



An
Bord
Pleanála

Inspector's Report

ABP-322161-25

Development

Demolition of a house and part of the front boundary wall and the erection of two houses and ancillary site works.

Location

No. 1 Dartry Cottages, Dartry, Dublin 6.

Planning Authority

Dublin City Council South.

Planning Authority Reg. Ref.

3005/25.

Applicant(s)

B.S. Edge Property Services Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Refused.

Type of Appeal

First Party.

Appellant(s)

B.S. Edge Property Services Ltd.

Observer(s)

Philip O'Reilly.

Date of Site Inspection

16th day of May, 2025.

Inspector

Patricia M. Young.

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1.0 Site Location and Description

- 1.1. No. 1 Dartry Cottage, the appeal site has a stated site area of 492.5m². It is a residential plot that contains a modest in built form and height detached part single storey and part two storey period cottage that addresses the western side of Dodder Walk, that appeared to be in residential use. This structure's principal elevation (Note: east facing) has zero setback from the public domain of Dodder Walk, with the remainder of the site's roadside frontage onto Dodder Walk (Note: 32m in length) consisting of a rubble stone wall with a variable horizontal and vertical alignment containing two pedestrian timber gated openings and a vehicle entrance. The site is situated c100m to the south west of Dodder Walks junction with the heavily trafficked Dartry Road/Milltown Road (R820) and c580m as the bird would fly to the south west of Milltown Train Station, in the south Dublin city neighbourhood of Dublin 6.
- 1.2. The site levels fall from the northern end of the site, towards the southern boundaries of the site, with the drawings indicating that the change in ground level is c2.4m and the dwelling occupying the lower levels of the site. To the west of the dwelling house there is a steel container which lies to the north of an L-shaped gravelled driveway. This driveway lies to the south and west of an enclosed green space that runs alongside the southern elevation of the dwelling house. This driveway also appears to serve a mobile home that lies alongside the western boundary of the site and the submitted drawings indicate a right of way providing access from the vehicle entrance serving the site running inside of the southern boundary to where it meets the plot on which this Third Party structure is sited.
- 1.3. No. 2 Darty Cottages adjoins the southern boundary of the site. This period property has been subject to recent refurbishment and extension works. No. 2 Darty Cottages forms part of a terrace group of four period dwellings that vary in their period design and their modest single and two storey heights. These properties together with No. 1 Darty Cottage address the western side of Dodder Walk to the north of where this restricted in width lane meets pedestrian entrance onto Dartry Park. At this point the laneway widens out and there is further two on-street car parking spaces. On the opposite side of No.s 1 to 5 Dartry Cottage's streetscape scene is the banks of the River Dodder. At the time of inspection, I observed that the water level of this watercourse was high.

- 1.4. The carriageway alongside the western side of Dodder Walk in the vicinity of No.s 1 to 5 Dartry Cottages is restricted in its width by on-street car parking spaces.
- 1.5. To the north of the dwelling the on-street public car parking spaces continue along the western side of Dodder Walk to the bend and to the north east of the bend there is also a provision of on-street car parking spaces on the eastern side of the lane with the width of this lane widening at the point where it meets Dartry Road. The neighbouring lands to the north and west of the site have a mature sylvan character.

2.0 Proposed Development

2.1. Planning permission is sought for:

- Demolition of the existing two storey house (Note: total floor area of 73m² and ridge height of c5.78m roadside to 5.954m to the rear) and part of the front boundary wall.
- Construction of two three storey semi-detached houses that are shown to have a part two storey and part three storey built form with a maximum height of c10.67m at their southern elevation and this dropping to 5.99m at its lowest point at their northern elevation (Note: total floor area of 455m²).
- All ancillary site works and services.

The planning application indicates that the proposed development would consist of 1 No. 2 Bedroom and 1 No. 3 Bedroom Dwellings, with one served by two car parking spaces.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority refused permission for the following stated reasons:

- “1. *Having regard to the design, height and massing of the two proposed new houses, and location of the balcony/terrace on the southern boundary (house 1), located within a designated conservation area, opposite the River Dodder, and also within a Z9 open space zoning, it is considered that the proposed*

houses would be an incongruous form of development, would detract from the character and setting of this Conservation area and would result in overlooking of the adjoining property to the south, which would seriously injure the visual and residential amenities of the area. The proposed development would set an undesirable precedent in the area, which would be contrary to Policy BHA9 which seeks to protect the special interest and character of all Dublin's Conservation Areas. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area.

- 2. The proposed development which provides for an additional house on this site, is neither a 'permissible' nor 'open for consideration' use within the Z9 zoning which has a landuse objective 'To preserve, provide and improve recreational amenity, open space and ecosystem services'. The proposed development would therefore be contrary to the Z9 zoning, would set an undesirable precedent for similar developments and would be contrary to the proper planning and sustainable development of the area.*
- 3. The site is located with an area of archaeological and industrial heritage interest. The applicant has failed to provide sufficient justification for the proposed demolition of the extant cottage and related boundary walls, which are considered to make a positive contribution to the streetscape at this location. The proposed development would therefore be contrary to Policy BHA11 (Rehabilitation and Reuse of Existing Older Buildings) and Policy BHA10 (Demolition in a Conservation Area) of the Dublin City Development Plan 2022-2028, and as such, would seriously injure the visual amenities of the area, and would be contrary to the proper planning and sustainable development of the area.*
- 4. Having regard to the proposed removal of an on-street parking space to accommodate a private off-street parking space, it is considered that the proposed development would be contrary to the provisions of Section 8.5.7, Policy SMT25, in relation to car parking, and Appendix 5 (Transport and Mobility) of the Dublin City Development Plan 2022-2028. Furthermore, the width of the proposed vehicular entrance and quantum of car parking spaces proposed would exceed the maximum standards set out in Section 4.3.1 and Table 2 of Appendix 5 and would set an undesirable precedent for other similar*

developments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report dated the 27th day of February, 2025, is the basis of the Planning Authority's decision. It includes the following comments:

- The site of the proposed development is sensitive to change in terms of its zoning and due to it forming part of a Conservation Area as well as zone of archaeological constraint.
- The principle of residential development on 'Z9' zoned land is neither permissible nor open for consideration and the existing dwelling is a non-conforming use.
- The proposed three storey built form through to increasing the density of residential development on this site would set an undesirable precedent.
- The proposed houses due to their design, height, massing and scale would detract from the character and setting of the area.
- The proposed development would be an incongruous form of development along this narrow road and the design represents a poor response to its site context as part of a Conservation Area.
- The internal and external spaces for the proposed dwelling units are deemed to be acceptable.
- The site is located within an area of archaeological and industrial heritage interest, with the potential excavations to accommodate a larger structure not adequately justified.
- The applicant has not sufficiently justified the demolition of the existing structure.
- This proposal requires the loss of an on-street pay & display/permit car parking space, and the site already benefits from a private vehicle access.
- No adverse amenity impacts would arise on Orwell Park properties.
- Proposal would give rise to overlooking of No. 2 Dartry Cottage.

- An appropriate assessment screening report should have been submitted.
- No EIA issues arise.
- Recommendation of refusal of permission.

3.2.2. Other Technical Reports

Archaeology (14.02.2025): This report concludes with a request for additional information. It includes the following comments:

- The red line boundary of the site is within a zone of archaeological constraint for a Mill Pond and Mill Race (RMP DU022-09601- and DU022-09602-). In relation to these Recorded Monuments, it is indicated that their status is unclear, and the proposed development appears to impact on this zone. These structures are afforded protection under Section 12 of the National Monuments (Amendments) Act, 1994.
- The archaeological potential of this site is high.
- No archaeological or building survey/conservation report was submitted. The absence of such documents is contrary to the Development Plan policies.
- There is a strong possibility that the cottage relates to Dartry and Milltown's extensive industrial heritage.
- Historic cartographic sources indicate that structures have occupied the footprint of the subject site since at least 1837 as evidence by the first edition Ordnance Survey six inch to a mile map. Additionally, Dartry Cottages are named on the 1879 Ordnance Survey five feet to one Statute Mile City of Dublin: Rathmines and Rathgar Township sheet XXII.27 map, which shows the plot boundaries of the subject in more details
- The street-facing wall of the cottage is visible in a late nineteenth/early twentieth century photograph.
- There appears to be a significant level difference within the red line boundary of the site. A retaining wall directly to the north wall of the cottage leads to an area of much higher ground, which may be related to the mill pond along and partially within the northern boundary of the site.
- Preservation *in situ* by way of retention of existing structures and low impact foundation design is the preferred option.

- The existing cottage looks as though it was once part of a small east-west terrace along the southern bank of the mill pond. Despite the modifications to it there remains a high possibility for the survival of historic fabric.
- The applicant has not sufficiently justified the demolition of the existing structures. The removal of these structures would potentially have a very high archaeological impact and would irrevocably alter the scale and grain of the immediate area, which has a strong industrial heritage identity.
- The additional information sought includes: 1) consult with the City Archaeologist in preparing a full Archaeological Assessment and impact statement, as outlined in Section 3.6 of the Framework and Principles for the Protection of Archaeological Heritage (1999); and 2) preparation of a historic buildings survey.

Transportation (11.02.2025): This report concludes with an additional information recommendation and in the event of a refusal of permission recommend that this includes the following:

- “1. *The proposed vehicular entrance would result in the removal of on-street parking to accommodate private vehicular entrance, which would be contrary to the policy of the planning authority, as set out in Policy SMT25, Section 8.5.7 and Appendix 5, Section 4.1 of the Dublin City Development Plan 2022- 2028, which aims to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity, and accessible parking requirements. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the stated policy and would set an undesirable precedent for other similar developments in the area. The development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The vehicular entrance to the proposed garage serving house no. 1 which measures 5m in width is contrary to Section 4.3.1, Appendix 5 of the Dublin City Development Plan 2022- 2028.*
3. *The subject site is located within car parking Zone 2, as per Map J, Appendix 3 of the Dublin City Development Plan 2022- 2028. Table 2, Section 4.0,*

Appendix 5 of the Development Plan sets out the maximum car parking standards in respect of houses as 1 no. car parking space per dwelling in Zone 2. The proposed garage serving house no. 1 illustrates 2 no. car parking spaces which is contrary to the maximum car parking standards as set out in the Development Plan.”

Note: The additional information request firstly relates to the removal of an existing on-street pay and display permit parking space and seeks the vehicle access to be modified to a maximum width of 3m. Secondly it requires the provision of in curtilage cycle parking for each dwelling in a manner compliant with Development Plan standards.

Engineering Department – Drainage Division (27.01.2025): Concludes with a request for additional information based on the lack of adequate information that demonstrates satisfactory management of surface water. This report also indicates it should be demonstrated that the design and construction of a soakaway should be in a compliant manner with BRE Digest 365 and CIRIA C753. Also, it indicates that the proposed development requires the incorporation of Sustainable Drainage Systems in the management of surface water; the submission of a Flood Risk Assessment; and, demonstration of no increase in surface water to the public drainage network.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. During the course of the Planning Authority’s determination of the subject application it received 6 No. Third Party observations. The main issues raised are summarised as follows:

- Procedural concerns in relation to the display of the site notice.
- Adverse impacts of the proposed development on properties in the vicinity by way of loss of privacy and visual overbearance.

