



An
Bord
Pleanála

Inspector's Report

ABP-322708-25

Development	Construction of dwelling with all associated site works.
Location	10 Thomas Hand Street, Skerries, Co. Dublin, K34P981
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	25A/0263E
Applicant(s)	Simon Pipping
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Simon Pipping
Observer(s)	Paul Shine
Date of Site Inspection	5 th September 2025
Inspector	Emma Gosnell

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1.0 Site Location and Description

- 1.1. The appeal site is located to the immediate rear of No. 10 Thomas Hand Street within the village of Skerries, Co. Dublin. The site comes within the Architectural Conservation Area (ACA) of Skerries Town Centre.
- 1.2. The site is bounded to the north by no's 1, 1A and 1B Balbriggan Street, to the west, south and south-east by a backland area to the rear of No's 10 and 10A Thomas Hand Street (2-storey and 1-storey terraced properties respectively). It also has a narrow frontage and vehicular access onto Thomas Hand Street on its east side between No's 10 and 11 Thomas Hand Street. The existing site entrance is gated with 2 no. entrance piers and there are utility poles in the public footpath at either side of same.
- 1.3. The c. 0.044 ha site is backland in nature and comprises of an overgrown area featuring the remains of a derelict stone structure (side wall and gable) on its north-east side and large metal garden shed on its north-west side. The site is enclosed by a mixture of old stone walls and blockwork boundary walls of varying heights. There are swathes of brambles along its northern boundary and a line of small trees along its south-eastern boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of new detached two- storey 2-bed dwelling house (c. 120sq.m) and detached garage (c. 26sq.m), to rear of existing family home, storm water percolation area, and associated site works including 2 no. in-curtilage parking spaces, with new vehicular access off Thomas Hand Street in Skerries, Co. Dublin.
- 2.2. The architectural style of the proposed 2-storey 3-bay dwelling is mock-Georgian, and it features 1 no. centrally located balcony and 2 no. balconettes (at either side) at first floor level on its front (south) elevation. The property has a hipped roof profile (max. height of c. 6.68m) set behind an upstand parapet wall (c. 5.95m) and it features a chimney on its west side (noted that there are inconsistencies in the submitted sections and elevation drawings in respect to the profile of the roof). Its front fenestration arrangements comprise of a front door complete with semi-circular fanlight and latticed uPVC windows. No glazing is proposed on the dwelling's rear

(north) elevation, with ground floor doors being the only glazing on its side (east and west) elevations.

- 2.3. The proposed garage is single storey in height with a shallow pitched roof (max. height of c. 3.25m). It features a roller shutter on its front (north) elevation and a door and window on its side (west) elevation.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 14/05/2025 for 2 no. reasons:

1. The applicant has failed to provide sufficient information regarding the existing derelict stone-built structure on the site. While this structure is shown on the site location map, it is not referenced or included in any of the submitted plans for the proposed development. No details have been provided in relation to its proposed demolition, retention, or reuse, resulting in an incomplete assessment of the site's development potential. The current proposal is therefore in direct conflict with Policy HCAP23 of the Fingal Development Plan 2023-2029 and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development lacks a clear design rationale and incorporates materials such as upvc windows, concrete roof tiles and Georgian-style design features that are inconsistent with the architectural character of the Skerries Architectural Conservation Area (ACA). New buildings within an ACA must complement and enhance their setting in terms of design, materials, proportions, and massing. Due to concerns regarding the scale height orientation and detailed design of the proposed dwelling, the development is considered to be non-compliant with the guidance for infill development set out in Table 14.24; Policy HCAP14 – 'Architectural Conservation Areas'; and, Policy HCAP15 – 'Character of Architectural Conservation Areas' of the Fingal Development Plan, and would have a detrimental impact on the character and appearance of the Skerries ACA. The proposed development is therefore contrary to the policies and objectives of the Fingal Development Plan 2023-2029 and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1 no. planning report (dated 14/05/2025) formed the basis of the planning authority's (PA) assessment.

The report sets out the relevant planning history, policy context, issues raised in internal departmental reports, and undertakes a planning assessment, EIA Screening and AA Screening. Key points of note raised in the report are as follows:

- *Principle of Development* – whilst residential development permitted in principle on 'TC – Town Centre' zoned sites, there are omissions/ oversights in the application which undermine the PA's ability to assess the proposal. These relate to the existing stone-built structure on site and to the extent of the applicant's land ownership.
- *Open Space* – 128sq.m of private open space is acceptable and SPPR2 compliant.
- *Conservation* – architectural design (mock-Georgian) and orientation of dwelling are inappropriate to site context and location within an ACA and proposal is non-compliant with Policies and HCAP15. Inadequate/ conflicting information provided on the materiality/ finish of dwelling and proposed uPVC windows not acceptable. The proposal does not provide information on or address the existing stone-built structure on the site, and it is unclear as to whether it is to be demolished or reused.

