proposed development materially contravenes the Dublin City Development Plan 2022-2028 in relation to land use zoning and the vision for

development in an Architectural Conservation Area, Objective BHA14 (mews developments).

- The proposed development does not comply with development plan provisions regarding the development and design of mews dwellings.
- No details provided in relation to waste management.

6.2. The appeal includes a copy of the Planning Authority's decision (Appendix A) and a copy of the acknowledgement letters of the appellant's submissions on the planning application (Appendix B).

6.3. **Applicant Response**

6.3.1. An appeal response was received from the applicant on 21st January 2025 which can be summarised as follows:

- The planning application was validated by Dublin City Council and was deemed to contain sufficient information for the application to be considered.
- The proposed development cannot set an unsuitable precedent in the area due to the unique nature of the site. The site is accessed from a separate laneway to the main Iveagh Gardens roadway.
- The planning history identified by the applicant is of little relevance, with the only application for a new dwelling being in 2005. This proposal was on a prominent corner site and was based on an entirely different development plan.
- The appeal omits any reference to a modern extension to the side of No. 53 Iveagh Gardens (Planning Authority Reg. Ref. 2427/20; ABP Ref. 307558-20). Thus, the principal of a modern insertion into the conservation area has already been established.
- The only significant viewpoint of the proposed dwelling is from the Iveagh Gardens laneway.
- The development would be a welcome addition to the laneway by forming a natural end point to the laneway. The site is invisible turning into the laneway by virtue of the proposed dwelling respecting the existing building line.

- The proposed development is envisaged to be modern in detailing but would take its form and massing from the existing dwellings on the laneway to ensure it fits comfortably into the existing streetscape.
- The dwelling massing is based on the existing dwelling's scale, typical plot widths, height and finishes.
- The proposed brick would match the existing and the applicant is happy to accept any condition to this effect in the event permission is granted.
- The brick images provided with the application are reference images only and the brick is not proposed to be pale / white.
- Modern but respectful additions to conservation areas is an established conservation approach.
- The proposed development will not adversely impact of the cohesive architectural merit of the Iveagh Gardens as it cannot be viewed as part of the overall scheme, nor can it set a precedent for similar development within the scheme.
- The tree referenced in the appeal is of limited value and is not the subject of a preservation order. The application is not dependent on its removal.
- All open space areas are shown in the original planning report and are shown again in the appeal.
- A full shadow analysis has been included which confirms there is no impact on neighbouring properties on foot of the proposed development.
- The proposed development will not result in a loss of privacy due to overlooking as there are no windows on the upper floor levels to the north and south.
- It is unclear how the proposed off-street parking space will exacerbate the existing parking situation. There are existing double yellow lines on the roadway to the front of the site.

6.4. Planning Authority Response

- 6.4.1. A response was received from the Planning Authority on 21st January 2025. It is requested that the Board uphold the Planning Authority's decision. In the event permission is granted it is recommended that conditions be attached in relation to the payment of a S. 48 development contribution, a condition requiring the payment of a contribution in lieu of open space, if applicable, a social housing condition and a naming and numbering condition.

6.5. Observations

- 6.5.1. None.

7.0 Assessment

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

- Principle of the Development / Impact on Character of Iveagh Gardens
- Impact on Neighbouring Properties
- Private Amenity Space
- Traffic Hazard / Loss of Parking
- Impact on Services and Infrastructure
- Planning Application Inaccuracies / Omissions
- Appropriate Assessment

- 7.2. Each of these issues is addressed in turn below.

