



An
Bord
Pleanála

Inspector's Report

ABP-322362-25

Development	Protected Structure: Demolition of single storey garage and construction of two storey domestic garage.
Location	5 Castle Avenue, Clontarf, Dublin 3, D03WD85.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3517/24
Applicant(s)	Garrett Connolly and Christine Lowry.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Garrett Connolly and Christine Lowry.
Observer(s)	D. Conlon & Others.
Date of Site Inspection	3 rd July 2025.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The site, which has a stated area of 608sq.m., comprises the existing house and rear garden of No. 5 Castle Avenue in Clontarf, Dublin 3.
- 1.2. Nos. 5 Castle Avenue is a three-storey dwelling with rear return with a rear garden length of approx. 55 metres, and width of between 7 and 8 metres. The dwelling is located within a terrace of residential houses which are designated Protected Structures and are located within an Architectural Conservation Area.
- 1.3. The site is bounded to the north by house No. 6 Castle Avenue. The rear gardens of house Nos. 5 and 6 have a shared gated access onto the rear laneway. The rear garden of No. 4 Castle Avenue bounds the site to the south.
- 1.4. The laneway provides rear access to the properties on Castle Avenue and Haddon Road. 1 no. mews dwelling (1A Castle Avenue) also has access from the lane. The lane which is approx. 130 metre in length varies in width from 3.5 metres to 5.65 metres with its narrowest point (3.5 metres wide) at its junction with Clontarf Road to the south. There are apartment complexes to either side of the junction with walls delineating their boundaries.
- 1.5. A mews dwelling is located to the rear of No.7 Castle Avenue to the north which is accessed from Castle Avenue.
- 1.6. The existing single storey flat roofed garage is currently in use as a car port and storage for antique motorbikes.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on 10/04/2024 with further plans and details submitted 06/03/2025 following a further information request dated 04/06/2024.
- 2.2. As amended the proposal provides for the demolition of existing garage structures and construction of a two-storey garage with revised roof profile and finishes served by a shared vehicular access from the lane providing for 1 no. car parking space.
- 2.3. The footprint was reduced to provide a smaller floor area of 86sqm (5m in width and 8.6m in length). The revised layout provides for a setback of 6.208m from the

laneway boundary to the west, (initially 7.208m) and 1.741m from the southern side boundary. A section measuring 1.65m of the existing boundary wall with the laneway is proposed to be removed and replaced with new sliding gate.

2.4. The application was accompanied by the following.

- Photographic record of existing garage, boundary walls with adjoining properties.
- Copy of Conservation Research Analysis of historic Boundary Walls Application No. 3607/20 Dated September 2021.

Submitted by way of Further Information

- Revised elevation and plan drawings
- Architectural Heritage Impact Assessment
- Drainage drawings and documentation
- Transportation drawings and documentation

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 1st of April 2025, Dublin City Council issued a notification of their intention to **refuse** permission for the following reasons:

1. Having regard to its height, proportion, scale and massing, the proposed design and materials of the two-storey structure are insensitive to the special architectural character of the Protected Structure. The proposed development would therefore cause serious injury to the special architectural character of the Protected Structure, its curtilage and setting within wider Zone Z2 - Residential Neighbourhood (Conservation Area). The design approach does not meet provisions for the form and layout for development within the curtilage of a protected structure, as set out within Policies BHA2 and BHA9 of the Dublin City Development Plan 2022-2028. The proposed development would seriously injure the residential and visual amenities of the area and would, by itself and by the precedent established for such development, be contrary to the policies and objectives of the 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 proposed vehicular entrance in excess of 4.0m in width is contrary to Section 4.3.1 Dimensions and Surfacing with Appendix 5 Transport and Mobility: Technical Requirements, of the Dublin City Development Plan 2022-2028 which states that the maximum width permitted for shared vehicular entrances is 4.0 metres, and which aims to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. The development would endanger public safety by facilitating traffic hazard along the laneway. The proposed development would set an unacceptable precedent and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Planner's report dated 06/06/2024 notes the following;

- *Principle* - Proposal is ancillary to the residential dwelling and acceptable.
- *Use* - Proposed garage will be used as for private storage of antique cars and motor bikes, with gym and office at first floor.
- *Scale* - Additional structure of such scale within the curtilage of a Protected Structure should be high quality design and set back should respect the historical context of the lane.
- *Height* - Proposed garage would not represent a significant height increase given the prevailing height along the lane.
- *Set Back* - Proposed c. 7.1m into the site from the lane would have an overbearing impact on neighbouring properties and potentially overshadow neighbouring property to an unacceptable degree.
- *Overbearing* - A lesser set back from the lane would mitigate overbearing appearance for occupants of neighbouring properties.