Refusal recommended on this basis.

- *Visual Amenity* – Scale and ridge height of dwelling renders it visible from Thomas Hand Street with potential for negative visual impact on ACA. Height and siting of proposed dwelling and garage to rear of No. 10A Thomas Hand Street is visually dominant/ gives rise to diminution in visual amenity. Design response not justified, of sufficient quality and is unacceptable. **Refusal recommended on this basis.**
- *Residential Amenity* – separation from/ relationship with neighbouring dwellings (to southeast, southwest and north) not addressed despite being raised in PAC (05/09/2024). Lack of windows on northern elevation gives rise to concerns regarding daylight serving habitable rooms. Relationship of dwelling and garage to No. 10A may give rise to overbearance. **Refusal recommended on this basis.**
- *Access* – sightlines serving the (existing) vehicular access are acceptable & DMURS compliant. Boundary wall and piers should be maintained at 900mm in

height to provide for pedestrian visibility/ safety. Recommended that a more detailed layout reflecting same in addition to the removal/ relocation of service poles in the public footpath and swept path analysis be sought via a request for further information (FI) (this was not pursued by the PA on account of decision to refuse).

- *Parking* – provision of 1 no. car parking space is acceptable and compliant with the standards set out in the 2024 Compact Settlement Guidelines. However, insufficient details provided in respect to impact on existing parking serving No. 10. Clarity to be sought via a request for FI (not pursued by the PA on account of refusal).
- *Water Supply/ Drainage* – proposed water supply and surface water/ foul drainage arrangements are acceptable subject to the attachment of standard conditions.

The planning report concluded by recommending permission be **refused** for 2 no. reasons (as detailed in Section 3.1 of this report).

3.2.2. **Other Technical Reports**

Transportation Planning Section (12/05/2025) – sought FI on access arrangements.

Water Services Department (29/04/2025) – sought the attachment of standards conditions in respect to surface water management.

Conservation Officer (29/04/2025) – recommended refusal on basis of design and oversights in application documentation.

3.3. **Prescribed Bodies**

No submissions received.

3.4. **Third Party Observations**

2 no. submissions were received from neighbouring property owners (including the Observer) at PA stage and raised the following issues:

Conservation

- Inadequate detail on stone structure on site which may be architecturally significant

- Scale, form and design of proposal is inappropriate and unsympathetic to the ACA, would detract from its character and visual amenity and would materially contravene FDP's ACA-related policy

Design

- No assessment of architectural impact or architectural design statement submitted
- Insufficient detail provided on proposal's design rationale and materials & finishes
- Proposal is overbearing and its design/ excessive scale/ siting give rise to overshadowing of and loss of sunlight and daylight to neighbouring properties and would unacceptably affect their value, visual and residential amenity
- Proposal is non-compliant with Table 14.4 and Objectives DMSO31 and DMSO32
- Proposal is overbearing/ gives rise to diminution in neighbouring visual amenity
- Shadow study submitted with the application is incomplete/ cant be relied upon
- Proposed fenestration arrangements will give rise to poor future residential amenity
- Creation of application site has led to substandard private open space for No. 10.

Other

- Full details of the applicant's property ownership have not been disclosed
- Extent of paving proposed within private open space area is excessive
- Access arrangements are inadequate and will give rise to traffic safety issues
- 3 no. parking spaces proposed is excessive given national policy on max. parking
- No AA screening report was submitted with the application
- Proposal does not address issues raised at pre-planning stage

4.0 Planning History

4.1. Site

P.A. Ref. F07B/0022 - Application to add a first floor, raise roof and extend the ground floor rear of the existing dwelling, granted permission on 26/04/2007 subject to 7 no. conditions including: 2. Omit balcony on rear elevation, 4. ACA appropriate finishes.