7.3. Principle of the Development / Impact on Character of Iveagh Gardens

- 7.3.1. The appellant submits that the proposed development would have a negative impact on Iveagh Gardens, resulting in a loss of historic character and the unified architectural merit of the area. The modern design of the proposed dwelling is considered inappropriate. It is also considered that the proposal would set an unwelcome precedent for infill development at this location.
- 7.3.2. In response, the applicant submits that modern, respectful additions to conservation areas is an established conservation approach. The design of the proposed dwelling is based on the scale, typical plot widths, height and finishes of the existing dwellings. It is considered that the proposed development will not adversely impact on the cohesive architectural merit of the Iveagh Gardens as it cannot be viewed as part of the overall scheme, nor can it set a precedent for similar development.
- 7.3.3. The site forms part of a residential conservation area (land use zoning Z2), with the Iveagh Gardens identified as a Priority Architectural Conservation Area to be progressed over the lifetime of the development plan. Residential development is the primary land use encouraged in such areas, subject to high quality proposals which are sympathetic to the character of the area. Having regard to the foregoing, I am satisfied that the principle of the development is acceptable.
- 7.3.4. While the appellant submits that the proposed development materially contravenes Policy BHA14 of the development plan in relation to mews dwellings, the vision for Architectural Conservation Areas and land use zoning, I do not agree. The site forms part of a residential conservation area within which residential uses are encouraged. The stated policy seeks to promote the redevelopment and regeneration of mews laneways for sensitively designed, appropriately scaled, infill residential development. In my opinion, the proposed development complies with the foregoing. I also consider that the proposal does not constitute typical mews type development given the site context pertaining in this case and that the development plan policies concerning backland development and infill /side garden developments are of most relevance.
- 7.3.5. The subject site is the only one which has access onto the eastern side of the adjoining laneway. The site also has a larger rear garden than the neighbouring properties to the east, which partially extends across the rear building line of the

adjacent dwelling at No. 282 Crumlin Road. On foot of the foregoing, the site can be considered for an increased scale of development. In reviewing the layout and plot sizes of the neighbouring properties to the rear, east and west, I am satisfied that the proposed development would not set a precedent for further such development at this location, as they do not benefit from the same independent access as the appeal site.

- 7.3.6. I acknowledge that An Bord Pleanála previously refused planning permission for a 2-storey end-of-terrace dwelling to the side of No. 286 Crumlin Road (Planning Authority Reg. Ref. 1580/05; ABP Ref. PL29S.212615). This site is located immediately to the west of the current appeal site, on the opposite corner of the laneway. Planning permission was refused for 1 no. reason relating to the visually intrusive effect of the proposed development on the streetscape and the surrounding architecturally designed estate.
- 7.3.7. In considering this proposal, I note that this dwelling was proposed on a more visually prominent site and sought to extend the original terrace of houses at Nos. 286 – 296 Crumlin Road. In my opinion, a substantially different site context pertains in this case, with the infill dwelling proposed to the rear of No. 284 Crumlin Road. This part of the appeal site can only be viewed at the entrance into the laneway when travelling eastbound along the public road / footpath or from a stationary position on the opposite side of the Crumlin Road. In views of the site from within the Iveagh Gardens estate to the north, I note that the proposed development would be obscured by the existing 2-storey houses. As such, I am satisfied that the proposed development would not be visually prominent within the estate.
- 7.3.8. I fully acknowledge the architectural merit of the Iveagh Gardens estate. However, I consider that the subject site and the neighbouring properties along the laneway, have a somewhat different built context, being the only dwellings which are arranged along a short cul-de-sac separated from the remainder of the estate. In my opinion, the character of the laneway adjoining the subject site is negatively impacted by the corrugated metal gate which provides access to the rear garden on the site and the wire fencing atop the boundary wall. This part of the laneway is also inactive and is not directly overlooked by housing. The uncontrolled parking along the laneway also detracts from its character.

7.3.9. I consider that the design of the proposed development is sympathetic to the existing dwellings. There is a variation in the existing brick colour within the estate, which is predominantly pale brown, with red brick characterising the neighbouring dwellings on the northern side of the laneway. In the event the Board considers granting permission for the proposed development, I recommend that the brick materials be agreed with the Planning Authority prior to the commencement of development. This matter can be addressed by planning condition.

7.3.10. Thus, in summary, I am satisfied that the proposed development is acceptable in principle at this location and would not have a negative impact on the character or setting of the Iveagh Gardens estate.

7.4. Impact on Neighbouring Properties

7.4.1. The appellant submits that the proposed development would have a negative impact on the residential amenities of No. 282 and 284 Crumlin Road and Nos. 99, 100, 101 and 102 Iveagh Gardens in terms of loss of light and privacy, overshadowing and overbearing impacts.