- The demolition of this traditional dwelling that is not supported nor is it considered that the replacement three storey building is sympathetic in its design, scale, mass with the character of this area.
- Concerns raised in relation to the loss of habitat.
- Capacity of Dodder Walk to safely absorb the proposed development is questioned.
- Dodder Walk is a substandard laneway, and this development would adversely impact upon its function as well as character.
- The site is in an area of high risk of flooding.
- This development would give rise to public safety and traffic hazard issues.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. 3248/97:**

Permission was **granted** subject to conditions for a development consisting of the remodelling and extension of the existing dwelling residence which comprised of increasing accommodation from two to four bedrooms with one additional bathroom and new living room with sunroom and deck.

Decision date: 28.09.1998.

4.2. Setting - Recent

- **P.A. Ref. No. 3225/23:**

Permission was **granted** subject to conditions for a development consisting of a new dormer to front elevation; re-roofing existing extension to rear and installing new rooflight; alterations to front, side and rear elevation; new rooflights to front, sides and rear of the existing dwelling; new front gate and all associated site works.

Decision date: 11.04.2023.

5.0 Policy Context

5.1. Local

- 5.1.1. The site forms part of a larger parcel of land that is zoned 'Z9 Amenity/Open Space Lands/Green Network' under the Dublin City Development Plan, 2022-2028. The land use zoning objective for such lands is: *"to preserve, provide and improve recreational amenity, open space and ecosystem services"*. I note this latter land use zoning is applied to not only public but also private lands in the city and with the existing residential use of the site a type of land use that is not listed as being permissible or open for consideration.
- 5.1.2. Further, in relation to 'Z9' zoned lands Section 14.7.9 of the Development Plan states that: *"generally, the only new development allowed in these areas, other than the amenity/recreational uses, are those associated with the open space use"* and that *"these uses will be considered on the basis that they would not be detrimental to Z9 zoned lands"*. Additionally, this section of the Development Plan indicates that *"in certain specific and exceptional circumstances, where it has been demonstrated to the satisfaction of the planning authority, some limited degree of residential or commercial development may be permitted on Z9 land subject to compliance"* with criteria that is set out in this section of the Development Plan.
- 5.1.3. In the context of the above Section 14.5 of the Development Plan which deals with non-conforming land uses is relevant and it describes them as: *"uses that do not conform to the zoning objective for their area"* and it states that: *"all such uses, where legally established (the appointed day being 1 October 1964) or where in existence longer than 7 years, shall not be subject to proceedings under the Planning and Development Act 2000 (as amended) in respect of the continuing use. When extensions to, or improvements of, premises accommodating such uses are proposed, each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area"*.
- 5.1.4. The site forms part of a Red-Hatched Conservation Area that overlaps with the River Dodders watercourse. In relation to such areas Section 11.5.3 of the Development Plan states that: *"the special interest/value of Conservation Areas lies in the historic*

and architectural interest and the design and scale of these areas. Therefore, all these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas". Policy BHA9 of the Development Plan is also of specific relevance to this type of Conservation Area in that it seeks to: *"protect the special interest and character of all Dublin's Conservation Areas" and states that "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"*.

- 5.1.5. The site as indicated under MAP H of the Development Plan is located within a zone of archaeological interest for a Mill Pond and Mill Race (Recorded Monument & Place (RMP) DU022-09601- and DU022-09602-). Therefore, Policy BHA26 of the Development Plan is of relevance. This policy seeks to protect and preserve RMP's and: *"protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of re-use of standing buildings, the construction of light buildings, low impact foundation design"*.
- 5.1.6. Additionally, Policy BHA6 of the Development Plan is of relevance to these RMPs but also to the building on this site for which demolition is sought as it appears on historic maps including the Ordnance Survey of Dublin City, 1847. This policy states: *"that there will be a presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847"*. It also states that: *"a conservation report shall be submitted with the application and there will be a presumption against the demolition or substantial loss of the building or structure, unless demonstrated in the submitted conservation report that it has little or no special interest or merit having regard to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011)"*.
- 5.1.7. Of further relevance to the proposed development is Policy BHA10 of the Development Plan based on the site's Conservation Area location and this proposal seeking to demolish the existing dwelling on site as well as a historic stone wall. It states: *"there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit"*.

- 5.1.8. Section 11.5.3 of the Development Plan also provides for buildings of heritage interest including vernacular buildings stating that these can: *“make a positive contribution to the historic built environment of the city”* and that: *“the retention and reuse of these buildings add to the streetscape and sense of place and have a role in the sustainable development of the city. There will be a presumption against demolition of individual structures of vernacular or historic/ social interest that contribute to the character of an area”*.
- 5.1.9. Policy BHA11 of the Development Plan is therefore of relevance to the nature of the development sought. It seeks, where appropriate, and encourages *“the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment”* and it encourages the retention and/or reinstatement of original fabric of historic buildings.
- 5.1.10. Chapter 15 sets out the applicable development management standards.
- 5.1.11. 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. I therefore note that 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.
- 5.1.12. Section 15.7.1 of the Development Plan deals with the matter of Re-use of Existing Buildings states 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”.

5.1.13. 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”.*

5.1.14. Policy CA6 of the Development Plan states that the City Council will seek: *“to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible”.*

5.1.15. In relation to ecology, I note that Section 9.5.2 of the Development Plan deals with the matter of urban watercourses and water quality. It refers to the Water Framework Directive (WFD) which it notes is the environmental legislation which aims to protect and improve water quality in support of ecology and the attainment of good status in our rivers, lakes, groundwater and transitional coastal waters by 2027. It also states that: *“the City’s rivers are currently not achieving a ‘good ecological status’ as per the WFD. Data from the 2013-2018 monitoring period indicates that their WFD status ranges from ‘moderate’ to ‘poor’, while the status of the City’s transitional waterbodies ranges from ‘good’ to ‘moderate’ ...”.* It further indicates that: *“it is the objective of the Council to prepare river corridor restoration strategies for the City’s watercourses and to develop a long term, integrated and interdisciplinary approach to linking the restoration of the City’s rivers and tributaries to land use planning, urban regeneration, climate adaptation and the provision of ecosystem services such as flood management, habitat provision and pollution control”.* Policy SI7 of the Development Plan seeks to *“promote and maintain the achievement of at least good status in all water bodies in the City”*; Policy SI8 seeks to protect the physical condition of Waterbodies; Policy SI9 seeks: *“to promote the progressive reduction of pollution of groundwater”* and Policy SI10 seeks to managing development within and adjacent to river corridors.

5.1.16. Other relevant Development Plan policies and provisions include:

- BHA12: Industrial, Military and Maritime, Canal-side and Rural Heritage.
- CA7: Energy Efficiency in Existing Buildings.

- 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.
- SI13: Minimising Flood Risk.
- SI15 & SI16: Site Specific Flood Risk Assessment.
- Section 15.3.3: Ecological Impact Assessment.
- Policy GI29: Protect Character of River Corridors.
- Policy GI34: New Development and Public Open Space along River Corridors.
- GI40: Protect Character of River Corridors

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 3.2 – Promotes compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city.
 - RPO 4.3 - Supports the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs
 - 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.”

Additionally, the site lies in the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP), including brownfield and infill development, to achieve a target to 50% of all new homes within the built-up area of Dublin City and its suburbs.

5.3. National

5.3.1. The following are of relevance:

- Project Ireland 2040 - National Planning Framework (NPF), 2018-2040, as amended.
- Climate Action Plan, 2025.
- Housing for All - A New Housing Plan for Ireland, 2021.
- Rebuilding Ireland – Action Plan for Housing and Homelessness, 2016.
- National Sustainable Mobility Policy, 2022.
- National Biodiversity Action Plan, (NBPA), 2023-2030.
- Places for People – the National Policy on Architecture, 2022.
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009.
- Appropriate Assessment Guidelines for Planning Authorities.
- 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.
- 5.4.2. The nearest Natura 2000 sites are the Special Area of Conservation: South Dublin Bay SAC (Site Code: 000210) and the Special Protection Areas: South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), which at their nearest lateral separation distance from the appeal site circa 3.8km to the east.
- 5.4.3. I also note that Proposed Natural Heritage Areas: South Dublin Bay (Site Code: 000210) is similarly located with a lateral separation distance of circa 3.8km to the east of the site.

6.0 EIA Screening

- 6.1.1. See completed Forms 1 and 2 attached.
- 6.1.2. Having regard to the limited nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to any sensitive location, I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended).
- 6.1.3. Conclusion:

In conclusion, the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The First Party grounds of appeal seeks that the Board grant permission for the proposed development and it can be summarised as follows:

Local Planning Provisions

- The reason for refusal would make sense only if this site were in open space.

- This residential site should not be zoned 'Z9'. Such a land use zoning affects the proper planning and sustainable development of this residential setting.

Proposal

- This proposal seeks to renew this established residential site.
- The site is suitable for two residential units and such an outcome would accord with the proper planning and sustainable development of the area.
- The existing house is compromised by the heights of its living accommodation.
- This proposal would not overpower its surroundings.

Feasibility of Re-Use of the Existing Dwelling

- The main structure of the existing house is made from random rubble, is substandard and difficult to reuse.

Car Parking

- The appellant indicates that they would have no issue with incorporating the car parking space within the proposed development.

7.2. Planning Authority Response

- 7.2.1. The Board is requested to uphold its decision. Should permission be granted it is requested that a Section 48 development contribution; payment of a bond; and a naming/numbering conditions be imposed.

7.3. Observations

- 7.3.1. The Third-Party Observation can be summarised as follows:

Planning Authority Decision

- The decision to refuse permission was correct on the basis that the proposed development would be seriously out of character with its setting.

Design and Layout of Proposal

- The proposed development is out of scale with other properties in its setting.

Flooding

- This location has been subject to past catastrophic flooding events.
- The site is near a river and the site levels of the proposed development is not much higher than this waterbodies levels.
- More flooding is anticipated due to climate change and as such this location is not one that is suitable for increased intensity of residential development.

Other

- A copy of their submission to the Planning Authority is provided. This includes the following additional comments:
 - Concerns are raised in relation to the demolition of a traditional house.
 - Dartry Cottages is an area of one and two storey structures.
 - There is no spare capacity for the proposed development.