4.2. Neighbouring Sites

Site to North-West (No's 1A and 1B Balbriggan Street)

P.A. Ref. F17A/0506 – Application for retention permission for two semi-detached houses as constructed under planning permission Reg Ref. F13A/0220 (permission to remove existing unfinished building erected under P.A. Ref F06A/1009 and to construct 2 no. semi-detached 2.5 storey houses) - save for compliance with condition No. 4 an increase in ridge roof height of 500 mm and for repositioning of two roof lights from inner side of roof valley to outer side of roof, and for permission to complete the project, granted permission on 20/11/2017 subject to 2 no. conditions.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework (2025)

Climate Action Plan (2024 & 2025) and Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024), SPPR 1 - Separation Distances, SPPR2 – Private Open Space, SPPR 3 – Car Parking

EPA Code of Practice: Domestic Wastewater Treatment Systems (2021)

Design Manual for Urban Roads and Streets (DoHLGH, 2019)

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007)

Development Management Guidelines for Planning Authorities (DoHLGH, 2007) - Section 7.7 (Conditions directly departing from the application)

5.2. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES) - Fingal Development Plan 2023-2029: Skerries as self-sustaining town.

5.3. Development Plan

The Fingal Development Plan (FDP) 2023-2029 applies.

Skerries

Section 2.7.2 (Role of Each Settlement) – Self-Sustaining Towns incl. Skerries

Policies CSP34 – Consolidate Growth of Self-Sustaining Towns, CSP36 - Focus Growth Within and Contiguous to Core in Self-Sustaining Towns, CSP38 - Malahide, Balbriggan, Lusk, Portmarnock, Rush and Skerries

Objective CSO55 - Development and Growth of Balbriggan and Skerries

Zoning

The site is zoned 'TC – Town and District Centre' with the objective to 'Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'. Residential is a use class which is Permitted in Principle under the TC zoning.

The stated vision for this zoning objective is, inter alia, to develop and consolidate these centres with an appropriate mix of uses, and to enhance and develop the urban fabric of these centres with urban design, conservation and sustainable development.

The site is also located within a 'highly sensitive', 'coastal' landscape character area.

Residential Development

Section 14.6 (Design Criteria for Residential Development in Fingal)

Sections 14.6.6.3 (Separation Distances) & 14.6.6.4 (Overlooking and Overbearance)

Sections 14.8 (Housing Development/Standards), 14.8.3 (Private Open Space) and 14.9 (Residential Developments – General Requirements)

Objective SPQHO38 – Residential Development at Sustainable Densities

Objective DMSO23 – Separation Distance

Infill/ Backland Development

Section 14.5 (Consolidation of the Built Form: Design Parameters) & Objective SPQHO37 – Residential Consolidation and Sustainable Intensification

Section 14.10 (Additional Accommodation in Existing Built-up Areas)

Sections 14.10.1 (Corner/Infill Development)

Tables 14.3 (Brownfield Opportunities and Regeneration), 14.4 (Infill Development) & 14.24 (Direction for Proposed Development within Architectural Conservation Areas)

Objective HCAO38 – Infill Development:

Support the development of sustainable backland and infill development that is appropriate in scale and character to historic town and village centres, that transitions appropriately, accommodates surviving structures where appropriate and retains the historic streetscape form.

Objectives DMSO31 - Infill Development:

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective DMSO32 - Infill Development on Corner / Side Garden Sites

Objective SPQHO39 – New Infill Development

Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites: Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Architectural Conservation/ Heritage

Section 10.5.2.2 (Architectural Conservation Area (ACA))

Policy HCAP11 – Conservation of Architectural Heritage

Policy HCAP14 – Architectural Conservation Areas:

Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA 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. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.

Policy HCAP15 – Character of Architectural Conservation Areas:

Support and encourage the sympathetic and appropriate adaptive reuse, refurbishment, and upgrading of protected structures and buildings or structures that contribute to the character of an Architectural Conservation Area ensuring that their special interest, character and setting is retained. Prohibit development that seeks the demolition of a Protected Structure or buildings that contribute to the character of an ACA in almost all circumstances.

Objective DMSO186 – Retention of Existing Building Stock within an ACA:

Retain the existing building stock within an ACA where possible and ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of the proposed design, including: scale, mass, height, proportions, density, layout, materials, plot ratio, and building lines.

Objective DMSO187 – Planning Applications within an ACA

Section 10.5.2.5 (Vernacular Heritage and Other Built Heritage Assets)

Policy HCAP26 – Historic Townscapes:

Recognise the importance of historic townscapes or streetscapes in creating a sense of place when the urban fabric or groups of buildings are read together and how the gradual attrition of historic fabric or detailing, or the demolition and replacement of individual modest buildings can fundamentally alter the character of the place.