7.4.2. The proposed development has no windows at 1st floor level of its northern elevation, and as such, no overlooking of the Iveagh Gardens dwellings to the rear can occur. It has a small ground floor window to the entrance hall in the southern elevation (i.e. facing No. 284 Crumlin Road) and an opaque window above to the 1st floor landing. No overlooking of the existing property can occur in this context. The proposed development is set back from the shared boundary with No. 282 Crumlin Road which adjoins the site to the east. Given the arrangement of the private amenity space to the rear of the proposed dwelling, I am satisfied that no undue privacy impacts would arise to this neighbouring property.

7.4.3. The proposed development will introduce a new 2-storey element into this urban environment, which will alter the site aspect in views from the neighbouring properties. The rear gardens of Nos. 100 and 101 Iveagh Gardens extend to the shared boundary by minimum lengths of approx. 13 m - 17 m. These separation distances are such that I consider no significant overbearing impacts would arise. The building footprint does not extend as far as the shared boundary walls with No. 102 Iveagh Gardens and No. 282 Crumlin Road and thus, no overbearing impacts will arise.

- 7.4.4. The separation distance between the 1st floor windows of the existing residential unit and the proposed site boundary is stated to exceed 8 m. While the proposed development will significantly alter the outlook to the rear of the existing dwelling, I note that the family room of this unit is located to the front facing onto the Crumlin Road. A bedroom and 2 no. bathrooms will face the proposed development. Given that these are not primary living spaces, I consider the separation distance arising to be acceptable.
- 7.4.5. The submitted Shadow Analysis illustrates the impact of the development on the adjoining properties on 21st day of March, June, September and December. Some additional shadowing will occur to the end of the rear gardens of Nos. 99, 100 and 101 Iveagh Gardens in March. The structure will also create some additional shadowing within the site itself. These impacts are not significant. Very minor overshadowing will occur to the rear gardens of Nos. 99 and 100 Iveagh Gardens in June, with the structure creating a shadow in its own rear garden from 3pm onwards. Minor additional overshadowing will occur to the rear gardens of Nos. 99, 100 and 101 Iveagh Gardens in September and in the rear garden of the proposed dwelling. I do not consider the impacts to be significant.
- 7.4.6. Additional overshadowing will occur to Nos. 99, 100 and 101 Iveagh Gardens in December, including an area immediately to the rear of No. 100 at midday. However, I note that the sun is low in the sky at this time of year and that this garden already experiences a significant amount of shadowing both earlier and later in the day (see existing scenario at 9am and 3 pm). I do not consider that the additional overshadowing is sufficient to warrant a refusal of permission in this instance.
- 7.4.7. The appellant submits that the Shadow Analysis does not include the rear single-storey extension to No. 282 Crumlin Road and that its rear elevations and garden would “yearly be within shadow due to the proposed development”. In my opinion, the submitted shadow diagrams demonstrate that no overshadowing impacts would arise to this property. Given the orientation of the proposed development to the north-west of this existing dwelling, I consider that this point of appeal is without substance.

- 7.4.8. Concerns have also been raised regarding the loss of the mature tree from the subject site and potential impacts on the integrity and stability of the shared boundary wall. The tree is not protected and as such, its maintenance / removal is a matter for the agreement of the relevant landowner(s), rather than being open for adjudication under this appeal case. Similarly, any potential impact on the shared boundary wall is a matter to be addressed between the relevant parties during the construction phase of the project and is not relevant to the determination of this case.
- 7.4.9. Given the constraints of the site and surrounding area, the Transportation Planning Division of Dublin City Council recommends that a Demolition and Construction Management Plan be submitted prior to the commencement of development. In my opinion, this requirement is unnecessary given the nature and scale of the proposed development. As such, I consider that it is not necessary to attach a condition in relation to this matter.

