



An
Bord
Pleanála

Inspector's Report

ABP-321986-25

Development

Extension on two levels to the rear of a three storey over basement residential building , a Protected Structure (RPS Ref No. 6391). Additional bicycle parking provided at lower ground level and additional refuse bin provided at rear ground floor area with access from Granby Lane and all associated site works.

Location

29 Parnell Square West, Dublin 1

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

4434/24

Applicant(s)

John McSharry

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

John McSharry

Observer(s)

None

Date of Site Inspection

12/06/2025

Inspector

Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site is located on the eastern side of Parnell Square West, in the north inner city. No. 29 is a four-storey over basement mid-terrace building, flanked to the north and south by almost identical properties. No. 29 has been extended to the rear, with a three-storey pitched roof building. Rear access to the site is provided via a gated access off Granby Lane which runs to the north of the terrace.
- 1.1.2. The property is currently divided into a number of residential units.

2.0 Proposed Development

- 2.1.1. On the 6th December 2024, planning permission was sought for a development comprising the construction of an extension of two levels to the rear of a three-storey protected structure which contains 13 no. apartments, repointing of front façade, additional bicycle parking.
- 2.1.2. Details provided in the application form include:
- Total site area: 358sq.m.
 - Retained floor area: 732sq.m.
 - New floor area proposed: 116sq.m.
 - Total floor area: 848.6sq.m
 - Proposed plot ratio: 2.3, proposed site coverage 57%

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 31st January 2025, the Planning Authority issued a notification of their intention to REFUSE permission for the following reasons:
- 1 No. 29 Parnell Square West is a protected structure which has been rated by the NIAH as being of National Importance for its Architectural, Artistic, Historical interest. Having regard to this, and to the existing 3 storey extension already in place, and due to the design, height and massing, the proposed two storey upward extension would be overly bulky and would obscure much of the rear elevation of the Protected Structure, further impacting its special architectural character and legibility. The proposed

works would therefore contravene policy BHA2 (a) and (b) of the Dublin City Council Development Plan 2022-2028.

- 2 The further extension of a previously extended protected structure amounting to a total of 15 no. apartment units would constitute overdevelopment of the protected structure and would adversely impact its character and setting. The proposed development by reason of its failure to enhance or improve the habitable accommodation of the existing units, in addition to the failure to provide or enhance communal amenity space would lead to a substandard and unacceptable form of development that would conflict with Section 15.9 of the Dublin City Development Plan 2022-2028 as it relates to residential quality and amenity, would set an undesirable precedent for similar development to the rear of protected structures, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Planning Report:** Not clear if compliance conditions relating to rear extension to provide apartments were complied with – landscaping and bicycle parking provision. No private or communal open space available. Outlook of existing apartments, particularly single aspect units to the rear is poor. Application for two storey extension to this part of the building was refused under 0543/00 and refusal reasons remain relevant. Planning Authority would accept zero parking but deficiency in open space and injury to protected structure are serious concerns. Appears that some of the existing units fail to meet current minimum floor area standards of the 2023 guidelines. Existing arrangement indicates that the protected structure has been maximised in terms of quantum provided. Proposed units meet minimum floor areas but one fails on storage. No communal open space provided. Site coverage of 57% and plot ratio of 2.3 indicate over development. In terms of design, increased bulk and scale create incongruous development that bears no relationship to protected structure, particularly setting to the rear. Notes the report of the Conservation, Transportation, Drainage and Archaeology departments. Recommends that permission be refused for two reasons.

3.3. **Prescribed Bodies**

3.3.1. **TII:** no observations to make.

3.4. **Third Party Observations**

3.4.1. None on file.

4.0 **Planning History**

4.1.1. Planning Authority reg. ref. **0753/96:** Planning permission granted for internal alterations and change of use from office to residential.

4.1.2. Planning Authority reg. ref. **0543/00:** Planning permission refused for two storey extension over basement rear annexe to provide new three bedroom residential apartment. Reasons for refusal :

- 1 The construction of an additional three bedroom apartment to a premises which already contains thirteen apartments with only 4 parking spaces and no open space provision would exacerbate the existing deficiency in parking and open space provision and the development would therefore represent unacceptable overdevelopment of the site which would be contrary to residential amenity and to the proper planning and development of this area.
- 2 The construction of a further two storey building on top of the existing two storey over basement extension would seriously injure the amenities of the existing frontage house which is a protected structure and the development would therefore be contrary to the provisions of the 1999 Dublin City development Plan in relation to protected structures and would thus be contrary to the proper planning and development of the area.

