



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322410-25

### Development

#### PROTECTED STRUCTURE:

Construction of 1 No. dwelling and all other associated site services and development works.

### Location

Site at Leeson Street Upper, Dublin 4, Co. Dublin.

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

WEB1260/25

### Applicant(s)

Espirit Investment Limited

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party

### Appellant(s)

Espirit Investment Limited

### Observer(s)

Declan O'Dwyer and Sheila Jones

Ed Madden

Philip O'Reilly

Upper Leeson Street Residents  
Association

**Date of Site Inspection**

1<sup>st</sup> July 2025

**Inspector**

Ciara McGuinness

## 1.0 Site Location and Description

- 1.1. The subject site is within the curtilage of Molyneux Home (RPS Ref 4348) and the Romanian Orthodox Church (Christ Church) (RPS Ref 4347) which are protected structures. Molyneux Home is a 3-storey 19<sup>th</sup> century building. Originally built as an asylum, it was subsequently used as nursing home during the latter half of the 20<sup>th</sup> century and has recently been converted into residential use. The church was originally built as the chapel for the asylum but was later used by residents in the area. The buildings are sited in mature grounds, bounded by Dartmouth Road to the north, Leeson Street Upper to the east, and Leeson Park to the west. The site has existing pedestrian entrances off Leeson Street Upper and Lesson Park, with vehicular access only from Lesson Park.
- 1.2. The proposed development site is located in the southeast corner of the grounds fronting onto Leeson Street Upper. The proposed development is sited at the end of a Georgian Terrace adjacent to No. 18 Leeson Street Upper which is also a protected structure (RPS Ref 4473). The site area is stated as 0.0756ha.

## 2.0 Proposed Development

- 2.1. The proposed development is for a single storey 2-bedroom dwelling with a stated floor area of 103sqm and a maximum height of 3.5m with a flat roof. The dwelling is sited to align with the adjoining building No. 18 Leeson Street Upper, continuing the building line. The design uses a series of free-standing planer walls in a cut stone to screen the building. The submitted Design Statement notes that *'these walls create a sculptural feel for the dwelling, creating a contemporary addition for the historical setting'*.
- 2.2. Private open space associated with the dwelling is stated as 76.5sqm. The submitted Arboricultural Report indicates 5 no. trees are to be removed (4 Category C trees and 1 Category B tree). Hard and soft landscaping and boundary treatments are also proposed.
- 2.3. Water and Wastewater will be connected to the existing systems within Molyneux Home. Nature based solutions will be used for the treatment of stormwater on site.
- 2.4. The following assessments have been submitted with the application;

- Planning Report
- Design Statement
- Landscape Report
- Arboricultural Report
- AA Screening Report
- Architectural Heritage Impact Assessment
- Flood Risk Assessment
- Water Supply and Wastewater Management Report
- Stormwater Management Plan Report

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to refuse permission for the following reasons;

1. Having regard to the sensitive setting of the site, and the level of development already permitted on this site, it is considered that the proposed development would result in the over-development of this historic site and by way of its siting, would cause serious injury to the special architectural character of the Protected Structures, their setting and their curtilage as well as the wider Z2 Conservation Area. As such, it is considered that the proposed development would contravene Policies BHA2 (a), (b), (d), (e), (h) and (i), BHA9, Section 15.15.2.2 of the Dublin City Council Development Plan 2022-2028, and Section 13.4.3 of the Architectural Heritage Protection Guidelines 2011. The proposal is therefore considered to create an undesirable precedent for similar type development, and would seriously injure property in the vicinity and as such would be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located on the communal open space for the Molyneux House apartments. The proposal would therefore remove a significant portion of Molyneux House apartment's existing communal amenity

space as approved under 3349/19, ABP 306552-19. It is considered, in accordance with the Dublin City Development 2022-2028, including Section 15.9.8 Communal Open Space that this would significantly detract from the residential amenity of these apartments and result in their devaluation.