7.5. Private Amenity Space

- 7.5.1. The appellant raises concerns regarding the remaining outdoor space to serve No. 284 Crumlin Road due to the full existing extension not being shown on the submitted plans. The proposed garden space is also considered small and constrained.
- 7.5.2. The submitted plan drawings show the rear extension in line with the side (eastern) elevation of the existing house. However, image no. 5 of the applicant's cover letter and a review of aerial imagery confirms that the extension projects out to the eastern site boundary. The remaining open space to serve the existing dwelling is stated to be 95 m². While I acknowledge this figure would be reduced on foot of the as-built footprint of the extension, I am satisfied that sufficient open space remains to serve the existing occupants.
- 7.5.3. Private amenity space of 70.5 m² is proposed to facilitate the new dwelling. I am satisfied that this amenity space is acceptable. In reaching this conclusion, I note that the Compact Settlement Guidelines identify a private amenity space standard of 30m² for dwellings with 2 bedrooms, with the existing and proposed dwellings both being 2-bedroom units.

7.6. Traffic Hazard / Loss of Parking

- 7.6.1. The appellant submits that the proposed development would result in a traffic hazard on the laneway due to insufficient sightlines, would increase congestion, would result in a loss of parking and have a negative impact on access for emergency vehicles.
- 7.6.2. In my opinion, the benefit of delivering an additional housing unit at a time of acute demand for accommodation in the city far outweighs any loss of uncontrolled parking which may occur. I also note that the proposed development is located on a Bus Connects corridor.
- 7.6.3. I acknowledge the access laneway is constrained in width and that careful vehicular movements will be required to enter and exit the in-curtilage parking space. Given the limited traffic speeds and the likely extent of vehicular and pedestrian movements on the laneway, I am satisfied that a traffic hazard would not arise. The Transportation Planning Division had no objection to the proposed development on this basis. I do not consider that the proposed development would have a negative impact on emergency vehicle access given that the proposed development is entirely contained within the site boundary.
- 7.6.4. The Transportation Planning Division has recommended that conditions be attached in relation to the driveway entrance, the provision of 2 no. cycle parking spaces and an internal bin store within the site. It is also recommended that conditions be attached in relation to the relocation of existing columns to the front of the site and costs incurred by Dublin City Council regarding necessary repairs to public roads and services.
- 7.6.5. In my opinion, the attachment of conditions in relation to the columns and costs for repairs are not relevant planning matters. I also consider that the conditions regarding cycle parking and bin storage are unnecessary given that the development comprises a dwelling house, rather than an apartment unit. The requirements in relation to the driveway can be addressed by condition.

7.7. Impact on Services and Infrastructure

- 7.7.1. The appellant submits that the proposed development will impact on existing infrastructure including roads, schools, public transport and water and drainage services. In my opinion, it is entirely unreasonable to suggest that the introduction of

1 no. additional dwelling into an established inner suburban neighbourhood would impact negatively on these services. I consider that no such impacts would arise. The Drainage Division of Dublin City Council had no objection to the proposed development, which will be able to avail of water and wastewater infrastructure in agreement with Uisce Éireann (Irish Water). As such, I am satisfied that these grounds of appeal are without substance.

- 7.7.2. I note the Planning Authority has not attached a condition requiring the applicant to enter into water / wastewater agreements with Uisce Éireann (Irish Water). I recommend that such a condition be attached if the Board grants permission.

7.8. Planning Application Inaccuracies / Omissions

- 7.8.1. The appellant submits that the site plans do not identify all built elements in the immediate vicinity, the tree at the rear boundary and the separation distances to the site boundaries and the existing dwelling. It is considered that a Service Delivery and Access Strategy and surface water drainage proposals should have been included. It is also noted that no details have been provided in relation to waste management and that the single-storey extension to the rear of the existing property does not appear to have planning permission.
- 7.8.2. The compliance of the planning drawings with the requirements of the Planning and Development Regulations, 2001 (as amended) is a validation matter for the consideration of the Planning Authority. The planning application was accepted as being valid in this case. Notwithstanding the foregoing, I consider that sufficient information has been included within the application drawings and documentation to facilitate the consideration of this case.
- 7.8.3. I consider that the submission of a Service Delivery and Access Strategy is unnecessary. The proposed development seeks to provide 1 no. additional dwelling adjoining a laneway which already accommodates 4 no. dwellings along its length. I am satisfied that deliveries, waste collection and emergency service access will reflect the existing arrangements.
- 7.8.4. The planning status of the existing rear extension is not open for adjudication under this case and would be more appropriately considered under a Section 5 reference or the enforcement provisions of the Planning and Development Act, 2000 (as amended).