- *Design* – Overall design approach considered poor for the setting within the curtilage of a protected structure located within a residential conservation area (Z2 zoning) and adjacent to an Architectural Conservation Area.
- *Site Plan* – Discrepancy in relation to the location of the existing shared access gate and boundary wall as shown on the existing site plan and proposed site layout and the entrance/boundary details noted during the site visit.

A request for further information recommended.

The 2nd Planners report dated 02/04/2025 following further information notes internal reports as summarised below and the response to the further information request with respect to design, set back, drainage and access. A refusal of permission for 2 no. reasons relating to the impact of the garage structure on the Protected Structure and ACA and traffic hazard recommended.

3.2.2. Other Technical Reports

- **Transportation Planning:** 1st Report dated 15/05/2025 recommends further information. The applicant was requested to submit swept path analysis with accompanying auto track drawings indicating that a standard size saloon vehicle can access and egress safely from the subject site and into the domestic garage and exit in a forward motion.
- 2nd Report dated 24/03/2025 recommends a refusal. The report notes the submission of drawings outlining the auto tracking which relies on the removal of 1.65m of a boundary wall to facilitate access and egress in a forward gear. This would increase the width of the entrance to c.5m. As the entrance is shared with the adjoining property this would be in excess of requirements as set out in Section 4.3.1 of Appendix 5 of the CDP.
- **Conservation:** 1st Report dated 24/05/2024 recommends further information. The applicant was requested to submit
 - i. Architectural Drawings to show a revised design for the proposed garage structure. The exterior presentation shall be well proportioned and finished with high quality materials to ensure that the structure would enhance the Protected Structure at 5 Castle Avenue and historic

rear lane. The redesign shall be carried out by a conservation architect with RIAI Grade I or 2 accreditation or equivalent.

- ii. An Architectural Heritage Impact Assessment Report for the proposed development to adhere to Architectural Heritage Protection Guidelines for Planning Authorities (2011), Section 6.4. The report shall be prepared by a suitably qualified conservation professional.
- iii. A set of marked and annotated drawings showing the full extent of proposed demolitions of non-original masonry fabric, and consolidation and repairs to historic fabric. Drawings shall be supported by specifications for mortars. Drawings shall be prepared by a conservation architect with RIAI Grade I or 2 accreditation or equivalent.

2nd Report dated 24/03/2025 recommends refusal in relation to design. The report states the 'proposed structure is over-scaled, poorly proportioned, and insensitively designed', would be visually overbearing and would not enhance the setting of the Protected Structure at No. 5.

- **Drainage:** **1st** Report dated 29/04/2024 recommends further information in relation to soakaway details.

2nd Report dated 20/03/2025 recommends no objection subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. The application was circulated by the PA to Irish Water, An Taisce, Department of Housing, Local Government and Heritage, Fáilte Ireland and An Chomhairle Ealaíon but no reports were received.

3.4. Third Party Observations

- 3.4.1. Third-party observations were lodged by a planning consultant on behalf of the following neighbouring properties;

- Dave Conlon 33 Haddon Road
- Jim O'Brien 7A Castle Avenue
- Paul Keogh 32 Haddon Road

3.4.2. Individual observations were lodged by the following;

- Jim O'Brien 7A Castle Avenue
- Paul Keogh 32 Haddon Road

3.4.3. Objections to the proposal received by the planning authority are on file for the Coimisiún's information. The issues are comparable to those set out in the observations received by the Coimisiún summarised in section 6 below.