Therefore, it is considered the proposal would contravene a previous grant of planning permission, create an undesirable precedent for similar type development, would seriously injure residential amenity of existing and future residents, and as such would be contrary to the proper planning and sustainable development of the area

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The proposal for a new dwelling in a portion of the site is in principle acceptable given the Z2 zoning objective of the site. For the development to be acceptable the applicant needs to be able to overcome the previous refusal reason. The Planning Authority concurs with the view of the Conservation Section in that the proposal would detract from the setting of the adjoining protected structures. It is concluded that the proposed development would negatively impact on the setting of both protected structures, Molyneux Home and Church, in terms of removing the existing open lawn area and trees which contribute to their setting, which is contrary to policies BHA2 and BHA9 and section 15.15.2.2 of the Dublin City Development Plan. It is further noted that the subject site was allocated as part of the communal open space for the apartments in Molyneux House and while their current allocation exceeds minimum requirements, these units do not have private open space and therefore the additional communal open space was a critical factor in the refurbishment of the building to apartments. The reduction in their communal open space would therefore negatively impact on the residential amenity of these units.

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

Drainage Division - No objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

Transport Planning Divisions - Recommends conditions.

## Conservation Officer's Report –

The development would result in the loss of the open garden which is enjoyed by both residents of the restored Molyneux Home apartments, the church users and pedestrians who pass through the grounds daily.

In the opinion of the CO, the proposed development, though reduced in size from the previous application, would result in an over-development of the sensitive heritage site causing an adverse visual impact to the setting and curtilage of the historic Molyneux Home and the Romanian Orthodox Church (Christ Church), both of which are Protected Structures (RPS 4348 and 4347).

### *Over-Development of the Site*

The recent conversion of the Molyneux Home has allowed for the adaptive reuse of a Protected Structure and had delivered a total of ten high quality residential units. Two additional mews-type dwellings were permitted to the southeast of the Victorian building. The previous developments have provided an appropriate and sensitive level of densification on this site which respects the significance of the historic landscape and setting of the Protected Structure and the immediate Residential Conservation Area (Zoned Z2). Further intensification of residential development within the grounds of the former church and asylum would be over-burdening and detrimental to the special architectural character of the historic complex and the Victorian streetscape.

### *The Importance of the Setting and Curtilage of the Protected Structure*

The proposed development site comprises the shared front garden of the former Molyneux Church (Christ Church) and Molyneux Home, both of which were built in the 1860s following an architectural competition won by James Rawson Carroll. Depicted on the 1865 and 1877 Ordnance Survey maps, the gardens are located within the curtilage of the Protected Structures. For the duration of its history, the open lawn and associated trees and planting have been a significant amenity and have greatly enhanced the visual character of the complex's architectural heritage. The CO finds the proposal would contravene Section 15.15.2.2, which states that development within Conservation Areas shall "Protect the amenities of the surrounding properties and spaces."

Refusal Recommended. (refusal reason no. 1 above)

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

There were 3 no. third party observations received in relation to the application. The issues raised relate to the impact on the protected structures and architectural heritage of the wider area, impact on residential amenity, overdevelopment of the site, boundary and access issues and loss of trees.

## 4.0 Planning History

**PA Reg Ref: 4124/24** – Permission refused for the construction of two number, 2-storey over lower ground floor, 3-bedroom dwelling houses, with areas of 172 sqm and 158 sqm respectively, (total 330 sum) which will adjoin No.18 Leeson Street Upper (A Protected Structure APS RPS: 4473) including 2.No parking spaces accessed off Leeson Park; new boundary treatments: a new pedestrian access off Leeson Street Upper, which will involve works to the existing railing: and associated landscaping drainage; and utility connections.

The reason for refusal is outlined below;

*“Having regard to the proposed location of the development, its siting and the proposed removal of historic planting and boundary features, it is considered that the development would cause serious injury to the historic streetscape, the special architectural character of the Protected Structures, their setting and their curtilage as well as the wider Z2 Conservation Area. The addition of these structures, considering the level of development already permitted, would also result in an overdevelopment of this sensitive site. As such, it is considered that the proposed development would contravene Policies BHA2 (a), (b), (d), (e), (h) and (i), BHA9, Section 11.5.2 and 15.15.2 of the Dublin City Council Development Plan 2022-2028, and Section 13.4.3 of the Architectural Heritage Protection Guidelines 2011. The proposal would create an undesirable precedent for similar type development, devalue property in the vicinity and would be contrary to the proper planning and sustainable development of the area.”*