8.0 Assessment

8.1. Introduction

8.1.1. I am satisfied that the main issues that arise in this appeal case are those which relate to the Planning Authority's four reasons for refusal. I therefore propose to assess this appeal case under following broad headings:

- Principle of the Proposed Development
- Compliance with Planning Provisions
- Built Heritage & Archaeological Heritage
- Residential Amenity Impact
- Drainage & Flood Risk
- Parking & Traffic Hazard
- Other Matters Arising

8.1.2. The matter of Appropriate Assessment also requires examination. This I propose to examine separately under Section 9 of the report below. I am satisfied that there are

no other substantive concerns arising in relation to this appeal case that warrant further consideration as part of the *de novo* assessment below. This I note includes that I concur with the Planning Authority that in general the spatial standards of the proposed internal and external amenity spaces of the two dwelling units are by and large compliant with relevant planning standards/guidance.

8.2. Principle of the Proposed Development

- 8.2.1. I refer the Board to Section 2 of this report above which sets out the proposed development sought on the site of No. 1 Dartry Cottage. It can be summarised as consisting of the demolition of the existing part single and part two storey dwelling house on site to facilitate the construction of a part two and part three storey residential building that would contain two dwelling units.
- 8.2.2. In relation to the land use zoning principal of the proposed development I note that the site though containing an existing dwelling house forms part of a larger parcel of land that is zoned '*Amenity/Open Space/Green Network - Z9*' under the Dublin City Development Plan, 2022-2028. The land use objective for such lands is to preserve, provide and improve recreational amenity, open space and ancillary site works. This land use also encompasses the other period group of cottages that are known as Dartry Cottages.
- 8.2.3. Of relevance Section 14.7.9 of the Development Plan indicates that residential developments are neither permissible nor open for consideration on 'Z9' zoned lands. This section of the Development Plan also indicates that generally the only new development allowed on lands zoned 'Z9' other than the amenity/recreational uses, are those associated with the open space use and where they would not be detrimental to the land use objective of these zoned lands.
- 8.2.4. Section 14.7.9 of the Development Plan also indicates that in certain specific and exceptional circumstances, where it has been demonstrated to the satisfaction of the Planning Authority, that some limited degree of residential development may be permitted on 'Z9' land. It clarifies that this subject to compliance with the criteria below against which I propose to comment upon in turn on the matter of whether they are applicable to the proposed development and/or demonstrated by the First Party in the documentation provided with this application:

- 1) *Where it is demonstrated that such a development would be essential in order to ensure the long-term retention, enhancement and consolidation of a sporting facility on the site.*

Not relevant. This conclusion is based on the fact that the proposed development relates to an established residential site for which intensification of dwelling units is sought in the form of a new development.

- 2) *Any such residential/commercial development must be subordinate in scale and demonstrate that the primary sporting land-use on the site is not materially eroded, reduced or fragmented.*

Not relevant for the same reasons as criteria 1 above but it could be considered that the replacement of an existing residential floor area of 73m² with a residential floor area of 455m² is not subordinate in scale *albeit* the site is residential, a non-conforming land use on 'Z9' zoned lands.

- 3) *In all cases, the applicant shall submit a statement, as part of a legal agreement under the Planning Acts, demonstrating how the sports facility will be retained and enhanced on site.*

Not relevant for the same reasons as criteria 1 above.

- 4) *In proposals for any residential/commercial development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities, would not be compromised.*

As noted in relation to the second criterion the proposed development consists of a significant intensification of residential use on this site in terms of floor area and proposes to double the dwelling units from one to two. House 1 has a given private open space of 121m² and House 2 a given private open space of 141m². If the proposed development was deemed to be acceptable arguably there is still space within this 492.5m² in area site given the building footprint for future extensions or additions while still maintaining the required standard of private amenity open space for both dwellings, subject to safeguards.

- 5) *In all cases the applicant shall be the sports club owner or have a letter of consent from the owner.*

Not relevant as No. 1 Dartry Cottage is a privately owned property.

- 8.2.5. Though I accept that the proposed development is not inconsistent with Criteria 4 overall notwithstanding it is a type of development that otherwise does not correlate with the other four criteria of Section 14.7.9. As such, I consider that as residential development is neither permissible nor open for consideration on 'Z9' zoned lands it is appropriate for the Board to have regard to Section 14.5 of the Development Plan which deals with non-conforming land uses in considering the principle of the proposed development sought. This against a context where the established residential use on this site is one that does not conform with the primary land use function and objectives of such land. Alongside based on the high probability that No. 1 Dartry Cottage and its residential use predates the 1st day of October, 1964.
- 8.2.6. With this being the case, the Development Plan provides subject to safeguards extensions to, or improvements of, premises accommodating non-conforming land uses where they are proposed. Section 14.5 states that: *"each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area"*.
- 8.2.7. Based on the assessment carried out below I am not satisfied that this proposed development is one that would not affect the amenities of premises in the vicinity, in particular No. 2 Dartry Cottage which would be significantly overlooked from the proposed development. Also, based on the following considerations as well as the other considerations set out under the following sections of this assessment, I am of the view that there is a number of substantive reasons and considerations that support that the proposed development is one that would prejudice the proper planning and sustainable development of the area if it were to be permitted.
- 8.2.8. In relation to the demolition of the existing dwelling on site I concur with the findings of the Planning Authority's Archaeologist that the date of its construction is unclear. Despite this I concur with them because of the evidence they set out in their report, including that it is highly probable that there has been a structure on this site from at least 1837 in the first Ordnance Survey six inch to a mile map with Dartry Cottages named on the 1879 Ordnance Survey give feet to one statute mile city of Dublin Maps and I share their concern that the retaining wall to the immediate north of this dwelling house has the potential to form part of the mill pond historically located to the north of this site. I also note that the photograph showing the presence of No. 1 Dartry Cottage

from a late nineteenth/early twentieth century photograph provided in the Archaeologist report with its appearance at this point being largely unchanged from the building that occupies this subject site and with this photograph also showing a tall boundary wall alongside its street frontage onto Dodder Walk. Though it is evident that as a built form there has been interventions made to it since. Of further concern demolition includes not only part of the front boundary of the site but also period stone retaining structures to the north of the site that potentially relate to the mill pond to the north of the site and the collection of mill structures at this location on the banks of the Dodder River.

- 8.2.9. It is therefore a significant concern that there is no historic building survey, structural survey, archaeological through to built heritage impact assessment of the proposed development provided with this application in relation to the level of demolition proposed to facilitate the proposed residential building containing two dwelling units on this site.
- 8.2.10. In relation to the existing dwelling of No. 1 Dartry Cottage I note that it forms part of a collection of though modified over time period modest single and two storey cottages that as a group are known as No.s 1 to 5 Dartry Cottage that front onto this surviving historic former cul-de-sac mill lane that are positioned on its western side facing onto the sylvan banks of the Dodder River. They are afforded protection in part under their designation as a Red-Hatched Conservation Area with Policy BHA9 of the Development Plan specifically seeking to protect their special interest and character including from development that have the potential to impact upon it.
- 8.2.11. I therefore raise concern that the proposed loss of this part single and part two storey cottage, its associated structures including the wall fronting onto the western side of Dodder Walk and the retaining walls though not visible from the public domain, would erode their setting as these features all positively contribute to the special interest of their Conservation Area. A Conservation Area setting whose character is highly informed by the industrial and riverside history of this lane. The replacement of these structures with a mainly three storey almost double the height and circa three times the roadside frontage built structure that is neither contemporary, innovative and of its time design would not overcome their positive contribution to this setting. A setting where No. 1 Dartry Cottage and its period structures blend harmoniously with No.s 2 to 5 Dartry Cottage as well as other surviving period structures including the tall stone

walls to the north of this site's roadside boundary. Together these structures are not only modest but have a strong period character that allows the history of this lane to be legible from its public domain, semi-private through to private spaces. I therefore consider that the demolition proposed under this planning application would be detrimental to this conservation area in a manner that is contrary to Policy BHA9 of the Development Plan.

- 8.2.12. Of further relevance in relation to conservation areas like this is Policy BHA10 of the Development Plan. It states that: *"there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit"*.
- 8.2.13. As discussed Nos 1 to 5 Dartry Cottages as they survive are highly probable to be tangibly connected with this historic land's industrial riverside use. These historic buildings are likely to be tangibly connected Recorded Monument and Place DU022-09601- and DU022-09602- whose zone of archaeological constraint includes these properties. As said, there is significant concern that there is potential archaeology of interest present on this site. With this likely to include the retaining wall structure to the rear of the existing dwelling. It is also possible that the existing dwelling contains earlier fabric from previous buildings that occupied this site as well as the surviving period stone walls that present onto Dodder Walk that demarcate the eastern boundary of the site are of significant age and built heritage/archaeological interest.
- 8.2.14. Against this context the applicant has provided no exceptional circumstance that would warrant the demolition of No. 1 Dartry Cottage which positively contributes to the special character, interest and legibility of this Conservation Area and the provision of a residential building that would be of no public interest or benefit. This development is a commercial residential redevelopment of this historic plot of lands and are not provided for the purpose of contributing to any significant public benefit. As such it is my view that the proposed demolition of the dwelling house and the other structures would in this modest period cul-de-sac laneway of recognised built and archaeological interest would be contrary to Policy BHA10 of the Development Plan.
- 8.2.15. To this I note that Policy BHA11 of the Development Plan seeks to support the rehabilitation and reuse of existing older buildings. This is against the context that

Section 11.5.3 of the Development Plan considers that these building often add to the streetscape and sense of place as well as they have a role in the sustainable development of the city. This section of the Development Plan states that: “*there will be a presumption against demolition of individual structures of vernacular or historic/ social interest that contribute to the character of an area*”. As discussed above and as set out in informative and evidence based detail by the Planning Authority’s Archaeologist, No. 1 Dartry Cottage is of both historic and social interest as part of its positive contribution to the character of this Conservation Area. In this context I consider that the proposed development to demolish No. 1 Dartry Cottage, the front stone wall and retaining wall within the site would be contrary to Policy BHA11 of the Development Plan. In addition to seeking the rehabilitation and reuse of existing older buildings, subsection (a) of this Development Plan policy also extends to structures and features that contribute positively to the character and appearance of the area in preference to their demolition.

- 8.2.16. For similar reasons I consider that the proposed development because of these outcomes would be contrary to Policy BHA12 of the Development Plan. This policy seeks to promote an awareness of Dublin’s industrial through to vernacular heritage, with Dartry Cottages at their time of construction forming part of the rural hinterland to the south of Dublin city that contained mill and associated infrastructure with this going back to medieval times. Additionally, a landscape that has been predominantly urbanised in the intervening times since these buildings and structures were constructed. However, this urbanisation of what was a rural hinterland does not visually inform or overwhelm the character of Dodder Walk which is highly secluded because of the dense mature green screening, with this in the context of the site also added to with these mature and dense tree planting sloping upwards to the north west and north of the site.
- 8.2.17. To this for the same reasons I consider that the proposed development would also be contrary to Policy BHA17 of the Development Plan. I note to the Board that this policy seeks to support the protection and restoration of the industrial heritage of the city’s waterways, including their associated features.
- 8.2.18. The above concerns are further added to by the Development Plan in a consistent manner with evolving regional through to national planning provisions and guidance

recognising that it is vital that the current and future forms in the built environment respond as well as are resilient to the impacts of climate change.