4.0 Planning History

4.1.1. **PA Reg.Ref. 3575/23:** Application for permission for development at the rear of No. 5 Castle Avenue (a Protected Structure) fronting onto existing laneway to the rear. Development consists of the demolition of a single storey domestic garage and construction of a two-storey domestic garage, home gym and home office and for all associated siteworks.

The Planning Authority requested Further Information in relation to the proposal with respect to the impact on adjoining residential amenity, the adequacy of information provided relating to the surviving boundary walls on either side of the site and onto the laneway, a letter of consent from the landowner of the adjoining property, no. 6 Castle Avenue of whom the access is shared with.

The applicant has stated in the current application, that it was not possible to respond to the request within the time-frame. Therefore, this application would have been deemed **withdrawn**.

4.1.2. **PA Reg.Ref. 3607/20 ABP-311972-21:** Permission **refused** 26/08/2022 for demolition of existing outbuildings and amendments to boundary walls within the relevant site area, and construction of 2 No. 2 storey over part-basement semi-detached dwellings with front terrace on both dwellings at first floor level from living rooms, off-street parking , vehicular / pedestrian access from rear laneway and all associated site works, at a site at the rear of No.5 & No. 6 Castle Avenue, Clontarf, Dublin 3 (both protected structures), and fronting to existing unnamed vehicular access laneway to the rear of the properties. Application was made by same applicants in current appeal. Reason for refusal was as follows;

1. 'Having regard to the restricted width of the laneway and access point onto Clontarf Road it is considered that the proposal would give rise to pedestrian and vehicular conflict, would therefore endanger public safety by reason of traffic hazard, would be contrary to Section 16.10.16(I) of the current Dublin City Development Plan which requires that potential mews laneways have a minimum carriageway of 4.8 metres in width and would set an undesirable precedent for further mews development along the lane. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Dublin City Development Plan 2022 – 2028

- 5.1.1. The Dublin City Development Plan 2022-2028 is of relevance.
- 5.1.2. The site is located in an area with the landuse zoning Residential Neighbourhoods (Conservation Areas) – Zone Z2, with the accompanying objective 'To protect and/or improve the amenities of residential conservation areas'.
- 5.1.3. The site is listed on the Dublin City's Record of Protected Structures. No. 5 Castle Avenue (RPS Ref. 1243 and Niah Ref. 50030152) is a house with stucco façade, with original gates and stone plinth walls. The parent residence is listed as Regional Importance on the NIAH.
- 5.1.4. BHA2 Development of Protected Structures states the following;

'That development will conserve and enhance protected structures and their curtilage and will:

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

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

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

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

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

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

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

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

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

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

5.1.5. BHA9 Conservation Areas states the following;

'To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Re-instatement of missing architectural detail or important features.

3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
5. The repair and retention of shop and pub fronts of architectural interest.
6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
7. The return of buildings to residential use.

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

Appendix 5 Transport and Mobility: Technical Requirements

Section 4.3.1 Dimensions and Surfacing

Section 4.3.7 Parking in the Curtilage of Protected Structures, Architectural Areas and Conservation Areas.

5.2. Natural Heritage Designations

- 5.2.1. The subject site is located c. 170m from the South Dublin Bay and River Tolka Estuary SPA and c. 1.75km from the North Dublin Bay SAC and North Bull Island SPA.
- 5.2.2. The proposed development is located within an established residential area and comprises the development of a garage structure with ancillary gym and office use to the parent dwelling. There will be a connection to the public sewerage network. There are no watercourses linking the site with any such designated areas.

5.3. EIA Screening

- 5.3.1. The proposed development is not a Class for the purposes EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations,

2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. I refer the Board to Appendix 1 – Form 1 EIA Pre-Screening of this report.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal against the decision by the PA to refuse permission was lodged by the applicants.

6.1.2. The Grounds of Appeal can be summarised as follows:

- Understood a request for further information (RFI) is an intention to grant permission, submit that the RFI has been satisfied and that the refusal is unfair.

Reason for Refusal No. 1

- An approved conservation architect and conservationist developed a proposal to satisfy the information request.

Removal of Existing Rear Boundary Wall and Garage

- Existing and decrepit garage detracts from the character of the area.
- The removal of the existing rear boundary wall and garage should not detract from the Protected Structure, and the replacement of the existing building aligns with the Dublin City Council Policy BHA9.