7.9. Appropriate Assessment - Screening

- 7.9.1. I have considered the proposed development of an infill residential dwelling to the rear of an existing 2-storey dwelling in light of the requirements of S177U of the Planning and Development Act, 2000 (as amended). The subject site is located within an established residential area, in the inner suburbs of Dublin City. No nature conservation concerns were raised in the appeal.
- 7.9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The small-scale nature of the development / works
 - The distance from the nearest European site
 - Taking into account the screening determination of the Planning Authority
- 7.9.3. I conclude that, on the basis of objective information, the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

7.10. Note

- 7.10.1. The Planning Authority has attached conditions restricting the use of the proposed home office as a bedroom and the use of the flat roof of the kitchen/dining room as a balcony / outdoor seating area (condition nos. 4 and 5 refer). I agree that these requirements are reasonable in the interests of protecting the residential amenities of the future occupants and neighbouring properties. I recommend that such conditions be attached if the Board decides to grant planning permission for the proposed development.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the proposed development based on the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

- 9.1. Having regard to the Z2 (residential conservation area) land use zoning of the site, under which residential land uses are supported, the location of the site within the inner suburbs, the site configuration and Policy QHSN6 of the Dublin City Development Plan 2022-2028 which seeks, inter alia, to promote and support residential consolidation through infill development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or depreciate the value of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within 3 months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the</p>

	<p>planning authority and the developer, or in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
3.	<p>The proposed home office shall not be used as a habitable bedroom.</p> <p>Reason: To ensure an appropriate standard of development in the interests of residential amenity.</p>
4.	<p>The roof of the proposed kitchen / dining room shall not be used as a balcony or amenity space.</p> <p>Reason: To prevent overlooking of neighbouring properties.</p>
5.	<p>The driveway entrance shall have a maximum width of 3.0 m and shall not have outward opening gates.</p> <p>Reason: To ensure an appropriate standard of development and in the interest of traffic safety.</p>
6.	<p>Details of the external finishes of the proposed development, including a sample of the proposed brick material, shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interests of visual amenity.</p>
7.	<p>Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of urban legibility.</p>
8.	<p>Prior to the commencement of development, the developer shall enter into connection agreements with Uisce Éireann (Irish Water) to provide service connections to the public water supply and wastewater network.</p>

	Reason: In the interest of public health and to ensure adequate water and wastewater facilities.
9.	<p>The disposal of surface water shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interest of sustainable drainage.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

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.

Louise Treacy
Senior Planning Inspector

14th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321477-24		
Proposed Development Summary	Demolition of a shed and construction of a 2-storey house		
Development Address	Iveagh Gardens and No. 284 Crumlin Road (rear), Dublin 12		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5, Part 2, Class 10 (b)(b)(i)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	The relevant threshold for this class is more than 500 dwelling units. The proposed development comprises the construction of 1 no. infill dwelling within the site boundary. As such, the proposed development is significantly below the threshold.	Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321477-24
Proposed Development Summary	Demolition of a shed and construction of a 2-storey house
Development Address	Iveagh Gardens and No. 284 Crumlin Road (rear), Dublin 12
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the construction of a new infill 2-storey dwelling to the rear of an existing dwelling in an established residential estate. Having regard to the scale and nature of the proposed development, any nuisance, construction and waste impacts can readily be managed during the construction process.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The subject site is located within an established inner suburban area of the city. The site forms part of an existing housing estate and as such, is not located within an area of environmental sensitivity.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).			<p>The proposed development will result in disturbance impacts to the occupants of neighbouring dwellings. These impacts will be temporary and typical of any urban infill development.</p> <p>The proposed development will support the densification of established urban areas as supported under national and local planning policy. The overall long-term impact on housing supply is positive.</p>
Conclusion			
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No	
There is no real likelihood of significant effects on the environment.	EIA is not required.		
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.		
There is a real likelihood of significant effects on the environment.	EIAR required.		

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)