



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP-322677-25**

### Development

PROTECTED STRUCTURE:

Permission to demolish existing single storey garage to side of property and to construct a 3 storey dwelling unit attached to side of property and all associated site works

### Location

368 Harolds Cross Road, Harolds Cross, Dublin 6W, D6W VK64

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

WEB1569/25

### Applicant(s)

Terry Sheridan.

### Type of Application

Permission.

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant

Terry Sheridan.

### Observer

Philip O' Reilly.

**Date of Site Inspection**

17-07-2025

**Inspector**

Adam Kearney

## **1.0 Site Location and Description**

- 1.1. No. 368 Harolds Cross Road is an end of terrace 2 storey over raised basement Victorian Town House with a brick fascade. It is a Protected Structure under Dublin City Development Plan 2022-2028 (RPS: 8707). The overall terrace comprises 6 no. dwellings with a communal forecourt inclusive of parking accessed by 2 no. access points onto Harolds Cross Road. The terrace forecourt is bounded to the front by a low stone wall and there are 3 No. shared external stone stairs serving the upper ground floor main accesses.
- 1.2. The area surrounding the subject property features a mix of residential, commercial, community and recreational uses. The property backs onto Harolds Cross Youth Football Club northwest of the site and immediate abutments to the north and south comprising of residential properties. There is a mix of one, two and three storey dwellings and commercial buildings in the vicinity of the site in a variety of architectural styles
- 1.3. To the side of the subject property is a flat roofed garage structure with parapet attached to the terrace at basement level. This structure is rendered with plaster and painted white and has a large garage door. The floor plan is triangular dictated by the site shape and reduces as it extends back.

## **2.0 Proposed Development**

- 2.1. The applicant is seeking to demolish an existing single storey garage to the side of property and is seeking to construct a 3-storey dwelling unit as a replacement with access over two floors and incorporating an external metal staircase. The proposal would serve to extend the existing terrace to 7 no. dwellings. As part of the proposal there is extensive anthracite coloured louvre panelling on all elevation and a metal staircase on the front elevation.

2.2.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

#### **3.1.1. The Planning Authority decided to Refuse Permission for two reasons**

#### **3.1.2. Reasons For Refusal**

3.1.3. Having regard to the sensitive setting of the site, the zoning objective Z2 – ‘to protect and/or improve the amenities of residential conservation areas’ and the level of development already permitted on this site, it is considered that the proposal would result in overdevelopment of this historic site and, by way of its siting, materials, articulation and design, would cause serious injury to the special architectural character of the protected structure and the extant terrace (which consists of protected structures), their setting and the residential conservation area. As such, it is considered that the proposed development would contravene Policies BHA2 (a), (b), (c), (d) and (e) of the Dublin City Development Plan (2022-2028) and would set an undesirable precedent in this regard.

3.1.4. Having regard to the significant shortfall in private open space for the proposed three-bedroomed house, contrary to the standards set out in SPPR2 of the ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’, Department of Housing, Local Government and Heritage (2024), the proposal would be seriously injurious to the residential amenities of future occupants and to the proper planning and sustainable development of the area

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

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

- The planning report referenced the previous refusals on the site
- Questioned the stated red line area of the site (overstated)
- Concluded the internal layout design is deemed acceptable, but the private open space provision is deficient for a three storey three-bedroom house and

the neighbouring primary property has previously been identified as multi occupancy unit and their open space requirements are therefore unknown

- While the principle of development is established for such proposals the conservation impacts are significant

Permission was ultimately Refused having regard to the zoning of the site and the provisions of the current Dublin City Development Plan (2022-2028).

It is considered that the proposed development would contravene the policies and objectives of the development plan and would not accord with the proper planning and sustainable development of the area.

### 3.2.2. Other Technical Reports

- Conservation – Refuse Permission –

*In the opinion of the CO, the proposed design is not of an appropriate quality. The proposed materials (such as nap render and uPVC) are of insufficient quality for use on Protected Structures. The use of louvered metal screens are considered to be inappropriate to the historic context. The introduction of a metal stairs to the front of the structure is wholly insensitive. The proposed fenestration arrangement and solid to void ratio of the facade design is not of sufficient architectural quality. The proposed dwelling would not enhance the Protected Structure and would therefore contravene Dublin City Council's Built Heritage policy, BHA2 Development of Protected Structures,*

- Drainage - No objection subject to conditions
- Transportation – No Report received

### 3.3. Prescribed Bodies

### 3.4. None

### **3.5. Third Party Observations**

3.6. Philip O' Reilly with further Observation to First Party Appeal (See Section 7.3)

## **4.0 Planning History**

4.1. Planning Ref: 3211/97:

Permission Refused for demolition of existing garage and proposed three-storey house.