Proposed New Building

- The long narrow plots to the rear of Castle Avenue and Haddon Road to the west do not have a unified or harmonised appearance and instead contain a collection of small sheds and outbuildings, single-storey buildings and very occasional two storey structures. This new building to be positioned at the west end of the rear garden with an increased separation distance between the proposed new structure and the rear of the main house, and good separation from other protected structures in the area.

- New flat roofed two storey structure is scaled to be subservient to the main house, and smaller than existing two-storey buildings at 1A and 7A Castle Avenue. Proposed new structure is modern design, construction and materials.
- Proposed new building would not detract with a reading of the original footprint of the property, nor detract from the setting of Protected Structures in the immediate area.
- Proposed structure is set some distance from the rear of the main house which has been substantially altered in the past including successive extensions re rendering of the rear elevation and replacement of roofing materials, and while readable cannot be said to retain much of their original character or surface finish.
- Proposed development will not be visible from either Castle Avenue or Haddon Road, and will not interfere with views, setting or an appreciation of either the Protected Structures or the Haddon Road/Victoria Road Architectural Conservation Area.
- Construction of a new flat roofed two-story structure of good design to a high level of craftsmanship in this position would not detract from the character and setting of the Protected Structures or other Protected Structures in the immediate area.
- What currently exists on the site arguably detracts from the character of the area.

Precedent along the laneway

- Submit that there are larger structures at 1A and 7A Castle Ave. 7A reaches just over 8m in height. There is a modern 1.5 story dwelling at the rear of 31 Haddon Road, an original coach house of approx. 6m in height at the rear of 34 Haddon Road and a modern unattractive garage/gym with a total area of 63sqm and a height of 6.30m with permission under 5420/07 at the rear of 36 Haddon Road.
- Precedent to the north, south and west of the appeal site which are not sympathetic to the surrounding protected structures.
- Refer to modern 1.5 story house at the rear of 32 Haddon Road which is burnt orange, 'corten' like painted finish contrasted with white painted render.

- Proposed use of modern render and 'corten' steel was preferred rather than trying to make a new building look old and complements the original elegance of the protected structure.
- First reason for refusal is entirely subjective and entirely inconsistent with the professional opinions of the applicants approved conservation architect.
- It is also inconsistent with the various precedents in the vicinity alluded to.

Second reason for refusal

- Dispute that there is a traffic hazard at this entrance along the laneway because there is no other traffic using the laneway at this point save for the two houses which it serves.
- Current entrance width of 3.45m can be left as it is or limited to a max 4m.
- Adjoining neighbours at no. 6 have requested that the shared use of the entrance be continued, and the current width of 3.45m is adequate for both parties.
- Proposal to enlarge the entrance as part of the application to facilitate easier ingress/egress and are happy to increase the entrance to 4m thus satisfying the PA's objection on this matter.
- It is not a traffic hazard and can be dealt with by way of a condition.

Other Comments

- Refer to previous applications under 2093/06, 3607/20, and 3575/23, associated site visits, and pre planning advice, and Board decision.
- Notes Planning had no comment to make on the height proportion scale and massing of the proposed development in 2020.
- Current proposal with a footprint of 43sqm and height of 5.75m is significantly smaller than the buildings on either side of the proposal and lower than either of the garage/outhouses on the Haddon Road side of the lane.
- Have accepted after the Board upheld the refusal on 3607/20 that residential development would not be permitted, which given that the city has a housing crisis and the site is 1min walk to a QBC and 12min walk to 2 Dart Stations under any

rational planning process DCC would be requesting some residential element in the development proposal.

- DCC's position on 3607/20 was shown to be incorrect by way of the auto track submission and the position on this application is equally if not more incorrect for the reasons outlined.
- Request the refusal be overturned and granted subject to any entrance width conditions deemed appropriate.

Request for an Oral Hearing

- 6.1.3. The grounds of appeal included a request for an Oral Hearing. The Coimisiún determined on 09/06/2025 that the request be refused.