**PA Reg Ref: 3954/20** - Planning permission granted for development on the site at The Molyneux Home, (a protected structure RPS Ref. 4348) consisting of:

- 1) the construction of three 76m<sup>2</sup> 2 storey 2-bedroom terraced dwelling houses to the south east of the Molyneux Home and to the east of the colonnade 228m<sup>2</sup> total area,
- 2) new windows and gated openings in the colonnade wall,
- 3) the relocation of bin, bike and gardeners store attaching to previously granted permission ref: 3349/19, ABP-306552-20,
- 4) provision of 3 no. residents surface car parking spaces,
- 5) landscaping treatments and drainage and utility connections.

**PA Reg Ref: 3349/19** - Planning permission granted for development on the site at Molyneux Home (Protected Structure - RPS Ref. 4348). The development will consist of: the change of use of the existing three storey former institutional building to residential use (1,110 sqm approximately) including the internal refurbishment and reconfiguration of the existing structure with revised internal layout to form 10 no. apartment units (9 no. 2 bedroom units within the existing Molyneux Home building and with 1 no. 1 bedroom unit within a re-configured adjoining outbuilding).

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2022-2028

Dublin City Development Plan 2022-2028 The property is in an area subject to **Zoning Objective Z2**: to protect and or improve the amenities of residential conservation areas.

The site is within the curtilage of 2 no. protected structures; - Molyneux Home (RPS Ref 4348) and the Romanian Orthodox Church (Christ Church) (RPS Ref 4347).

**Policy BHA2**, in relation to development of protected structures, states:

*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.*

Note – the section labelling above (a, b, c etc.), which is clearly in error, is taken directly from the development plan

The **Z2 Residential Conservation Areas** does not have a statutory basis in the same manner as protected structures or Architectural Conservation Areas, however they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application.

**Policy BHA9**, in relation to protecting the special interest and character of conservation areas, states:

*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 include contemporary architecture of exceptional design quality, which is in harmony with the conservation area.*

**Section 15.15.2.2** sets out requirements for application for development in conservation areas. These include:

*Respect the existing setting and character of the surrounding area.*

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

**Section 15.15.2.3** sets out requirements for applications involving development at protected structures. These include:

*All planning applications for development/works to Protected Structures must provide the appropriate level of documentation, including an Architectural Heritage Impact Assessment, in accordance with Article 23 (2) of the Planning and Development Regulations, 2001 (as amended) and chapter 6 and appendix B of the 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011), to assist in the assessment of proposals.*

*This report should be prepared by an accredited conservation architect or equivalent conservation professional/expert.*

Other Relevant Sections of the City Development Plan include;

- Policy QHSN2 National Guidelines

- Policy QHSN6 Urban Consolidation
- Policy QHSN10 Urban Density
- Section 15.5.2 Infill Development
- Section 15.9.8 Communal Amenity Space
- Section 15.13.3 Infill/Side Garden Housing Developments

## **5.2. Architectural Heritage Protection Guidelines for Planning Authorities**

Guidance in relation to development within the curtilage of a Protected Structure is set out in Section 13.5. New development should be carefully scrutinised as inappropriate development may be detrimental to the character of the structure. Where a formal relationship exists between a protected structure and its ancillary buildings or features, new construction which interrupts that relationship should rarely be permitted.

## **5.3. Natural Heritage Designations**

Grand Canal pNHA (site Code: 002104) –c. 0.2km to the north of the site

## **5.4. EIA Screening**

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

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The appeal is a first-party appeal against Dublin City Council's decision to refuse permission. The grounds of appeal are summarised as follows;