4.2. Planning Ref: 1297/97: Permission refused for demolition of existing garage and proposed three-storey

4.3. Planning Ref: 0002/97: Permission refused for demolition of existing garage and proposed three-storey extension (two-storey over garden level) providing two one-bed and one two-bed apartments at side

4.4. The thrust of the previous refusals centred around

- overdevelopment
- open space concerns
- insufficient car parking

## **5.0 Policy Context**

### **5.1. Development Plan Dublin City Development Plan 2022 – 2028**

Section 14.7.2 – Residential Conservation Areas. The area is zoned Z2; Residential Neighbourhoods (Conservation Areas), stated objective to protect and/or improve the amenities of residential conservation areas.

### **5.2. Section 14.7.2 – Residential Conservation Areas**

Z2-zoned areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale, such that they require special care in dealing with development proposals which affect both protected and non-protected structures in such areas. The general objective is to protect the area

from unsuitable new developments or works that would have a negative impact on its amenity or architectural quality.

5.3. Policy BHA9 - '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 (inter alia):

- Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
- Re-instatement of missing architectural detail or important features.
- Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
- Contemporary architecture of exceptional design quality, which is in harmony with the conservation area.
- Retention of buildings and features that contribute to the overall character and integrity of the conservation area.

5.4. Policy BHA2 - Development will conserve and enhance protected structures and their curtilage. It is development plan policy to (inter alia):

- (a) Ensure that any development proposals to protected structures, their curtilage and setting will 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.
- (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.
- (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.

5.5. Section 15.11 – Standards for Houses

5.6. Section 15.13.3 – Infill/Side Garden Housing Developments

5.7. **Relevant National or Regional Policy / Ministerial Guidelines (where relevant)**

5.8. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

5.9. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, (2024)

5.10. Quality Housing for Sustainable Communities: Design Guidelines, Department of the Environment, Heritage, and Local Government, (2007)

## 6.0 **Natural Heritage Designations**

6.1. There are no Natura 2000 sites within/abutting the appeal site or within the immediate context of the site. The closest sites and those within the zone of influence of the proposed development are:



- South Dublin Bay SAC (Site Code 000210) – c. 4.6km to the east.
- South Dublin Bay & River Tolka Estuary SPA (Site Code 004024) - c. 4.6km east.

## **7.0 EIA Screening**

7.1. The proposed development is for an end of terrace three-storey dwelling in an established urban area. Schedule 5, Part 2, Section 10(b)(i) of the Planning and Development Regulations 2001, as amended, lists the "Construction of more than 500 dwelling units' as a Class of Development for the purposes of Part 10. As such, the proposed development is sub-threshold for the purposes of EIA. Having regard to the nature of this sub-threshold development, and the location of the site removed from sensitive locations or features it can be reasonably concluded that the proposed development would not be likely to have any real likelihood of significant effects on the environment either by itself or in conjunction with other developments. As such, no EIAR or screening for assessment is required. (See attached Appendix 1 Form 1 Pre-screening and Appendix 2 Form 2 Preliminary Examination).

## **8.0 The Appeal**

### **8.1. Grounds of Appeal**

- Applicant set about designing a proposal that would be respectful of the protected terrace
- The other Individual units of the terrace have demonstrated independence with use of PVC Windows, non traditional pointing, replacing doors and fan lights etc.
- The existing permitted garage structure would be demolished
- The garage has set an undesirable precedent
- No. 368 had a generous side garden in lieu of a small rear garden prior to the garage being built.

- The existing gable of No. 368 with exposed gutters and hoppers would be eliminated
- Louvre screening would disguise the bins that are 'lined up' in front of the garage
- Rebuilding on an existing footprint so no significant increase in development
- Have stepped back the building from the front elevation to protect the quoin and the parapet of No. 368.
- Propose to use quality materials.
- Can overcome the issue of private open space and have demonstrated in the appeal how this can be achieved
- Bedroom 3 on the second-floor plan omitted in favour of external amenity space (circa 14m<sup>2</sup>)

## 8.2. Planning Authority Response

The Planning Authority in correspondence dated the 10/6/2025 requested that the Commission uphold their decision to Refuse Permission.

- The Planning Department also requested that if permission is granted that the following condition(s) be applied:
- A condition requiring the payment of a Section 48 development contribution.
- A naming & numbering condition.