5.0 **Policy Context**

5.1. **Architectural Heritage Protection – Guidelines for Planning Authorities**

5.1.1. This guidance, which is a material consideration in the determination of applications, sets out comprehensive guidance for development in conservation areas and affecting protected structures. It promotes the principle of minimum intervention (Para.7.7.1) and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves

and should not cause damage to the fabric of the structure, whether in the long or short term (7.2.2).

5.2. Sustainable Residential Development & Compact Settlement Guidelines 2024

- 5.2.1. The guidelines expand on the higher-level policies of the National Planning Framework (NPF) in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlement.
- 5.2.2. In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).
- 5.2.3. Of relevance to the subject application are the following:
- Residential densities of 50-250dhp for city-urban neighbourhoods in Dublin and Cork with typical density range for low rise apartments – c.100-150 dph,
 - **SPPR1** – separation distances
 - **SPPR2** - Apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates). All residential developments are required to make provision for a reasonable quantum of public open space.
 - **SPPR3**: In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
 - **SPPR4**: It is a specific planning policy requirement of these Guidelines that all new housing schemes (including mixed-use schemes that include housing)

include safe and secure cycle storage facilities to meet the needs of residents and visitors. The following requirements for cycle parking and storage are recommended: (i) Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers. (ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

5.3. Sustainable Urban Housing: Design Standards for New Apartments 2023

- 5.3.1. The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two-bedroom apartments and 9m² for three-bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.

5.4. Dublin City Development Plan 2022 -2028

- 5.4.1. In the 2022-2028 plan the subject site is zoned **Z2 Residential Conservation** area zoning, which has the stated objective 'To protect and/or improve the amenities of residential conservation areas'. Section **14.7.2** of the development plan states that "Residential conservation areas have extensive groupings of buildings and

associated open spaces with an attractive quality of architectural design and scale". Residential use is permitted in principle.

- 5.4.2. Section 14.1 of the plan states that for the Z8 (Georgian Conservation Areas) zone, an increased focus is placed on the need to facilitate regeneration, cultural uses and appropriate residential development while managing the concentration of office uses in these areas (see also Chapter 11: Built Heritage and Archaeology).
- 5.4.3. Appendix 3 of the development plan refers to development management standards. For conservation areas, an indicative plot ratio of 1.5-2.0 and a site coverage of 45-60% apply.
- 5.4.4. Policies and objectives of relevance include:
- 5.4.5. **Section 14.7.8** of the plan states that the aim is to protect the architectural character/design and overall setting of such areas while facilitating regeneration, cultural uses and encouraging appropriate residential development (such as well-designed mews) in the Georgian areas of the city. Insensitive or inappropriate backland development in Z8 areas will be strongly discouraged
- 5.4.6. Chapter 11 of the development plan refers to Built Heritage and Archaeology. Of relevance to the proposed development is Policy BHA2 which states:

It is the Policy of Dublin City Council: **BHA2** Development of Protected Structures
That development will conserve and enhance protected structures and their curtilage and will:

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

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

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

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is

appropriate in terms of the proposed scale, mass, height, density, layout and materials.

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

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

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

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

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

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

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

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

- 5.4.8. Section 16.10.18 of the plan refers to parking in the curtilage of protected structures and in conservation areas.

5.5. Natural Heritage Designations

- 5.5.1. None on the immediate area

5.6. EIA Screening

- 5.6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An agent for the applicant has appealed the decision of the Planning Authority to refuse permission. The appeal provides background to the current application, stating that the previous permission was refused on the grounds of lack of parking but it no longer applies to this city centre site, and that the current appeal takes full consideration of the protected structure status of the building.
- 6.1.2. The appeal states that the subject application complies with national, regional and local planning policy. The appeal refers to the Dublin City Council planning report and submits the following:
- Unless it is clearly shown to have an undesirable effect, the proposal is acceptable in principle,

- Original application did not include open space and the claim of over development is unsubstantiated. Indicates a prejudicial approach to the proposal.
- The application under appeal should be considered on its own merits, without reference to the previous planning history. The two proposed units comply with required standards.
- 1996 application did not include open space. This is centrally located site of less than 0.25ha with no available area for communal open space. This was accepted in the original application. Paragraph 4.12 of the 2023 apartment guidelines allows for flexibility in communal space provision on such sites.
- The increase in plot ratio from 2.0 to 2.3 is small. Dublin City Council fail to note that the conservation status does not cover the entire site, resulting in a higher permitted plot ratio for the rear portion of the site. The claim of over development is incorrect.
- 4 no. Sheffield bicycle stands are provided at the rear of the site. Copy of Block Plan PL0101 submitted.