### *Refusal Reason 1*

- The subject site is outside the Conservation Area and the Architectural Conservation Area.
- The principle of development of housing is acceptable having regard to the zoning objective for the site.
- The low profile, sculptural design introduces architectural interest while maintaining residential character.
- The density of development on the overall Molyneux Home plot is 39.6 units per hectare. The proposed development will increase that density to 42.9 units per hectare. The low density demonstrates that the development has been respectful to its context.
- The proposed development represents a policy aligned infill intervention on zoned and serviced lands.
- An Architectural Heritage Impact Assessment has been submitted which is considered to address the previous refusal and sets out the following;
  - Molyneux Buildings at Leeson Street have been altered and adapted over its history to suit new uses as the need arose.
  - The floor area proposed is greatly reduced compared to the previous proposal.
  - The proposed development does not seek to replicate the existing historic buildings but will rather seek to provide a simple contemporary insertion.
  - There will be no alterations to the railing or impact on the historic boundaries.
  - The proposed development allows for the retention of a greater number of mature trees.
- The applicant considers that the proposed development complies with policies BHA2 (a), (b), (d), (e), (h), and (i), Section 15.15.2.2 of the Dublin City Development Plan 2022-2028 and the Architectural Heritage Protection Guidelines 2011.

## *Refusal Reason 2*

- The Molyneux Home Complex significantly overprovides Communal Open Space having regard to the no. of apartments permitted and constructed. The subject lands are not required for landscaped amenity.
- Section 15.9.8 of the DCDP (cited in refusal reason no. 2) notes that '*on refurbishment or infill sites of up to 0.25ha, the communal amenity requirements may be relaxed on a case by case basis*'.
- The required minimum communal amenity space for Molyneux apartments is 70sqm.
- The subject lands were not highlighted specifically as an area for communal space to serve the apartments under PA Reg Ref 3349/19/ ABP-306552-20.
- If the proposed development is constructed, a total area of 519sqm remains within the Molyneux Home complex to provide communal space for residents.

## **6.2. Planning Authority Response**

A response from Dublin City Council requests that the Commission uphold the decision to refuse permission. It is also requested that if granted, a Section 48 development contribution and a naming and numbering condition be applied.

## **6.3. Observations**

Observations were received from Ed Madden, Declan O'Dwyer and Sheila Jones, Upper Leeson Street Area Residents Association and Philip O'Reilly. The issues raised in the observations are similar to those raised in the submissions and primarily related to the proposed developments impact on architectural heritage and residential amenity.

## **7.0 Assessment**

- 7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site,

and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Impact on Architectural Heritage
- Impact on Residential Amenity

## **7.2. Impact on Architectural Heritage**

- 7.2.1. Refusal reason no. 1 of the Planning Authority's decision was based on the sensitivity of the site, which forms part of the curtilage of a Protected Structure. It was considered that the proposed development would result in overdevelopment of the historic site and that its siting causes serious injury to the special architectural character of the Protected Structures, their setting and their curtilage as well as the wider Z2 Conservation Area and would materially contravene Policies BHA2 (a), (b), (d), (e), (h) and (i), BHA9, Section 15.15.2.2 of the Dublin City Council Development Plan 2022-2028, and Section 13.4.3 of the Architectural Heritage Protection Guidelines 2011.
- 7.2.2. In addressing the refusal reason applicant has set out that the principle of development of housing is acceptable and that the low-profile design and the low density of the proposed development have been respectful to the site's context. The submitted Architectural Heritage Impact Assessment considers that the proposed development addressed the issues raised in respect of the previous application on the site. There will be no alterations to the railing or impact on the historic boundaries. The proposed development allows for the retention of a greater number of mature trees. It is contended that the Planning Authority have overestimated the potential for impact of a single storey modest building with generous setbacks from the historic fabric.
- 7.2.3. I note the importance of the curtilage of a protected structure has been ingrained through policy application. Section 11.5.1 of the Dublin City Council Development Plan states, *"The curtilage of a protected structure is often an essential part of the structure's special interest. In certain circumstances, the curtilage may comprise a clearly defined garden or grounds, which may have been laid out to complement the design or function."* Similarly, I note sections 13.3.1 of the Architectural Heritage Protection – Guidelines for Planning Authorities 2011 states that *"Features within the curtilage and attendant grounds of a protected structure can make a significant*