## 8.3. Observation – Philip O' Reilly

- The terrace is a protected structures in an architectural conservation designated area
- There is no design that can be considered respectful given the parameters
- Disputes applicants claim that No. 368 had a generous side garden

- The features of the existing gable are original features and have been on view for 150 years
- Counters louvered proposal to hide bin storage and points to current housekeeping issues around bin storage
- Site is small
- Questions the applicant's commitment to use 'Quality Materials'
- Terrace is 175 years old and constructed in 1850
- Questions the overall quality of the design and the external staircase to the front

## 9.0 **Assessment**

9.1. I have examined the file, the submissions of all parties and inspected the site. I have assessed the proposed development and there are no new substantive matters for consideration. I am satisfied that the following are the planning matters arising:

- The principal of development
- Open Space
- The Conservation Impacts of the proposed development
- Other matters

## 9.2. **Principle of Development**

9.3. The Z2 zoning designation allows for development as proposed. The site is in an established urban area with access to services and utilities and adjacent to high frequency public transport

## 9.4. **Private Open Space**

9.5. The second reason for refusal centred on the provision of private open space having regard to SPPR2 of the 'Sustainable Residential Development and Compact Settlements Guidelines. The original application was for 3 no. bedrooms which requires a minimum area of 40m<sup>2</sup>. The space provided included small areas of

private open space that totalled circa 12m<sup>2</sup>. I agree with the PA that this level of POS represents a substantial shortfall and is unacceptable.

- 9.6. A Revised Proposal is received with the appeal which proposes to remove 1 no bedroom on the second floor in lieu of additional open space and it is submitted by the appellant that this addresses one of the reasons for refusal.
- 9.7. I note that the revision reduces the proposal to a 2-bedroom dwelling which has a requirement for 30m<sup>2</sup> of Private Open Space but with an option to offset up to 15m<sup>2</sup> in lieu of quality semi-private open space (Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities SPPR2 p55). The original proposal provided for four small separate areas of private open space amounting to circa 12m<sup>2</sup>. However, with the addition of 14m<sup>2</sup> on the second floor in lieu of Bedroom 3 the total rises to 26m<sup>2</sup>. Give that the 2-bedroom unit is now a 100m<sup>2</sup> dwelling significantly in excess of the minimum standard and the forecourt area setting affords a degree of quality semi private open space I am satisfied that the revised plans received with the appeal seeking to address a reason for refusal with regard to the provision of private open space has been overcome.
- 9.8. **Conservation Impacts of the Proposed Development**
- 9.9. The architectural merit of the existing 6 dwelling Victorian era terrace is obvious and albeit some elements of individual houses within the terrace have not retained certain features or have used inappropriate materials to replace windows and doors etc the overall symmetry and classic design persists.
- 9.10. The applicant is the owner of the end of terrace dwelling to the north of the block (No. 368 Harolds Cross Road) and is proposing to demolish the adjoining single storey storage shed and replace same with a three storey end of terrace dwelling with a lower ridge height than the terrace, a metal external staircase is proposed as access to the first floor for reasons unknown unless there is an intention to subdivide at a later stage or there was some modern day attempt to replicate the upper ground floor access of the main terrace. There is also louvred metal panels to large parts of the three exposed elevations to mask the bin storage area and POS at first and second floor level
- 9.11. In terms of design quality, the proposed design offers very little, and I would question the applicant's reference to the use of 'quality materials'. Conservation is an

established built environment profession. It is essential that professionals are engaged when drafting conservation reports for buildings involving protected structure and within ACAs. The competency requirements for compiling Architectural Heritage Impact Assessment is set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011)

#### **Section B4.0 Competency of Author(s)**

- 9.12. *B4.1 The author(s) of an architectural heritage impact assessment should be appropriately qualified or competent to undertake the assessment. Where the works to the protected structure are unlikely to have more than a minor impact on the character of the structure, it may be acceptable that the assessment be undertaken by a person, or persons, without specialised expertise. However, where the protected structure is of high quality or rarity, or where the impact on the architectural heritage may be substantial, the planning authority could make it a requirement that the assessment be carried out by those with relevant competence or expertise.*
- 9.13. The Author of the 'Conservation Assessment' accompanying the application are described as Architectural and Engineering Solutions. I do not deem this to be a competent qualification to produce a Conservation Report for this application.
- 9.14. I would agree with a point made by the observer that it is difficult to envisage a 3-storey structure that would not detract from the setting and character of the existing terrace. I am satisfied that there would be a deleterious visual impact from any structure that exceeds a single storey at this specific location irrespective of design quality.
- 9.15. In terms of the existing garage structure there may be scope to replace or regenerate this addendum into a small sympathetically designed living space without exceeding its present height or volume.
- 9.16. Overall the case has not been made for a modern day extension of the terrace that would not upset the symmetry and that would not detract from the setting and character of this exceptional example of Victorian architecture. Such buildings contribute greatly to our built environment and while there is an acute housing shortage to consider, the provision of an additional dwellings cannot come at the expense of our historic streetscape.