6.2. Planning Authority Response

PA request that the decision to refuse permission be upheld. Note if permission is granted that a condition requiring the payment of a Section 48 development contribution.

6.3. Observations

- 6.3.1. A third-party observation has been submitted by a planning consultant on behalf of the following;

- Dave Conlon 33 Haddon Road
- Jim O'Brien 7A Castle Avenue
- Paul Keogh 32 Haddon Road

- 6.3.2. Issues raised can be summarised as follows;

- Planning application is a resubmission of previous proposal Reg. Ref. 3575/23 – but new proposal does not address the previous items of Further Information requested by the PA.

Traffic Safety

- Auto track submitted as part of the current application is not acceptable.
- Concerns relating to additional traffic on the laneway.

- Construction access.
- Rear boundary and shared entrance not set back 1m from lane as shown on the drawings.

Residential Amenity

- Potential for the proposed development to be used for residential accommodation, i.e. detached two storey house.
- Potential overlooking.
- Potential over-shadowing.
- Building line - Proposed development should be built within/from the building line of 7a Castle Avenue.
- Should be reduced to single storey
- Over-development of the site and laneway.
- Unwelcomed precedent.

Built Heritage

- Existing boundary walls should be protected.

6.4. Prescribed Bodies

- 6.4.1. The appeal was circulated to the Heritage Council for comment. No report received.

7.0 Assessment

7.1. Introduction

- 7.1.1. An earlier application for two no. 2 storey houses to the rear of the appeal site and the neighbouring house to the north was refused on appeal by the Coimisiún under ABP-311972-21 on 26/08/2022. The current application is for a two-storey garage and includes a shared vehicular entrance from the laneway serving the neighbouring property house no 6.

- 7.1.2. The proposed development is substantially similar to a previous application lodged with the PA under 3573/23. Further information requested by the PA was not submitted within the required timeframe and the application was deemed withdrawn.
- 7.1.3. Having undertaken a site visit and having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and the reports of the local authority, and having regard to relevant local/ regional and national policies and guidance, that the substantive issues pertaining to the proposed development can be assessed under the following headings:
- Built Heritage
 - Residential Amenity
 - Traffic Safety
 - Precedent

7.2. Built Heritage

- 7.2.1. Reason for refusal No. 1 refers to the height, proportion, scale and massing, of the proposed design and materials of the two-storey structure which are considered insensitive to the special architectural character of the Protected Structure.
- 7.2.2. The PA consider that the proposed development would therefore cause serious injury to the special architectural character of the Protected Structure, its curtilage and setting within wider Zone Z2 - Residential Neighbourhood (Conservation Area).
- 7.2.3. The proposed two storey garage as initially designed has a stated area over two floors of 99.42sqm, this was subsequently reduced to 86sqm in response to the request for further information. This is a substantial floor area for a garage structure by any measure.
- 7.2.4. The initial design provided for a two-storey garage with a pitched roof with a height of 6.33m, the roof profile was amended to include a mansard style flat roof with a height of 5.75m in response to the request for further information.
- 7.2.5. The finishes proposed to the garage structure initially provided for plaster finish with black slate roof, and these were subsequently revised to include render at ground floor and 'corten' steel at the upper and roof level.

- 7.2.6. I have considered the initial design as lodged and the revised design in terms of the subject site particularly in relation to scale, design and finishes. I note from my site inspection that the existing rear gardens to terraced houses along Castle Avenue are characterised by long narrow rear gardens delineated by relatively low side boundary walls with very little mature planting either along existing side or rear garden boundaries.
- 7.2.7. This results in existing development to the rear of these properties being highly exposed/visible from the rear elevations of the protected structures. The rear boundaries of existing properties along Haddon Road to the laneway benefit from mature trees which is in part screen development on the eastern side of the laneway.
- 7.2.8. I accept that the separation distance of the proposed garage structure from the existing Protected Structure no 5 and other Protected Structures in the vicinity is significant. Notwithstanding I consider the location and set back of the garage from the rear laneway will impact negatively on the built heritage in the area, which is designated as within a Conservation Area.
- 7.2.9. I have had regard to the revised drawings submitted prepared by a Grade 3 conservation-accredited Architect and Architectural Heritage Report submitted by a conservation advisor as requested by the Conservation Officer of the PA.
- 7.2.10. I have also had regard to the concerns raised by the Conservation Officer with respect to the design as initially proposed and as revised in response to the request for further information. Having visited the site and reviewed the proposed design and as revised by way of RFI, I concur with the opinion of the Conservation Officer that the 'proposed structure is over-scaled, poorly proportioned, and insensitively designed'. I have formed this view having considered the context of the site and notwithstanding the precedent of other developments at the end of the rear gardens of properties in the vicinity.
- 7.2.11. I concur with the Planning Authority that to permit such a development would not set a constructive precedent in the curtilage of a Protected Structure and within an Architectural Conservation Area.
- 7.2.12. I submit that the development of a two-storey structure on the subject site would be highly visible and consider the design form and finishes proposed to be out of character with the established pattern of development in the area.