- 8.2.19. In this context I note that the Development Plans Core Strategy set out under Chapter 2 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 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”*.
- 8.2.20. To this 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, it indicates in relation to climate mitigation actions 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”*.
- 8.2.21. In tandem with this Chapter 3 sets out climate resilient policy provisions. Of relevance to the development sought under this application is the requirements of Policy CA6 of the Development Plan. This policy states that the City Council will seek: *“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 states that the City Council will seek: *“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”*.
- 8.2.22. In relation to the Developments Plan’s development management provision, I consider that it is of further relevance to the proposed development sought under this application 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". This section of the Development Plan also states 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".

- 8.2.23. This application is not provided with any such demolition justification report with as said also no historic building survey, structural condition report, built heritage impact assessment report provided through to archaeological impact assessment. With the First Party in their appeal submission simply setting out that the existing house having been evaluated compromised by the heights of its living accommodation and the fact that it is made from random rubble walls which are as the main structural systems difficult to reuse. This is practically the scope of their justification for the demolition of the existing dwelling which would appear to have been sold circa 2023 as a habitable dwelling in good condition containing two bedrooms as well as sundry living spaces. To this I note that at the time of my inspection the property appeared to have the appearance of being in habitable use with also a post box, outdoor furniture through to three waste bins present. I therefore raise significant concern that the proposed development is one that seeks demolition of a habitable dwelling which there is a presumption against in the Development Plan as discussed further in the considerations of the proposed development against climate resilience compliance in this section below.
- 8.2.24. Moreover, there is no assurance provided in relation to the structural standard in terms of energy efficiency and the like for the proposed new replacement residential building that would contain two dwelling units.
- 8.2.25. On this point I note that Section 15.18.7 of the Development Plan which deals with the matter of renewable energy and Section 15.18.8 indicates that the City Council encourages utilisation of renewable energy sources such where feasible. This approach to more climate resilient development accords with Policy CA11 and CA2 of

the Development Plan. Additionally, of further relevance on this matter I note that Section 15.4.3 of the Development Plan which deals with the matters of sustainability and climate action states that: *“good design has a key role to play in both reducing waste and emissions which contribute to climate change. These issues must be considered from the outset of the design process. Development proposals will be expected to minimise energy use and emissions that contribute to climate change during the lifecycle of the development with an aspiration towards zero carbon, and ensure the reduction, re-use or recycling of resources and materials, including water, waste and aggregates. To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new build”*.

- 8.2.26. Based on the proposed demolition together with the details provided in relation to the loss of this building through to the climate resilient measures proposed for the residential building sought I am not satisfied that the proposed development is one that accords with these Development Plan provisions. Arguably there is also a missed opportunity in this proposal to not incorporate any of the existing built fabric, particularly the stone, as part of helping this building absorb with the built attributes of the proposed buildings setting.
- 8.2.27. In terms of higher-level policy provisions, 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.
- 8.2.28. Also, 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”*.
- 8.2.29. 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”.

- 8.2.30. To this I also raise concerns that the demolition through to the significant excavation that would be required by the construction of the proposed residential building and its associated services and works is one that requires as part of planning considerations the submission of an archaeological assessment. This requirement is clearly set out under Section 11.5.5 and Policy BHA26 of the Development Plan.
- 8.2.31. This has not been provided with this application and as such it is not clear what impact the proposed development would have on the zone of archaeological constraint for RMP DU022-09601- and DU022-09602-.
- 8.2.32. In the absence of such an assessment is not possible to determine whether the principle of the proposed development is acceptable in terms of it demonstrating that it would not give rise to any adverse built heritage and archaeology material at this location.
- 8.2.33. This is against a context where Policy BHA019 of the Development Plan indicates that the City Council will seek the protection, preservation and promotion of built heritage, including architectural heritage through to archaeological heritage and support the in-situ presentation and interpretation of archaeological finds within new development.
- 8.2.34. This is also importantly against the context that Policy BHA26 of the Development Plan provides for the protection and preservation of Monuments and Places listed on the statutory Record of Monuments and Places (RMP) as established under Section 12 of the National Monuments (Amendment) Act 1994 which have been identified in the Record of Monuments and Places. With this policy also seeking that archaeological material is protected *in situ* by ensuring that only minimal impact on archaeological layers is allowed, by way of re-use of standing buildings, the construction of light buildings through to low impact foundation design. There is no assurance provided with this application that this would be the case.
- 8.2.35. Though I accept that there is a general presumption of consolidation and densification of serviced lands within the built up area of cities including Dublin; however, this is subject to safeguards. Having regards to the substantive concerns raised in relation

to the principal of the proposed development I am not satisfied that it is one that is generally acceptable or is it one that accords with the principle of where demolition through to development is permitted having regards to the sensitivities of the site and its location as provided for under the Dublin City Development Plan, 2022-2028.

- 8.2.36. Conclusion: I am not satisfied that the principle of the proposed development is one that is acceptable in a manner that could be considered not to be prejudicial to the proper planning and sustainable development of the area.

8.3. Built Heritage & Archaeological Heritage

- 8.3.1. The Planning Authority's second reason for refusal raised concerns that the proposed development would be a visually incongruous form of development that would detract from its Conservation Area setting in a manner that would be contrary Policy BHA9 of the Development Plan. I have under Section 8.2 considered the principle of the proposed development against this Development Plan policy provision and to this I consider it appropriate to address in more detail the built heritage as well as archaeological concerns arising from the proposed development against its site and setting.
- 8.3.2. To this I raise significant concerns in relation to the replacement residential building sought. This building would give rise to a sizeable increase in residential floor area in comparison to that on this 492.5m² in area site and concerningly it would have a three-storey presentation that would adjoin c29m of the western side of Dodder Walk with its height at its tallest point given as 10.67m. This height is significantly taller than the modest ridge height of the existing dwelling on site which where it bounds the public domain of Dodder Walk has a given ridge height of 5.78m and a roadside width of 8.3m which are reflective of its modest built form and its irregular square footprint.
- 8.3.3. This is also against a context where the period group of cottages No. 1 Dartry Cottage forms part of, in particular, the recently modified and extended No. 2 Dartry Cottage, which included a dormer attic level has a given ridge height of 5.815m and a roadside width of c3.8m. This ridge height is like other Dartry Cottages as is the modest widths of No.s 1 to 5 Dartry Road as they present to Dodder Walk, with their main built forms extending westwards into their individual plots. There are also single storey modest period buildings present in this group and as such No. 1 Darty House forms part of

harmonious in period design and built attributes period buildings that together positively contribute to their Conservation Area streetscape scene of Dodder Walk in a context where this modest cul-de-sac has a strong sylvan and green riverside edge quality.

- 8.3.4. In its context I consider that the proposed replacement building on this site would be highly visible from the public domain of Dodder Walk as a visually dominant and incongruous three storey building despite the separation between its southern elevation and No. 2 Darty Cottage to the south. It would also be visually highly dominant in terms of the mobile home that occupies a separate appearing to be in residential use plot accessible from the public right of way along the southern boundary of the site.
- 8.3.5. In relation to the proposed new building on site, the documentation provided indicates that it is to extend c29m along the western side of the public domain of Dodder Walk. The three storey height of this building as noted above is out of character with other buildings within its Dodder Walk visual setting and it is also my view that there is little in the way of vertical relief in the treatment of the façade in terms of its detailing, solid to void through to palette of material treatments.
- 8.3.6. I further consider that there is no meaningful graduation or breaking up of this proposed building's mass, volume and scale to provide a level of visual integration with the pattern of development that characterises the terrace group of No.s 2 to 5 Dartry Cottages and, also, how No. 1 Dartry Cottage compliments this terrace group.
- 8.3.7. Alongside there is little defensible space provided between this proposed building's roadside frontage which in my view is a missed opportunity to provide soft landscaping relief of what is such an out of context with the pattern of development building. With the larger more recent built form 'Poddle Audio Limited' building not being highly visible given that as a building its two storey built form is set into the site and with the changed horizontal and vertical alignment of Dodder Walk is and mature trees it presents as a visually separate but not highly dominant insertion on this modest cul-de-sac lane.
- 8.3.8. There is also limited vertical and horizontal relief to break the monotony of this façade or indeed echoing that what is proposed is two separate dwelling units.
- 8.3.9. The drawings appear to suggest that in terms of its façade addressing Dodder Walk that its height would have a parapet of 8.915 with the mono-pitch roof structure rising

to the rear that relative to its southern side would have a height of c10.35m, with this height carried through in a northerly direction but the built form reflecting that the ground levels rise in this direction and as such towards its northern end the height would drop from c9m in terms of its three storey presentation and at its most northern point c4.7m.

- 8.3.10. The palette of materials is a mixture of stone at ground level with this punctured by a large 5m in width garage door, two window openings and two doors serving the proposed dwelling units. The upper floor levels are mainly finished in selected render with Alu clad windows with standing seam zinc roof over
- 8.3.11. In terms of the architectural design approach, I consider it is neither high quality innovative of its time nor is it responsive to its setting. This is a concern given that Policy BHA9 of the Development Plan seeks that development within or affecting a Conservation Area must contribute positively to its character and distinctiveness as well as protect and enhance the character and appearance of the area and setting wherever possible. In relation to enhancement opportunities, this policy includes replacement or improvement of any building, feature or element which detracts from the character of the area or its setting. This is not the case in this situation, and it is a concern that the replacement building is such that it would not detract from the character of the area and its setting for the reasons set out previously. Moreover, even though I would consider the architectural design concept for the proposed building is not contemporary, it is of note that enhancement opportunities include that such buildings should be of exceptional design quality, with the general focus of this policy being developments must contribute positively to their Conservation Area setting and enhance wherever possible.
- 8.3.12. I also consider that the proposed residential building sought under this application would be visually incongruous and overtly dominant in terms of its relationship with No.s 2 to 5 Dartry Cottages, with the design relative to No. 2 Dartry Cottage being one that would significantly diminish the residential amenities of this historic property by way of overlooking and perception of being overlooked. Moreover, it would be a development that would be facilitated by the loss of a historic building and historic structures in a manner that is contrary to Policy BHA9 which in part seeks that development within or affecting a Conservation Area must contribute positively to its character and distinctiveness through to as new building layer it is not of any

exceptional architectural design quality or a design that could be considered to be one that would be in harmony with the Conservation Area.