6.1.3. The grounds of the appeal can be summarised as follows:

- Appellant does not concur with Planning Authority assessment that the extension would be overly bulky and obscure the rear elevation.
- The claim of over development is not borne out by reasonable criteria. Proposal does not involve an increase in footprint, is lower in height than the surrounding structures, site coverage remains the same and plot ratio is only slightly above the requirement for a conservation area. Two additional apartments is sustainable.
- The existing building will not be altered. It is not reasonable of the Planning Authority to obstruct further development.
- The permitted development did not include any communal open space, much like other city centre schemes. The Planning Authority failed to exercise discretion on sites of less than 0.25ha
- The claim of undesirable precedent should be discounted.

- The Planning Authority decision to refuse is based on subjective and unsubstantiated grounds. The Architectural Heritage Report confirms the positive nature of the proposal.
- The Board is requested to grant permission.
- The appeal is accompanied by 3D images of the proposed development, a Conservation Architects Report and a proposed block plan.

6.2. **Planning Authority Response**

6.2.1. The Planning Authority request the Board to uphold their decision to refuse permission. However, should the Board decide to grant permission, the following conditions should be attached:

- Section 48 development contribution
- Condition requiring the payment of a bond
- Condition requiring the payment of a contribution in lieu of the open space requirement not being met (if applicable)
- A social housing condition,
- A naming and numbering condition
- A management company condition.

6.3. **Observations**

6.3.1. None on file.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of Proposed Development
- Impact on Architectural Heritage
- Impact on Residential Amenity

7.2. Principle of Proposed Development

- 7.2.1. Residential development is permitted in principle in Z8 Georgian Conservation areas. The appellant submits that the 'Conservation Area' red-hatching affects only the front of the site (see Map E) and therefore the plot ratio and site coverage standards to not apply to the rear, that part of the site on which development is being sought. I draw the Boards attention to section 11.5.3 of the 2022 development plan which refers to Z2 and Z8 zonings and Red-Hatched Conservation areas. It is clear from the section that each one of these 'Conservation Areas' are recognised as having conservation merit and importance and warrant protection through zoning and policy application. The wording of Policy BHA9 states that it is the policy of Dublin City Council *"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"*.
- 7.2.2. The Board will note that while the hatched 'conservation area' crosses the front of the site, the entire site is zoned Z8 Georgian Conservation Area. I am satisfied that the development management standards apply to development across the entire subject site.

7.3. Impact on Architectural Heritage

- 7.3.1. I note the report of the Conservation Officer of Dublin City Council. She notes that the removal of sash window to the rear of the property, even though no original contributes to the special architecture character of the property and is not supported. She notes that the fanlight on the floor below would be blocked up resulting in a loss of light and special character to the stairway. She states that the proposed extension which is greater in scale and width than the adjoining extension would contravene policy BHA(2) of the development plan. With regard to the repointing of the front façade, the conservation report notes that the use of two different pointing treatments would be inappropriate.
- 7.3.2. The appellant responds to the CO report, stating that the existing rear extension is not a suitable model to emulate and that a new contemporary extension is appropriate. The appellant states that the proposed repointing is not permanent and that further investigation will take place. The appellant notes the importance of keeping the protected structure in use.

- 7.3.3. The rear façade of the existing protected structure has been altered by the existing extension but remains largely visible from Granby Lane. It is considered that the addition of two further floors would further obscure the façade. The existing three storey extension starts below ground and stands clearly as a subservient element of the existing building. This approach is also taken on the adjoining no. 30 where a narrow tall extension in contemporary finishes clearly marks a new entry on the building record of the protected structure. The proposed extension to no. 29 continues the width and scale of the 1996 extension albeit in a more contemporary finish. I do not consider the proposed development to be of exceptional design quality as required by policy BHA9. Nor do I consider the development to protect and enhance the character of the building and its setting.
- 7.3.4. I concur with the assessment of the Planning Authority and the CO that the proposed development is unsympathetic extension of an already altered protected structure and is contrary to policy BHA2 and BHA 9 of the development plan.