### 9.17. Other Matters

### 9.18. Discrepancies with location map and site layout plan –

- The application form states an area of 0.084 Hectares for the site
- The location map illustrates a red line area around the shed structure and additional ground fronting this area that from my estimation equates to circa 60m<sup>2</sup> or 0.006 Hectares and has a blue line around No. 368
- The site layout plan is light on detail and appears to show only a partial non enclosed red line around the primary dwelling and the shed and doesn't appear to correspond with the location map. There is also a sewer line shown in red

## 10.0 AA Screening

10.1. Having regard to nature, scale and location of the proposed development and remoteness from the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site. I have considered the construction of a 3 storey 3-bedroom end of terrace dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or immediately adjacent to any European Sites. The closest European Sites, part of the Natura 2000 Network is South Dublin Bay Special Area of Conservation (000210) is circa 4.6 km east.

I have considered the proposed development of the construction of a 3 storey 3 bedroom end of terrace dwelling in light of the requirements S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to a European site. The closest European Sites, part of the Natura 2000 Network is South Dublin Bay Special Area of Conservation (000210) is circa 4.6 km east.

Having considered the nature, small scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have an appreciable effect on a European site. The reason for this conclusion is as follows:

- The small scale of the development.
- The location of the development in a serviced urban area

I consider that the proposed development would not be likely to have a significant effect individually or in-combination with other plans or projects, on a European site and appropriate assessment is therefore not required.

## **11.0 Recommendation**

11.1. I recommend Permission is Refused for the following Reasons

## **12.0 Reasons and Considerations**

- 12.1. It is considered the proposed development would detract from and injure the special architectural character and setting of the Protected Structure and ACA. The proposed development would be contrary to Policies BHA2 Development of Protected Structures, BHA7 Architectural Conservations Areas and BHA9 Conservation Areas of the Dublin City Development Plan 2022-2028 and would set an undesirable precedent for similar development. The proposed development would be contrary to the zoning objective Z2 - "To protect and/or improve the amenities of residential conservation areas" for this site as set out in the Dublin City Development Plan 2022-28 and would, therefore be contrary to the proper planning and sustainable development of the area.
- 12.2. 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.

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Adam Kearney

Planning Inspector

28<sup>th</sup> July 2025

**Appendix 1**  
**Form 1 - EIA Pre-Screening**

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-322677-25		
<b>Proposed Development Summary</b>	Construction of a 3 storey end of terrace dwelling		
<b>Development Address</b>	368 Harolds Cross Road, Harolds Cross, Dublin 6W, D6W VK64		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	The development is of a Class (Class 10(b)(i)) – Schedule 2	Proceed to Q3.
<b>No</b>			No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			



Yes			EIA Mandatory EIAR required
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<b>No</b>	✓	The relevant threshold for Class 10(b)(i) is the 'Construction of more than 500 dwelling units'	Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	At 1 no. dwelling unit the proposed development is substantially below the threshold	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Pre-Screening conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** Adam Kearney

**Date:** 23-07-2025

## **Appendix 2**

### **FORM 2 - EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference Number</b>	ABP-322677-25
<b>Proposed Development Summary</b>	Construction of a three storey end of terrace dwelling
<b>Development Address</b>	368 Harolds Cross Road, Harolds Cross, Dublin 6W, D6W VK64
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<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).	The development is the construction of a single three storey end of terrace dwelling in an urban and predominantly residential area, it does not require any significant demolition over and above an existing single storey domestic garage and does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.
<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	The application site comprises a small brownfield urban plot to the rear of an existing dwelling in a suburban area. It is removed from sensitive natural habitats and designated sites inclusive

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).	of any archaeological features or monuments or protected structures. I do not consider that there is potential for the proposed development to negatively affect 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).	The site is in a suburban built up location with predominantly low rise residential dwellings. An additional single dwelling is not likely to give rise to any significant impacts locally.  Construction impacts will be short term and can be mitigated and managed.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	. EIA is not required.	NO

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

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

(only where Schedule 7A information or EIAR required)