- 8.3.13. Further, as said under the Development Plan there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit. There is as discussed in the previous section of this report no exceptional circumstance provided for the loss of the historic building at No. 1 Dartry Cottage to facilitate a building that would not contribute any significant public benefit but would rather diminish the Conservation Area it would form part of by the diminishment it would give rise to the streetscape and sense of place of this stretch of Dodder Walk.
- 8.3.14. In addition to the above I note that the Planning Authority's third reason for refusal included concerns that as the site is located within an area of archaeological and industrial heritage interest that the applicant has failed to demonstrate sufficient justification for the loss of the existing historic building thereon.
- 8.3.15. It notes the contribution of this historic building and the historic boundary wall which is also proposed for demolition as part of the proposed development sought. Considering that if permitted it would be contrary to Policy BHA10 of the Development Plan. In relation to this reason for refusal I again refer the Board to the previous section of this assessment and to this I add that Policy BHA9 of the Development Plan also as said seeks the retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
- 8.3.16. I share the concerns raised by the Planning Authority, particularly in the context where there is no built heritage and archaeological assessment of the impacts of the proposed development in a context where there is a long history of built structures at this site and industrial mill activity along the Dodder River.
- 8.3.17. This boundary wall which immediate fronts onto the public domain of Dodder Walk adds to the special character, interest, legibility through to the integrity of this cottage as it survives as part of a group of cottages that are known as No.s 1 to 5 Dartry Cottages.
- 8.3.18. Its loss would further erode their surviving special character and in turn also diminish their contribution to their Conservation Area setting, which I observed during the

inspection of the site is a heavily trafficked mainly by active transport means route to Dartry Park which is located at the southernmost end of Dodder Walk. At this point there is connection to the various active and passive spaces within Dartry Park for the surrounding urban neighbourhood which is mainly residential in character.

- 8.3.19. This wall and the existing dwelling also form part of a visual backdrop where its sylvan character of the lands to the west and north blend harmoniously with that of the riverbanks of the Dodder. Thus, the loss of both No. 1 Dartry Cottage and this historic boundary wall would give rise to a significant diminishment to the built and natural sense of character of this stretch of Conservation Area.
- 8.3.20. Against this context I note that Section 11.5.3 of the Development Plan sets out that designated Conservation Areas include not just groupings of buildings, streetscapes but also spaces which includes but is not limited to its rivers. With this application also providing no clarity by way of a robust archaeological assessment of this site, including all above ground structures for which demolition is sought, including providing clarity on the retaining structure to the north of the dwelling and its potential relationship with the mill pond. Such an archaeological assessment is a requirement as is of the potential likelihood of this development to impact on below ground archaeology under Policy BHA26 of the Development Plan. With Section 11.5.5 of the Development Plan setting out protection for the archaeological heritage of Dublin city in a manner that aligns with Framework and Principles for the Protection of the Archaeological Heritage' (1999) through to in the case of Recorded Monuments and Places (RMP) with Section 12 of the National Monuments (Amendment) Act, 1994, which as said the site forms part of the zone of archaeological constraint of one of its identified RMPs.
- 8.3.21. It is my view that in the absence of this assessment and despite the robust Archaeological Report provided by the Planning Authority's Archaeologist they are in my view correct to conclude that the full potential impact of this proposed development on what is a highly sensitive to change site that shows significant age in the structures that are present above ground through to has a rich and long history of likely industrial mill land use associated with its location on the banks of the Dodder River.
- 8.3.22. To permit this proposed development in the absence of a robust archaeological assessment would be contrary to Policy BHA26 but also Section 11.5.5 of the Development. This is on the basis that it cannot be concluded that the proposed

development would accord with this highly probable sensitive to change in terms of archaeological potential location in a manner that would be consistent with local through to national planning provisions and guidance.

8.3.23. Further, such an assessment should ideally inform any potential design for any future developments on this site. As such I consider that the design approach chosen is not one that demonstrates that it would be in the interest of protecting archaeological material in a manner that accords with Policy BHA26 of the Development Plan and this is particularly of evidence with the loss of the likely of built and archaeological interest dwelling, boundary walls including the retaining wall.

8.3.24. Conclusion: On the basis of the above I am not satisfied that the proposed development is one that would accord with Section 11.5.3; Section 11.5.5; Policy BHA9, BHA10, BHA11, BHA12, BHA17 and BHA26 of the Development Pan and therefore to grant permission would be contrary to the proper planning and sustainable development of the area.

8.4. Residential Amenity Impact

8.4.1. The Planning Authority's first reason for refusal raises concerns that the proposed development would result in overlooking of the adjoining property to the south in a manner that would seriously injure the amenities of the area. I share this view and though I accept that it is generally to be expected that within a setting that forms part of one of Dublin city's metropolitan mainly residential neighbours that there is a level of established overlooking; notwithstanding, the level of overlooking arising from the proposed development on this site and No. 2 Dartry Cottage would be material and significantly above that of it and its Darty Cottage prevailing context. A context that is a Conservation Area which at this location consists of a modest collection of five period dwellings of very modest height and built forms. With views into the rear of these properties highly screened by mature and dense tree/woodland planting.

8.4.2. Further it is a context as discussed in Section 8.2 of this report above where only limited residential development is generally permissible to either of these sites under Section 14.5 of the Development Plan.

8.4.3. In this case I am of the view that the level of overlooking that would arise from the design of the southern elevation which contains extensive transparent glazed

elements at first and second floor. Alongside includes at first floor level a balcony and an external staircase to the southern end of the rear elevation together with its rear elevation would give rise to substantive levels of new overlooking and perception of being over No. 2 Dartry Cottages.

- 8.4.4. I also consider that the southern first floor level balcony and the rear elevation would give rise to significant additional overlooking of the residential in use plot to the west of the site which accommodates a mobile home dwelling. Albeit the planning status of this structure is unclear.
- 8.4.5. I also consider that the proposed building in terms of its almost double the height of No. 2 Dartry Cottage, its overall significant volume, scale and mass in comparison to the terrace group it forms part of would be visually overbearing when viewed in their context. Particularly in terms of No. 2 Dartry Cottage it would be a visually intrusive new built insertion that would provide a significant change in context for this property in terms of its established amenities.
- 8.4.6. There is also a potential for this proposed development to give rise to overshadowing of the in residential use plot adjoining the western boundary of the site. However, the extent of this is unclear.
- 8.4.7. Conclusion: I concur with the Planning Authority's first given reason for refusal that the proposed development would result in overlooking of the adjoining property and that this would be such that it would seriously injure the visual and residential amenities of the area.

8.5. Drainage and Flood Risk

- 8.5.1. I note that the Planning Authority's Engineering Department – Drainage Division in their report which concluded with a request for additional information sought that permission be withheld for the proposed development until satisfactory information is submitted and approved in relation to the management of surface water. It was also considered that the information provided to assess this matter was inadequate to make an informed assessment.
- 8.5.2. I also consider that in terms of drainage measures for the proposed development generally the information that is provided with this application is inadequate as it does not demonstrate that the proposed development if permitted would be carried out in a

manner that would be compliant with the requirements of BRE Digest 365 and CIRIA C7653 in terms of soakaways. Moreover, it also does not demonstrate that drainage measures would include incorporate site suitable Sustainable Drainage Systems in the management of surface water for the proposed development when operational.

- 8.5.3. There is also a lack of information in relation to the connectivity and the capacity of the proposed development to foul drainage at this location. On this point I note that this is a historic cul-de-sac lane with limited recent development outside of potential refurbishment and alterations works to the 'Poddle Audio Limited' building to the north. As such the quality of the infrastructure and its capacity to absorb the drainage needs of the proposed development if permitted is in my view unclear based on the information provided.
- 8.5.4. In addition to these concerns, I raise a significant concerns that this appeal site is located on Flood Zone A lands and that the First Party has not provided with this application or their appeal submission a Flood Risk Assessment. This is alongside that the information provided does not demonstrate within the design what measures are proposed for the proposed residential dwelling that would ensure that the risk of flooding to it has been reduced as far as is reasonably practicable.
- 8.5.5. Further, the documentation provided with this application and on appeal does not demonstrate that the proposed development has been robustly in a manner that accords with best practices and standards so that the proposed dwellings are as flood resilient as far as is practical through to that the proposed development does not give rise to additional flooding issues for properties in its vicinity or on the adjoining public domain of Dodder Walk.
- 8.5.6. I also note that the Development Plan requires for developments that are adjacent to rivers that they must consider the functions of a riparian corridor and possible flood plain (Note: Section 10.5.5 Rivers and Canals and Section 9.5.2 on River Restoration). This is not considered in any of the documentation accompanying this planning application or on appeal. As such it is not demonstrated that the proposed development has been designed with this in mind.
- 8.5.7. To this I also note that Section 15.18.14 of the Development Plan on the management of flood risk indicates that all applications for developments in flood risk areas shall have regard to its Strategic Flood Risk Assessment. It also indicates that all

applications within Flood Zones A and B lands will be required to submit a Site-Specific Flood Risk Assessment to an appropriate level of detail. I note that this assessment is not provided with this application.

- 8.5.8. To this I note that the Strategic Flood Risk Assessment set out in Volume 7 of the Dublin City Development Plan shows that the site of the proposed dwelling is on Flood Zone A lands. I therefore refer the Board to Policy SI16 of the Development Plan which sets out in relation to site specific flood risk assessment that proposals which may be classed as 'minor development', for example small-scale infill, extensions to houses and small-scale in Flood Zone A should be assessed in accordance with the Guidelines for Planning Authorities on the Planning System and Flood Risk Management and Technical Appendices, (2009), as revised by Circular PL 2/2014. It also indicates that any future amendments, with specific reference to Section 5.28 of the Development Plan and in relation to the specific requirements of the Strategic Flood Risk Assessment. Moreover, it indicates that this will include an assessment of the impact of climate change and appropriate mitigation.
- 8.5.9. To this it is also of note that Policy SI16 of the Development Plan also clearly indicated that the plan policy shall be not to increase the risk of flooding to the development or to third party lands, and to ensure risk to the development is managed.
- 8.5.10. In this case the proposed development is in my view not a small-scale infill development as it seeks the demolition of a dwelling and its replacement with c455m² residential building with this also being in a context where residential development of this nature on land zoned 'Z9' is neither deemed to be permissible or open for consideration except in very limited circumstances. Also, it is a context where the site may include historic infrastructure associated with surviving mill industrial heritage structures within as said a zone of archaeological potential. With this likely to include a retaining wall to the north of the existing building that formed part of a mill pond.
- 8.5.11. Moreover, the documentation provided with this application does not demonstrate that the proposed development sought under this application is a type of development that would pass the Justification Test for Development Management in a manner that would accord with the said Flood Risk Management guidelines through to the provisions set out under Section 5.28 of the Development Plan.