7.4. Impact on Residential Amenity

- 7.4.1. The Planning Authority second reason for refusal refers to over development of the existing protected structure and to section 15.9 of the development plan which provides apartment standards. The appellant states that the 13 no. apartments permitted in 1996 provided no communal open space and that decision should not be re-visited as part of the subject application.
- 7.4.2. While the proposed development refers to two additional residential units only, it must be read as part of the entire building development. Particularly given that building is a protected structure. While the proposed development cannot amend the residential amenity provided by the existing units in terms of failure to meet floor area standards, deficiency in communal open space, the proposed development cannot compound a situation that does not meet current standards for residential amenity. I draw the Boards attention to drawing no. PL107 which shows that the proposed development would create the window of the third floor rear bedroom looking in to a stairwell. Little to no natural light would enter the existing bedroom. In this instance the proposed development would actively injure the residential amenity of an existing residential unit.

- 7.4.3. Section 11.5.3 of the development plan refers to Z2, Z8 and red-hatched conservation areas. The indicative plot ratio of 1.5-2.0 and indicative site coverage of 45-50% as outlined in appendix 3 of the plan apply to 'conservation areas' as noted above. The proposed development involves a site coverage of 57% and a plot ratio of 2.3. I concur with the assessment of the Planning Authority that exceeding these standards is indicative of over development of the site.
- 7.4.4. I note the appellant submission that the Planning Authority did not address the flexibility offered on sites up to 0.25ha in the 2023 apartment guidelines. The Board will note that the Planning Authority did address the flexibility in the planning report and discounted it on the grounds of over development of a protected structure. I concur with that assessment. I note section 15.9 of the Dublin City Council development plan which requires that all apartment developments should make a positive contribution to the local area in terms of public open space and / or public realm improvements and should provide long term living environments for future residents through quality communal amenity spaces and attractive and sustainable internal units.
- 7.4.5. It is considered that the proposed development of a protected structure with multiple residential units represents over development of the site, which compromises the residential amenity of the existing residential units. It is considered that the proposed development fails to achieve the objective for Z8 Conservation Areas is to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.

8.0 AA Screening

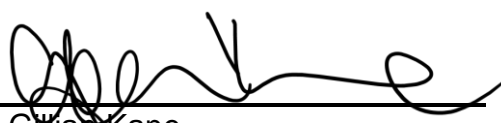
- 8.1.1. Having regard to the nature and scale of the proposed residential development in a fully serviced built-up urban area, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

9.0 Recommendation

I recommend permission be REFUSED for the following reasons and considerations:

- 1 It is considered that, by reason of its uncharacteristic design, the proposed development would materially and adversely affect the character and setting of the Protected Structure and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area. The proposed development is considered to contravene Policy BHA 2 and BHA 9 of the 2022-2028 Dublin City Council Development Plan which seeks to protect Conservation Areas and protected structures.
- 2 Having regard to the size of the site and the scale of development proposed on a site that accommodates a number of residential units, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future and existing occupants of the house and result in overdevelopment of the site by reason of inadequate provision of good quality communal open space and overbearing impact on some of the existing rooms to the rear of the existing house. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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



Gillian Kane
Senior Planning Inspector

16 June 2025

Form 1 - EIA Pre-Screening

Case Reference	
Proposed Development Summary	Extension to rear of protected structure to comprise two additional apartments
Development Address	29 Parnell Square West, D1
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Infrastructure projects (b) (i) Construction of more than 500 dwelling units.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector:

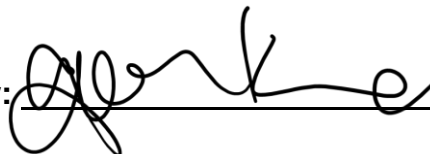


Date: 16 June 2025

Form 2 - EIA Preliminary Examination

Case Reference	
Proposed Development Summary	Extension to rear of protected structure to comprise two additional apartments
Development Address	29 Parnell Square West, D1
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Two apartments to rear of existing apartment building. Small scale addition, no demolition proposed, limited use of resources, no risk of pollution or nuisance
Location of development (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).	Established urban area with all services available. No environmental sensitivity
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).	No significant effects

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector:  Date: 16 June 2025