*contribution to the character of that structure. The designed landscape associated with a protected structure was often an intrinsic part of the original design concept and, as such, inseparable from the building.” Policy BHA2 of the Dublin City Development Plan further advocates for the protection of the curtilage of a Protected Structure. It states “That development will conserve and enhance protected structures and their curtilage and will: (e) 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,” shall (h) “Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features,” and shall “(i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.”*

- 7.2.4. The importance of the curtilage of a structure has been clearly set out in the policies of the Dublin City Development Plan and Architectural Heritage Protection Guidelines as summarised above. I note that the applicant does not dispute that it within the curtilage, however they consider that the development would not adversely impact the character of the protected structures. The proposed development would occupy a significant section of the southeast corner of the historic complex. The proposed development would be set back 11m from Upper Leeson Street. There is an approximate distance of 5m between the proposed development and Molyneux home, and 6m between the proposed development and the Church. I am of the opinion that the positioning of the dwelling would be an overbearing impact on the adjoining Molyneux Homes and Church given its proximity and that it would constitute overdevelopment of the site. The garden area of the historic complex is utilised by both residents of the restored Molyneux Home apartments, the Church users and pedestrians who pass through the grounds daily. I note on the day of my site visit that there was significant pedestrian footfall through the gardens. The proposed development would direct adjoin the pedestrian footpath that meanders through the grounds and connects Leeson Street Upper and Leeson Park and would create a sense of enclosure that would negatively impact the users experience of this space. I note the Conservation officer’s report stated, *‘the open lawn and associated trees and planting have been a significant amenity and have greatly*

*enhanced the visual character of the complex's architectural heritage.*' I concur with this assessment. Having inspected the site, and noted the flow of pedestrians through the site, I consider that the grounds of the complex, including the landscaping, lawned area and trees consider significantly to the character of the protected structure. In addition, I also consider there to be a vista between the Molyneux Home and the Church when viewed from Leeson Park. I consider that the cross and central circular lawn area are framed between the 2 no. protected structures with the landscaping and views to Upper Leeson Street forming the background. I consider that the proposed development would interrupt the relationship between the building and their surroundings. In this regard, I consider that the development would harm the character and setting of the Protected Structure.

- 7.2.5. The applicant contends that the subject site is outside the Conservation Area and the Architectural Conservation Area as denoted by the red line hatching and green hatched boundary on the zoning map. In this regard I note that the City Development Plan clearly sets out that the Z8 Georgian Conservation Areas, Z2 Residential Conservation Areas and red-lined hatched areas are all considered to be Conservation Areas, to which policy BHA9 relates. I again concur with the Planning Authority that the proposed development would be contrary to BHA9 which requires development within a Conservation Area to *'contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting'*.
- 7.2.6. The first reason for refusal specifically references Section 13.4.3 of the Architectural Heritage Protection Guidelines 2011. I note this section specifically refers to 'Alterations to boundary features'. I note the boundary features/railings are proposed to be retained in this application as opposed to the previous application. I consider Section 13.5 'Development within the Curtilage of a Protected Structure' of the Guidelines to be more pertinent in the assessment of the current proposal. As outlined above, I consider that the proposed development within the curtilage of the protected structures would be harmful to the character of the structures.
- 7.2.7. There is no doubt that if permitted, the development will have a significant impact on the setting of the Protected Structures. I consider that the proposed development would materially and adversely affect the character of the Molyneux Home and the



Church, both of which are protected structures located in a Conservation Area zoning and would conflict a number of provisions of Policy BHA2 and Policy BHA9 of the Dublin City Development Plan 2022-2028 and the principles set out in the Architectural Heritage Protection Guidelines 2011. Therefore, I consider that the proposed development should be refused permission.