- 8.5.12. To this I consider it is also of note in relation to undefended sites, which is the case for this site and its adjoining Dodder Walk setting, that Section 4.7 of Volume 7 of the Development Plan indicates that there is less scope for accepting 'below design level' finished floor levels than in a site. However, with consideration of the design life of the development, the proposed use, the vulnerability of items to be kept in the premises and long-term adaptability, it may be acceptable to design finished floor levels to current, rather than climate change standards. An appropriate freeboard allowance would still be required. It also indicates that there is a: *"requirement that loss of floodplain within Flood Zone A should be compensated for on a level-for-level basis within the site bounds for the 1% AEP (1 in 100-year event). Within currently developed areas the impact of loss of storage should be investigated for the 0.1% AEP (1 in 1000-year) event, and further compensatory storage provided if the development is shown to have a significant impact on flood risk elsewhere"*.
- 8.5.13. To this I also note Volume 7 of the Development Plan indicates in relation to the assessment of climate change impacts that for fluvial watercourses a conservative approach would be to take the 0.1% AEP event levels and extent as representing the 1% AEP event plus climate change.
- 8.5.14. It is unclear from the information provided with this application that the design accords with these requirements for Flood Zone A undefended lands.
- 8.5.15. I also note to the Board that at the time of my site inspection the level of the River Dodder was high and there are no flood defences in place along the riverside banks opposite it and at lower levels to the south of it towards the southern end of the Dodder Walk.
- 8.5.16. The ground levels fall away from the site and towards the riverbank as well as towards the southern end of this cul-de-sac lane.
- 8.5.17. The OPW's Flood Maps indicate that the site and its setting is highly vulnerable to flooding with a few past flood events associated with the River Dodder.
- 8.5.18. It indicates that the site and its setting are identified as having a high probability of river flooding. It states that: *"High Probability flood events have approximately a 1-in-a-10 chance of occurring or being exceeded in any given year. This is also referred to as an Annual Exceedance Probability (AEP) of 10%"*.

- 8.5.19. I further note that the documentation provided with this application do not robustly set out the ground levels of the site, its setting and particular in terms of its relationship to the River Dodder.
- 8.5.20. In the absence of such detailed information and when regard is had to OPW flood maps it is not clear that the finished floor levels of the residential building has had regard to the site and its setting vulnerability to fluvial events associated with the River Dodder together with the impact of climate change.
- 8.5.21. Further, I am also unclear what level of impact the proposed development may have on ground water at this location. This is because of the lack of details provided in terms of surface, storm through to foul drainage. Also, whether the site has a specific hydro morphology based on the mill pond design.
- 8.5.22. I note that there appears to be no specific ground water vulnerability indicated at this location despite the proximity of the site to the River Dodder and the topography of the site which slopes downwards towards this water course.
- 8.5.23. My final comment relates to the provisions of Section 15.6.1 of the Development Plan. It seeks that developments support the green infrastructure network with this including but not limited to the use of drainage systems (SuDs) and soft/ nature-based engineering solutions for surface water management to control the rate of run-off, protect water quality and mitigate the environmental impacts of flooding and erosion. Arguably improvements could be achieved by way of requiring more robust landscaping treatment of the site if permission were to be granted. With suitable planting in part having the potential to in part compensate for the role green features play in absorption of water, particularly in flood prone lands.
- 8.5.24. Conclusion: Having regards to the above concerns I am of the view that the conditions of the site and receiving area are sensitive and vulnerable to impact from fluvial flooding.

I am also of the view that it is unclear whether the proposed development is one that has been robustly designed in relation to this sensitivity, that the drainage measures including surface water management are sufficient robust for the site setting as well as accord with best standard practices for the nature, scale and extent of the development sought.

Further, I am not satisfied that the proposed development would not give rise to increased flooding potential for properties in its immediate setting.

I am not satisfied that adequate drainage and design measures have been demonstrated that the proposed development would not be contrary to Policy SI16 of the Development Plan. To this I also consider that the proposed development would be contrary to Section 15.6.2 and Policy SI22 of the Development Plan which deals with the matter of surface water management and SuDs which requires all new developments utilise SuDS measures.

8.6. Parking & Traffic Hazard

- 8.6.1. The fourth given reason for refusal by the Planning Authority relates to the proposed developments removal of an on-street car parking space to accommodate a private off-street parking space. In this regard they note that this outcome would be contrary to the provisions of Section 8.5.7 and Policy SMT25 of the Development Plans provision which I note in a consistent manner with one another indicate that the City Council will seek to: *“manage on-street car parking to serve the needs of the city alongside the needs of residents”*. It also indicates that it would be contrary to Appendix 5 of the Development Plan which I note under Section 4.1 states that: *“there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances”*.
- 8.6.2. I consider that these considerations align with the comments set out in the Planning Authority’s Transportation Planning Division report which were concurred with by the Planning Officer in their report.
- 8.6.3. I refer to the Section 1 of the report which describes Dodder Walk as containing public on-street car parking provision alongside the roadside boundary of the site and along most of the length of this modest lane.
- 8.6.4. At the time of my site inspection, I observed that there was a steady movement of traffic which appeared to be generated by vehicles seeking to park at the southernmost end of Dodder Walk. At this point there is pedestrian access to this public green infrastructure. This resulted in obstruction of movements along this substandard in width cul-de-sac. I further observed a turnaround of car parking space use of on-street

spaces on the roadside edge in front of Dartry Cottages. These movements also caused obstruction.

- 8.6.5. In both cases where these obstructions arose vehicles were unable to pass one another due to cars parked with many vehicles having to reverse and/or wait for the obstruction to clear.
- 8.6.6. To this I also observed movements by pedestrians and cyclists accessing and egressing from Dartry Park along this cul-de-sac road and vehicle entrances which I noted were limited in their number at this location also in part being obstructed by vehicle movements. As well as I noted that No.s 2, 3 and 4 Dartry Cottages appear to be solely reliant on the on-street car parking provision which is pay/display/permit parking for residents and visitors.
- 8.6.7. I therefore share the concerns of the Planning Authority that the loss of publicly provided on-street car parking would be detrimental to both the residents of Darty Cottages but also for members of the public accessing the passive and active amenity spaces of Dartry Park. Such an outcome at a location that is highly reliant to on-street provided parking would in my view give rise to increased pressure on the reduced on-street car parking spaces remaining but also this increased pressure added to by the lack of in-site car parking provision for the northern dwelling unit (House No. 2).
- 8.6.8. Also, in a context where the southern dwelling unit would not only maintain the existing vehicle entrance that serves No. 1 Dartry Cottages and an access that appears to accommodate traffic movements generated from a mobile structure that is located outside of the red line area of the site to the west. As well as the southern dwelling unit (House 1) would be served by two car parking spaces in the form of garage structure accessed directly from the western side of Dodder Walks public domain.
- 8.6.9. I therefore consider that the proposed development would be contrary to the sustainable management of car parking in a city context as provided for under Section 8.5.7 and Policy SMT25 of the Development Plan.
- 8.6.10. Additionally, I consider it would be contrary to Section 4.1 of Appendix 5 of the Development Plan which sets out a presumption against the removal of on-street car parking spaces where there is a demand for public parking serving other uses which in this case is existing dwellings of Dartry Cottages most do not have the benefit of in-

site car parking provision and Dartry Park whose entrance is located at the end of Dodder Walk.

- 8.6.11. To this I also raise it as a concern that the provision of two car parking spaces and a garage with two car parking spaces for the southern dwelling (House No. 1) is contrary to the Development Plan standards for proposed dwellings in Zone 2 as per Map J Appendix 3 of the Development Plan. On this point I note that Section 4 of Appendix 5 of the Development Plan provides a “*maximum*” car parking space standard of one space in respect of a house.
- 8.6.12. Of further concern in my view in relation to the proposed development is the excessive width and visual incongruity of the 5m garage entrance. This would open onto the public domain that is of restricted width. With this entrance located to the immediate north of an existing entrance that serves this site and the mobile home to the rear of the site.
- 8.6.13. On this point I note that 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 I consider that the proposed 5m width of this garage does not comply with this Development Plan provision and has the capacity to give rise to additional conflict with road users, including pedestrian and cyclist movements at a point where this proposal includes maintaining the existing vehicle entrance serving No. 1 Dartry Cottages and the mobile home. It also would be at a point where not only would it give rise to the loss of public on-street from the adjoining public domain, but it would also be at a point where the views for vehicles egressing from the entrance of this garage would be impaired in both directions by parked vehicles on what is a restricted in width and busy laneway.
- 8.6.14. Altogether I consider that this outcome would further diminish the function of Dodder Walks public realm by way of giving rise to a greater potential for conflict to arise between all road users. It is also unclear as to why given that the site benefits from an existing entrance that this was not used for facilitating access and egress to a garage structure as opposed to creating a new vehicle access onto a substandard lane.
- 8.6.15. As a precautionary concern I raise it as a concern if the proposed development was not carried out in accordance with the documentation provided, i.e. if the indicated planting to the north of part of the right of way is not provided, there is additional

capacity for in-site car parking to occur off the right of way which forms part of the lands within the red line area particularly alongside the southernmost rear elevation.

- 8.6.16. To this I note that there is no clarity provided with this application in relation to whether the existing utility poles that are located alongside the roadside frontage would be moved as part of the proposed development. If not, I raise it as a concern particularly in relation to the utility pole located alongside the southern end of the roadside boundary and its proximity to the proposed garage entrance that it would likely result in visual obstruction for vehicles accessing and egressing from the garage element of this proposal as well as would give rise to diminishment of views for vehicles exiting from the garage entrance.
- 8.6.17. I also consider that if both utility poles remain that these would not only diminish the frontage of the site as revised under this application, but it would also further result in a lack of positive contribution of this proposal for the public realm. A public realm that would also be diminished by the additional overshadowing that would arise from the proposed new building and by a design that does not seek to improve the adjoining stretch of pedestrian footpath.
- 8.6.18. I also raise further concerns that the proposed development during construction but also during occupation of the proposed dwellings, particular the dwelling unit labelled as House 2 would not as said benefit from any in-site car parking provision, that the traffic generated alongside the likely reduction of on-street car parking spaces on Dodder Walk that there is not safe capacity to absorb the additional traffic demands.
- 8.6.19. This laneway as said is of restricted width and poor horizontal as well as vertical alignment. It accommodates a steady flow of vehicles, pedestrians and cyclists. With this likely to be more significant in volumes during good weather and lighting conditions as well as during school holidays. Alongside as public domain Dodder Walk attracts additional movements because of it being bound on its eastern side by a stretch of riverbank with a sylvan character.
- 8.6.20. On this point I also note that there is no public gain with this site if it were to be development having a potential enhancement opportunity to provide public domain improvements.
- 8.6.21. Conclusion: I share the concerns of the Planning Authority in their fourth given reason for refusal, and I am not satisfied based on the information provided that the proposed

development can be safely accommodated without giving rise to adverse road safety and traffic hazard issues for users of Dodder Walks public domain.

8.7. Other Matters Arising

- 8.7.1. Procedural:** The Appellant raises concerns that the 'Z9' land use zoning is not an appropriate land use zoning for the site given its established residential use. Nor do they consider it is a land use zoning that is appropriate for the other residential properties that make up No.s 1 to 5 Dartry Cottages.

They contend that the site and its setting is one that is not open space and therefore it would be inappropriate to consider these established residential plots as open space.