Summary

- 7.2.13. I am satisfied therefore, that the design approach does not meet provisions for the form and layout for development within the curtilage of a protected structure, as set out within Policies BHA2 and BHA9 of the Dublin City Development Plan 2022-2028 and the first reason for refusal by the PA should be upheld.

7.3. Residential and Visual Amenities

- 7.3.1. The second element of the first reason for refusal states that the proposed development would seriously injure the residential and visual amenities of the area.
- 7.3.2. Concerns were raised in relation to potential overlooking, overshadowing and future use as a residential dwelling. My assessment is limited to the proposed use as a garage/study/gym and not to any potential future uses as alluded to in observations to the appeal.
- 7.3.3. I note the proposed windows at first floor on both gable ends and consider that concerns raised in relation to overlooking most notably of rear gardens along Castle Avenue but also across to the rear gardens of houses along Haddon Road are valid.
- 7.3.4. The revised layout provides for a setback of 6.208m from the laneway boundary to the west, (initially 7.208m). I would concur with the PA that the proposed two storey garage would be overbearing on adjoining properties and should respect the building line established by house no. 7A.

Summary

- 7.3.5. I am satisfied therefore, that the proposed development would seriously injure the residential and visual amenities of the area and the first reason for refusal by the PA should be upheld.

7.4. Traffic Safety

- 7.4.1. Reason for refusal No. 2 refers to the width of the proposed vehicular entrance which is in excess of 4.0m and thereby contrary to technical requirements for shared vehicle entrances as set out in Section 4.3.1 of Appendix 5 Transport and Mobility of the Dublin City Development Plan 2022-2028.

- 7.4.2. Section 4.3.1 Dimensions and Surfacing aims to avoid the creation of a traffic hazard for passing traffic and conflict with pedestrians. The development would endanger public safety by facilitating traffic hazard along the laneway.
- 7.4.3. The lane from which access is proposed is approx. 130 metres in length ranging in width from 3.5 metres at its junction with Clontarf Road to 5.65 metres immediately to the south of the appeal site. It is a shared surface with no footpath with 4 no. lighting poles are in place along the laneway. I refer the Coimisiún to drawing no. GC/23/02 which details the lane dimensions.
- 7.4.4. The subject site is located at the northern end of the laneway, c.110m north of the access off Clontarf Road. The lane largely provides rear access to the properties that front onto Castle Avenue to the east and Haddon Road to the West.
- 7.4.5. There is one existing dwelling located on the lane, No. 1A Castle Avenue, which is accessed solely from the laneway and avails of in-curtilage parking to the front. Dwellings have been constructed in the rear gardens of nos. 31 Haddon Road and 7 Castle Avenue, immediately north of the subject site. However, both are accessed off Haddon Road and Castle Avenue respectively. Owing to the nature of the lane, vehicular traffic movements are low.
- 7.4.6. The Transportation Planning section of the PA raised concern in relation to the width of the proposed shared entrance to serve the proposed development. Revised drawings submitted by way of further information indicate the removal of 1.65m of a boundary wall to facilitate access and egress in a forward gear. This would increase the width of the entrance to c.5m. The increased width of the shared entrance to serve the rear gardens of two residential dwellings would therefore be in excess of the maximum 4 metres width allowable.
- 7.4.7. I have had regard to the report prepared by Trafficwise and accompanying vehicle swept path analysis drawings submitted by RFI both for entering the site from the laneway and egressing the site to the laneway for both a standard vehicle and large car. However, both arrangements rely on the removal of the 1.65 section of the existing boundary wall which as outlined above is unacceptable.
- 7.4.8. The appellant's case is that current entrance width of 3.45m can be left as is or limited to a max 4m. The appellant has indicated that this would be acceptable to the adjoining neighbour at no. 6. The difficulty however is that the lane narrows