### **7.3. Impact on Residential Amenity**

- 7.3.1. The proposed development seeks to construct an infill residential development within the communal amenity space of the existing Molyneux Home development. Refusal reason no. 2 of the Planning Authority's decision considered that the removal of a significant portion of communal open space that would significantly detract from the residential amenity of Molyneux apartments and would contravene a previous grant of planning permission.
- 7.3.2. The applicant has set out that the Molyneux Home Complex significantly overprovides communal open space. The existing Molyneux Homes development which comprises 10 apartments (1 one-bed, 8 two-beds and 1 three-bed) has a minimum requirement for 70sqm as per the requirements of the Sustainable Urban Housing: Design Standards for New Apartments. With the addition of the proposed development, the applicant has set out that 519sqm of communal open space remains and is provided for across 4 no. separate useable areas. While I do not agree with the applicant that all these areas are useable open space, I am satisfied that the communal space provided in particular in the courtyard and lawn area to the rear of Molyneux Home (which together equate to 345sqm) provide useable and quality areas of communal open space well in excess of the required 70sqm.
- 7.3.3. The Planner's Report notes that the subject site was allocated as part of the communal open space for the apartments in Molyneux Home and while the allocation exceeds minimum requirements, these units do not have private open space and therefore the additional communal open space was a critical factor in the refurbishment of the building to apartments. The reduction in their communal open space would therefore negatively impact on the residential amenity of these units.
- 7.3.4. In my opinion, the overall quantum of communal open space within the site is acceptable and is well in excess of the Apartment Guidelines requirements. Section 15.9.8 of the City Development Plan requires that *'All new apartment developments*

*are required to provide for communal amenity space externally within a scheme for the use by residents only*'. I note this area of open space in question is a shared space with the church. This area of open space directly adjoins Leeson Street Upper and although well screened from the street, I consider there to be more attractive alternative areas of communal open space which provide amenity for residents. While I do not consider the proposed loss of the area of open space detrimental to the residential amenity noting the shared nature of the space and the existing quantum of alternative open space provided, I do have concern with regard to its loss in terms of the setting of the protected structure as noted above in Section 7.2.

- 7.3.5. I consider that it would be unreasonable to refuse permission for the proposed development based on the impact of residential amenity.

## 8.0 AA Screening

I have considered the proposed dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in a fully serviced urban area and is not immediate to a European Site.

The proposed development comprises the construction of a single residential dwelling at set out in Section 2 of this report.

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 effect of a European Site.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account determination by LPA

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 or projects.

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

## 9.0 Water Framework Directive

The subject site is located c.0.2km to the south of the Grand Canal.

The proposed development comprises the construction of a single residential dwelling at set out in Section 2 of this report.

No water deterioration concerns were raised during the planning application or appeal.

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

The reason for this conclusion is as follows :

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections

### *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.

## 10.0 Recommendation

I recommend that planning permission be refused for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the sensitive setting of the site, and to the planning history and pattern of development on the wider site, it is considered that the proposed development, by reason of its location within the curtilage of Molyneux Home (RPS Ref 4348) and the Romanian Orthodox Church (Christ Church) (RPS Ref 4347), would seriously detract from the architectural character and setting of the protected structures and their curtilage, and the wider Z2 Conservation Area. The proposed development would, therefore, be contrary to Policy BHA2 and BHA9 of the Dublin City Development Plan 2022-2028, and Section 13.5 of Architectural Heritage Protection Guidelines for Planning Authorities (2011) and would set an undesirable precedent. 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.

---

Ciara McGuinness  
Planning Inspector

7<sup>th</sup> July 2025

## Appendix 1 - Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322410-25
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Construction of 1 No. dwelling and all other associated site services and development works.
<b>Development Address</b>	Site at Leeson Street Upper, Dublin 4, Co. Dublin
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10(b)(i) Construction of more than 500 dwelling units - Sub Threshold  The proposed development is for 1 dwelling unit.

<b>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)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2 - Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	322410-25
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Construction of 1 No. dwelling and all other associated site services and development works.
<b>Development Address</b>	Site at Leeson Street Upper, Dublin 4, Co. Dublin.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The nature and size of the development (1 Dwelling House) is not exceptional in the context of the existing urban environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary. The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster.
<b>Location of development</b>  (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).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The site is located in a urban area and is zoned for to protect and or improve the amenities of residential conservation areas. Residential development is acceptable in principle in this zoning. The nearest European site is 0.5km to the north of the site. The development site is not within the vicinity of any European Sites. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>  There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.
<b>Conclusion</b>	

Likelihood of Significant Effects	Conclusion in respect of EIA
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p> <p><i>Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.</i></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)