I consider that it is not uncommon to find land uses that do not conform with their overall land use setting with this being the case for No. 1 Darty Cottage. Notwithstanding, I am of the view that the 'Z9' zoning is reflective of the land use function of the site's setting and there is as discussed scope for certain types of development on 'Z9' zoned lands through to for non-conforming land uses. The merits of the proposed development have been considered against these provisions alongside other relevant planning considerations for what is a highly sensitive to change site and setting.

I am also of the view that the zoning of the site which in my view appears to be reasonable having regard to the sensitivity of the site's setting is reasonable as it reflects the character as well as limited ability of this setting to absorb change.

- 8.7.2. Planning Authority's Response:** Should the Board be minded to grant permission for the proposed development sought under this application I recommend that it includes the Section 48 development contribution; payment of a bond; and a naming/numbering requested by the Planning Authority. Such conditions would be standard conditions to impose given the nature of the proposed development and would accord with the proper planning and sustainable development of the area. To this I note that while I have reached a conclusion in the assessment above that the proposed development is one that gives rise to substantive planning related concerns that are in their own right warrant the refusal of planning permission for the proposed development sought under this application; however, should the Board reach a different determination and decide to grant permission I am of the view that

appropriately worded conditions should be imposed to deal with the concerns raised in the assessment above.

- 8.7.3. **Natural Features & Biodiversity (New Issue):** I raise a concern that part of the site to the north of the existing dwelling on site appears to have lost natural features in recent time and there is a lack of clarity in relation to the planting it does contain which appears to include mature trees. To facilitate the proposed development the drawings, show that all existing planting on site would be removed and minimal qualitative planting is proposed in the landscaping scheme to compensate this loss.

The existing planting that remains within this site also lies to the immediate south of a historic dam. It survives as part of heavily wooded parcel of land that slopes upwards away from the site in a northerly and westerly direction. With this woodland extending westwards behind the site and the historic plots of Dartry Cottages to where it continues along the northern boundary of Dartry Park and containing several deciduous mature indigenous tree species.

Additionally, the site lies opposite the river banks of the Dodder River which at this location includes a narrow linear strip of trees and other indigenous plants.

This forms part of a larger linear green corridor that extends to the north and south that follows this water course with various parklands and green amenity/infrastructure located along this corridor including Dartry Park, Milltown Golf Course, Orwell Park to mention but a few.

It is therefore a concern in my view that this proposed development is not accompanied by an arboricultural and an ecological survey of the site as part of making an informed decision on the impact it would give rise to, with particular concern in relation to protected species including but not limited to the local bat population.

Moreover, it is a concern that the landscaping treatment of the site itself is limited in its quality and is not in my view site setting sensitive. If permitted, I consider it would result in a highly urbanised response to the spaces in which this building would sit.

I am of the view that these concerns further add to the concerns raised in the main assessment above in terms of this proposed development being a substandard in design response to a site which is highly sensitive to change and a type of development that could adversely impact upon Protected Species such as bats which

may roost and/or forge on the site through to would erode the sylvan character of its setting.

8.7.4. **Cycling Space Provision:** Table 1, Section 3.1 of Appendix 5 of the Development Plan requires a rate of one long term bicycle parking space per unit. In this regard the drawings provided with this application appear to show that this is achieved through the internal provision within the garage structure for House No. 1 and by a proposed combined cycle parking space with bin storage provision for House No. 2. These are provided in accessible locations for the occupants of both proposed dwelling units in proximity to the public domain of Dodder Walk. I therefore raise no substantive issue in terms of this provision.

8.7.5. **Oversailing (New Issue):** I raise it as a concern that the submitted drawings including for example Drawing No. PI-02 show that part of the proposed building would oversail over the public domain. There is no consent for any oversailing of the public domain accompanying this planning application.

While I am cognisant that the proposed development would give rise to a modest increase in the width of the pedestrian footpath at the point of where the boundary wall and road frontage elevation of the existing dwelling is to be demolished this gain is of limited value as it would primarily correspond with the garage entrance proposed.

Overall, I am of the view that the encroachment of the proposed development onto the limited and what I observed to be a busy in active travel movement public realm adds to the substandard nature of the proposed design for the residential building proposed as well as adds to its visual overbearance as well as incongruity when observed as part of its streetscape scene.

Notwithstanding these concerns, should the Board be minded to grant permission I recommend that it include an advisory note setting out the provisions of Section 34(13) of Planning and Development Act, 2000, (as amended), relating to 'Permission for Development', which states that '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*'. Therefore, in the event permission is granted, there may be other legal considerations that apply, and which the landowner may need to address outside of the planning system.

8.7.6. **Undesirable Precedent:** The Planning Authority's in its first, second and fourth reason for refusal raises concerns that the proposed development would give rise to an

undesirable precedent. I am of the view that the site as well as its setting in itself is of unique sensitivity and of its own unique attributes in terms of its capacity to absorb change. I therefore do not share this same concern, and I am of the view that application / appeal should be considered on their own merits and on a site-specific basis, having regard to local through to national planning provision which are continuously evolving alongside other relevant planning considerations.

- 8.7.7. **Universal Design (New Issue):** I raise concern in relation to the proposed developments compliance with universal design principles given the design proposed would not be one that would in my view suitable for older people, mobility impaired people through to people with disabilities. I also consider as a design it may not be highly flexible and adaptable to the needs of its occupants as these change over time.
- 8.7.8. **Procedural:** The Planning Authority whose remit includes validation of planning applications raised no concerns in relation to the Site Notices. I do not consider that this is a substantive matter of concern in this case and as said validation is outside of the remit of the Board.

9.0 AA Screening

- 9.1. 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.
- 9.2. 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 circa 3.8km 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.
- 9.3. The proposed development is located on Dodder Walk a modest cul-de-sac that at the point of the site and to the south of it lies opposite the meandering alignment of the River Dodder. It is a historic cul-de-sac with No. 1 Dartry Cottage and the properties to the south (No.s 2 to 5 Dartry Cottage) being a modest mix of single and two storey

period properties that have a strong sylvan character. These properties are overlapped by a Red-Hatched Conservation Area under Map H of the Dublin City Development Plan, 2022-2028, as well as are zoned 'Amenity/Open Space Lands/Green Network - Z9'. Under this application the wholesale demolition works of the existing part single and part two storey dwelling with part of an adjoining period stone wall. These works would facilitate the construction of a part two storey and part three storey residential building containing two dwelling units together with all associated site works and services is sought.

- 9.4. I therefore note that in this context that Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on non-Natura 2000 areas as features that connect the Natura 2000 network. For clarity purposes I have had regard to and taken account of features such as watercourses, woodlands and other important natural features in the decision process.
- 9.5. The project consists primarily of the demolition of an existing part single and part two storey cottage with a given area of 73m² and its replacement by a residential building of c455m² that would contain two dwelling together with its associated services and works. The site relates to a residential plot that is overgrown on its northern side. There are no in-combination plans or projects within the site setting outside of modest alterations and additions to the adjoining period property of No. 2 Dartry Cottage.
- 9.6. No significant nature conservation concerns were raised by Parties to this appeal case; however, I note that the Planning Authority in their determination of this planning application raised a precautionary concern that this application because of the sensitivity of its location would require the submission of an appropriate assessment screening report.
- 9.7. However, I consider that the proposed development is one that is modest in its nature, scale and extent. Though not accompanied by an appropriate assessment screening report and while I concur with the Planning Authority that the site as well as setting is sensitive to change, nonetheless given the nature of this project I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any Nature 2000 site given the significant lateral separation distance between the two. The reasons for this conclusion are also based on the following factors:
- The modest nature, scale and extent of the proposed development.

- The lack of impact mechanisms that could significantly affect a Natura 2000 Site(s)
- The lateral separation distance from the site and the nearest Natura 2000 site(s) and the weakness of connectivity between the development site and these sites albeit the proximity of the site to the Dodder River which is a hydrological link to Dublin Bay and also the fact that this watercourse and the adjoining lands on which the site sits is vulnerable to fluvial flooding (Flood Zone A). The dilution factor is such that any potential contaminants/pollution events arising from the site and in combination with other plans or project that would arise would be negligible in terms of potential impact on the conservation objectives of these sites.
- The serviced nature of the site and its setting.

I conclude that based on objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required.

10.0 Water Framework Directive

10.1. I have assessed the proposed development for the demolition of an existing part single and part two storey cottage with a given area of 73m² and its replacement by a residential building of c455m² that would contain two dwelling together with its associated services and works on lands located at Dodder Walk in Dublin 6. I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to surface water, in particular the Dodder River which the site forms part of its flood plain.

10.2. The reason for this conclusion is as follows:

- Nature of works including the small scale of the construction phase and lack of likely operational impacts.

- The existing residential use of the site accommodating one dwelling unit.
- The imposition of conditions, in the event of a grant of permission, requiring additional details regarding the surface water, storm water, foul drainage, demolition and construction management plans, resource waste management plans, landscaping through to hard surfacing including appropriate surface water protection details.

10.2.1. Conclusion: I conclude that based on objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission be **refused**. The Board may consider that Reason and Consideration No. 2 is relates to a 'new issue', i.e. the demolition of a habitable dwelling.

12.0 Reasons and Considerations

1. The site is located entirely within an area zoned 'Z9' where the land use objective is to preserve, provide and improve recreational amenity and open space and green networks. Development of the type proposed is neither permissible nor open for consideration in this zone and is deemed not to be a permissible use in this zone, accordingly the proposed development would contravene the provisions of the current Dublin City Development Plan, 2022-2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. 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 residential building containing two dwelling units. 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).

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 not accord with the proper planning and sustainable development of the area.

3. Having regard to the existing character and the prevailing pattern of development, the site location within a Red Hatched Conservation Area and forming part of lands that lies within the zone of archaeological potential for architectural constraint for Recorded Monument and Place – Mill Pond and Mill Race (RMP DU022-09601- and DU022-09602-) under the Dublin City Development Plan, 2022-2028, it is considered that the proposed development, by reason of its overall scope of works which includes the demolition of built heritage and likely of archaeological potential buildings, structures and features together with the proposed design, layout, scale, height and massing of the residential building would be out of scale with its surroundings, it would seriously detract from the special character and unique sense of place of its setting of the streetscape scene of Dodder Walk generally.

The proposed development would, therefore, materially and adversely affect the character of this Conservation Area, would seriously injure the visual amenities of the area and for these reasons it would be contrary to the proper planning and sustainable development of the area, in particular Section 11.5.3, Section 11.5.5, Policies BHA9, BHA10, BHA11, BHA12, BHA17 and BHA26 of the said Development Plan.