along this northern section of the laneway, and in my opinion vehicular access and egress would be compromised for both properties by having to negotiate a narrower vehicular entrance. I noted on the day of my site inspection a number of parked cars and work vans parked in the vicinity of the site which severely restricted vehicular movements along the lane.

Summary

- 7.4.9. I am satisfied therefore, that the proposed development would endanger public safety by facilitating traffic hazard along the laneway and the second reason for refusal by the PA should be upheld.

7.5. Precedent

- 7.5.1. Both reasons for refusal No. 1 and 2 refer to precedent.
- 7.5.2. The appellant makes the case that there is precedent for two storey structures in rear gardens in the vicinity of the site, however I would submit that these developments date back to former guidance and development plans and in my opinion do not necessarily constitute constructive precedent.
- 7.5.3. I concur with the PA that to allow the development as proposed would be contrary to development plan policy and technical requirements and set an undesirable precedent in the area.

Summary

- 7.5.4. I am satisfied therefore, that decision of the PA should be upheld on the basis of precedent.

8.0 Appropriate Assessment

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed demolition of garage and construction of two storey garage in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The subject site is not located within or adjacent to any European Site.

The proposed development is located within a residential area and comprises demolition of single storey garage and construction of two storey domestic garage.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development proposed,
- Location in a serviced urban area, distance from nearest European Sites, and urban nature of intervening habitats and, absence of ecological pathways to any European Site.

I conclude, on the basis of 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 and 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.

9.0 Recommendation

- 9.1. Having regard to the foregoing I recommend that permission for the above-described development be **refused** for the following reasons and considerations.

10.0 Reasons and Considerations

1. Having regard to its height, proportion, scale and massing, the proposed design and materials of the two-storey structure are insensitive to the special architectural character of the Protected Structure. The proposed development would therefore cause serious injury to the special architectural character of the Protected Structure, its curtilage and setting within wider Zone Z2 -

Residential Neighbourhood (Conservation Area). The design approach does not meet provisions for the form and layout for development within the curtilage of a protected structure, as set out within Policies BHA2 and BHA9 of the Dublin City Development Plan 2022-2028. The proposed development would seriously injure the residential and visual amenities of the area and would, by itself and by the precedent established for such development, be contrary to the policies and objectives of the 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 proposed vehicular entrance in excess of 4.0m in width is contrary to Section 4.3.1 Dimensions and Surfacing with Appendix 5 Transport and Mobility: Technical Requirements, of the Dublin City Development Plan 2022-2028 which states that the maximum width permitted for shared vehicular entrances is 4.0 metres, and which aims to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. The development would endanger public safety by facilitating traffic hazard along the laneway. The proposed development would set an unacceptable precedent and be contrary to the proper planning and sustainable development of the area.

Susan McHugh
Senior Planning Inspector

7th July 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-322362-25		
Proposed Development Summary	Protected Structure: Demolition of single storey garage and construction of two storey domestic garage.		
Development Address	5 Castle Avenue, Clontarf, Dublin 3, D03WD85.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X	Domestic Garage	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
No	N/A		Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	X	
Yes		

Inspector: _____ Date: _____

Appendix 2

Screening the need for Water Framework Directive Assessment

Determination

The subject site is located c. 170m north of Dublin Bay and River Tolka Estuary.

The proposed development comprises demolition of single storey garage and construction of two storey domestic garage.

Now water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and 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 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 any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Small scale and nature of the development
- Location-distance from the nearest Water bodies and/or lack of hydrological connections
- Taking into account WFD screening report/determination by Planning Authority

Conclusion

I conclude that on the basis of 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.