Additionally, it is considered that this site and setting is of likely high archaeological significance and potential it is considered that any development of the site in advance of a comprehensive archaeological assessment, carried out to the requirements of the appropriate authorities, would be premature and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. It is considered that the design of the proposed residential building would seriously injure the residential amenity of adjacent and neighbouring residents by overlooking and visual overbearance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
5. The proposed development is in an area which is deemed to be at risk of flooding, by reference to the current Development Plan for the area and the documentation

on file. Having regard to the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk. the proposed development would be contrary to the proper planning and sustainable development of the area.

6. Having regard to the proposed removal of an on-street parking space to accommodate a private off-street parking space. For this reason, the proposed development would be contrary to the provisions of Section 8.5.7, Policy SMT25, in relation to car parking, and Appendix 5 (Transport and Mobility) of the Dublin City Development Plan, 2022-2028. Furthermore, the width of the proposed vehicular entrance and quantum of car parking spaces proposed would exceed the maximum standards set out in Section 4.3.1 and Table 2 of Appendix 5 and would set an undesirable precedent for other similar developments. 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.

Patricia M. Young
Planning Inspector

30th day of June, 2025.

13.0 Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ABP-322161-25
Proposed Development Summary	Demolition of a house and part of the front boundary wall and the erection of two houses and ancillary site works.
Development Address	No. 1 Dartry Cottages, Dartry, Dublin 6.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p><i>Subthreshold for Class 10(b)(i); Class 10(b)(iv); Class 14 & Class 15(b) of the Planning Regulations, 2001, as amended.</i></p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: 30th day of June, 2025.

14.0 Form 2 - EIA Preliminary Examination

Case Reference	ABP-322161-25
Proposed Development Summary	Demolition of a house and part of the front boundary wall and the erection of two houses and ancillary site works.
Development Address	No. 1 Dartry Cottages, Dartry, Dublin 6.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The appeal site has a given site area of 492.5m ² . The proposed development includes the demolition of an existing dwelling with a given floor area of 73m ² and its replacement with a residential building of c455m ² containing two dwelling units. The nature and extent of the proposed development is modest in footprint and is not exceptional in the context of the existing environment. The proposed development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The proposed development by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health. Surface water will be discharged to public sewer or public drain. Wastewater to be discharged to public sewer. The proposed development presents no risks to human health.
Location of development	Briefly comment on the location of the development, having regard to the criteria listed

<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 appeal site while located within Dublin 6 forms part of a modest cul-de-sac that at this point forms part of a Red Hatched Conservation Area and the Zone of Archaeological Constraint for RMP DU022-09601- and RMP DU022-09602-) and with the building for which demolition is sought likely to be of some age and of potential historical through to social interest. Additionally, the site forms part of Flood Zone A lands and at its nearest point it is c13m to the west of the banks of the River Dodder.</p> <p>The site and its setting are zoned 'Z9' and there is limited capacity for development on such lands with residential development being neither listed as permissible or open for consideration. The site forms part of the river corridor of the Dodder River which has at this point has a strong sylvan character with connectivity to a number of larger green spaces including Dodder Park which is c55m to the south of the site at its nearest point.</p> <p>The site is remote from the nearest Natura 2000 site(s) which are located c3.8km as the bird would fly in the case of the nearest such sites which are the Special Area of Conservation: South Dublin Bay SAC (Site Code: 000210) and the Special Protection Areas: South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024).</p> <p>The site is in part containing unkempt natural features including trees that connect to woodlands to their immediate north as well in proximity to the western boundary of the site.</p> <p>Any development at this location has the potential to give rise to impact on the environmental sensitivity of this location.</p>
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<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the characteristics and modest nature of the proposed development, despite the sensitivity of its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p align="center">Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** 30th day of June, 2025.

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

15.0 Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322161-25	Townland, address	No. 1 Dartry Cottages, Dublin 6.
Description of project		Demolition of a house and part of the front boundary wall and the erection of two houses and ancillary site works.	
Brief site description, relevant to WFD Screening,		Site is located where the land slopes down to the channel of the River Dodder and is within c.13 metres to the east at its nearest lateral separation distance.	
Proposed surface water details		Lack of surface water drainage management provided for both the construction and operational phase of the proposed development.	
Proposed water supply source & available capacity		Existing and new connections to public water supply via existing infrastructure on Dodder Walk.	
Proposed wastewater treatment system & available capacity, other issues		Existing and new connections to the public foul drainage via existing infrastructure on Dodder Walk.	
Others?		Not applicable	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature
River Waterbody	c13m	Dodder IE_EA_09 D010900	Moderate	At risk	diffuse urban sources of pollution are the significant pressure, nutrients and sediment are the significant issue, and diffuse urban sources of pollution and combined sewer overflows are the significant pressures	surface run-off, drainage, groundwater, adverse weather events that cause fluvial flooding.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage
Construction Phase

No.	Component	Waterbody Receptor (EPA Code)	(Pathway Existing & New)	Potential for Impact & What is the Impact	Screening Stage Mitigation Measure	Residual Risk (Yes/No)	Determination to proceed to Stage 2. Is there a risk to the water environment?
1	Surface	DODDER_050	YES Site is on a slope where surface water flows downhill towards River Dodder and with the site forming part of Flood Zone A lands which form part of this waterbody's flood plain	There is potential for runoff of contaminants, and sediments/siltation.	None provided and proposed measures are unclear	Yes - no basis to conclude no residual risk based on the lack of information provided	'Screen In'
2	Ground	IE_EA_G_008	YES Pathway exists via good drainage soil characteristics	As above	As above	As above,	'Screen In'

Operational Phase

3	Surface	DODDER_050	YES Site is on a slope where surface water flows downhill towards River Dodder and with the site forming part of Flood Zone A lands which form part of this waterbody's flood plain	Contamination possible in adverse weather event or overflow from foul drainage	Inadequate details provided in relation	Yes	'Screen In'
4	Ground	IE_EA_G_008	YES Pathway exists via good drainage soil characteristics	As above	As above	Yes	'Screen In'
De-Boarding Phase							
5	N/A						

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives					
Surface Water					
Development Activity	<u>Objective 1: Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2: Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3: Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4
	Described mitigation required to meet objective 1	Described mitigation required to meet objective 2	Described mitigation required to meet objective 3	Described mitigation required to meet objective 4	
Development					
Activity 1 Demolition & Site Clearance	Site specific demolition and management and mitigation methods out in the form of a Demolition and Construction Environmental Management Plan (DCEMP)	Site specific demolition and management and mitigation methods out in the form of a Demolition and Construction Environmental Management Plan (DCEMP)	N/A	N/A	YES – in the event of a grant of permission, appropriate condition(s) should be attached requiring these details to

	<p>with this having regard to the site's Flood Zone A location and being upstream of the banks of the River Dodder.</p> <p>Site specific resource waste management plan for removal of soil, plant material and building materials including hazardous wastes.</p>	<p>with this having regard to the site's Flood Zone A location and being upstream of the banks of the River Dodder.</p> <p>Site specific resource waste management plan for removal of soil, plant material and building materials including hazardous wastes.</p>			be provided.
Activity 2 Construction	<p>Prior agreement of all excavation works and modifications of site's ground levels with clarity provided on existing levels of the site and those of its setting.</p> <p>Prior agreement of a construction environmental management plan for this phase that is site specific to the sensitivities of this site and setting.</p> <p>Prior agreement of all service connections for existing water supply and foul drainage.</p>	<p>Prior agreement of all excavation works and modifications of site's ground levels with clarity provided on existing levels of the site and those of its setting</p> <p>Prior agreement of a construction environmental management plan for this phase that is site specific to the sensitivities of this site and setting.</p> <p>Prior agreement of all service connections for existing water supply and foul drainage.</p>	N/A	N/A	YES – in the event of a grant of permission, appropriate condition(s) should be attached requiring these details to be provided.
Activity 3 Storm Water	Prior agreement of final details to required standards having regard	Prior agreement of final details to required standards having regard	N/A	N/A	YES – in the event of a grant of permission, appropriate condition(s)

	<p>to the nature of the proposal and sensitivity of the site setting.</p> <p>More robust landscaping, i.e. natural features like trees to aid water capturing on site in areas of deep soil. Part of compensatory planting of the site. Such measure improves the resilience of the flood plain of storm water capture.</p> <p>Prior agreement that all storm water measures are compliant with best practices and required standards.</p>	<p>to the nature of the proposal and sensitivity of the site setting.</p> <p>More robust landscaping, i.e. natural features like trees to aid water capturing on site in areas of deep soil. Part of compensatory planting of the site. Such measure improves the resilience of the flood plain of storm water capture.</p> <p>Prior agreement that all storm water measures are compliant with best practices and required standards.</p>			<p>should be attached requiring these details to be provided.</p>
Activity 4 Surface Water	<p>Prior agreement of final details to required standards having regard to the nature of the proposal and sensitivity of the site setting.</p> <p>Prior agreement to limit surface water run-off from site to green field standards as far as is practical to reduce burden on public foul drainage.</p> <p>Prior agreement of climate resilient measures including reuse of surface</p>	<p>Prior agreement of final details to required standards having regard to the nature of the proposal and sensitivity of the site setting.</p> <p>Prior agreement to limit surface water run-off from site to green field standards as far as is practical to reduce burden on public foul drainage.</p> <p>Prior agreement of climate resilient measures including reuse of surface</p>	N/A	N/A	<p>YES – in the event of a grant of permission, appropriate condition(s) should be attached requiring these details to be provided.</p>

	<p>water on site by capture and storage for landscaping and in grey water supply.</p> <p>Prior agreement of use of permeable and semi-permeable surfaces outside of the building's footprint.</p> <p>Prior agreement that all surface water measures are compliant with best practices and required standards.</p>	<p>water on site by capture and storage for landscaping and in grey water supply.</p> <p>Prior agreement of use of permeable and semi-permeable surfaces outside of the building's footprint.</p> <p>Prior agreement that all surface water measures are compliant with best practices and required standards.</p>			
Activity 5 Access	Clarification of whether any works to right of way to be used by this development and the mobile home structure to the rear of the site which lies outside of the red line site area.	Clarification of whether any works to right of way to be used by this development and the mobile home structure to the rear of the site which lies outside of the red line site area.	N/A	N/A	YES – in the event of a grant of permission, a condition should be attached requiring these details to be provided.
Activity 6 Landscaping, boundary & Sundry Works/Services	<p>Prior agreement of a revised landscaping and hard surfacing within the scheme. Including robust planting of natural features and use of permeable materials.</p> <p>Prior agreement of all site boundaries including those along the road frontage of the Dodder Walk.</p>	<p>Prior agreement of a revised landscaping and hard surfacing within the scheme. Including robust planting of natural features and use of permeable materials.</p> <p>Prior agreement of all site boundaries including those along the road frontage of the Dodder Walk.</p>	N/A	N/A	YES – in the event of a grant of permission, a condition should be attached requiring these details to be provided.

Details of Mitigation Required to Comply with WFD Objectives – Template

Groundwater				
Development/Activity	Objective 1: <u>Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	Objective 2 : <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	Objective 3: <u>Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A

Inspector: _____

Date: _____