Policies HCAP9 – Re-use of Architectural Heritage and HCAP10 – Retention

Policy HCAP22 – Retention and Reuse of Existing Building Stock:

Policy HCAP23 – Heritage-led Regeneration:

Require that adaptative re-use of older buildings and historic centre heritage-led regeneration adheres to best conservation practice and principles. There will be a presumption against the demolition of older buildings where restoration or adaptation is a feasible option.

Objective GINHO59 – Development and Sensitive Areas.

Access

Section 14.7.7 (Car Parking)

Tables 14.18 (Car Parking Zones) and 14.19 (Car Parking Standards)

6.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 300m from North-West Irish Sea SPA (Site Code 004236)
- c. 2km from Skerries Islands SPA (Site Code 004122)
- c. 3km from Rockabill to Dalkey Island SAC (Site Code 003000)
- c. 3.5km from Rockabill SPA (Site Code 004014)

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- c. 1.2km from Skerries Islands NHA (Site Code 001218)
- c. 2.5km from Loughshinny Coast pNHA (Site Code 002000)

7.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 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.

8.0 Water Framework Directive Screening

I have concluded, 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 (refer to form in Appendix 2 for details).

9.0 The Appeal

9.1. Grounds of Appeal

A first party appeal submission was received (06/06/2025) and seeks to address the PA's reasons for refusal. The grounds of appeal (GOA) can be summarised as follows:

Principle of Development

Proposal for development of an infill residential unit on 'TC' zoned lands is compliant with national and local planning policy on efficient land use and compact growth.

Appellant states they are a longstanding resident of Skerries and owner of No. 10 Thomas Hand Street since 2007.

Appellant seeks to clarify that the appeal site has always been separate from the adjoining house (No. 10 Thomas Hand Street) and was purchased separately by the appellant in 2014.

Refusal Reason No. 1 - Extant Stone Structure

No intact standalone structure or building remains on site.

Extant remains are an insubstantial gable stone wall which demarcates the site boundary and has no architectural/ historic merit i.e. is not a protected structure/ identified on the NIAH/ identified in any ACA appraisal.

Wall does not qualify as a standalone structure for purposes of restoration or adaptive reuse, and it does not contribute positively to the site or to the ACA.

PA have mischaracterised the nature of the extant structure on site and the wall should not be allowed to inhibit the development of a new dwelling on the site.

The GOA are accompanied by 2 no. undated photos of the wall and the appellant states that they are willing to provide a further photographic condition survey.

The appellant states that they are willing to provide the Commission with a conservation note prepared by a heritage consultant if required.

Refusal Reason No. 2 – Design and Impact on ACA/Visual/ Residential Amenity

Design

Proposal respects the prevailing scale, form & materiality of neighbouring properties.

Dwelling's massing and ridge height is proportionate to neighbouring properties.

All Development Plan standards relating to backland development, private open space, height, density, access and design are met or can be achieved via a redesign of the proposal through minor, non-material amendments to same.

Visual Impact/ ACA

Proposal is not visible from key public views and cannot impact character of ACA.

Proposal's modest design and backland siting ensures it does not impact prominent public views within the ACA, the historic street pattern, urban grain or setting of protected structures.

Appellant is of the view that the PA's interpretation of the proposed design character and materiality is overly subjective and unwarranted given its siting and limited visibility. Notwithstanding their position, the appellant is willing to revise the proposed materiality and architectural detailing to provide for a simplified/ more contemporary design approach in order to better harmonise with the local housing vernacular:

- Simplify mock-Georgian architectural detailing
- Replace uPVC windows with timber or aluclad alternatives
- Replace concrete tiles with natural slate or fibre cement alternatives

Applicant states they are willing to submit a revised Design Statement clarifying the design rationale and revised material selection in addition to revised elevations with a schedule of materials should the Commission deem this necessary.

Residential Amenity

Proposal provides for adequate separation distances and does not give rise to overlooking or overshadowing as evidenced by the submitted shadow study which determined that the proposal would not give rise to an unacceptable loss of light.

PA and third party concerns in respect to residential amenity are not evidence-based.

Appellant submits that they are willing to submit a revised, annotated shadow study with quantifiable metrics and BRE-compliant diagrams where required to do so by the Commission.

Other

Access

Access via an existing gated entrance which already serves the appeal site does not require road widening or relocation of services.

Access sightlines have been determined to be compliant with DMURS.

Parking

Appellant seeks to clarify that 1 no. on site car parking space is proposed which is compliant with development plan policy

Sufficient space has also been provided for secure bike storage.

Drainage

Driveway/ garage design avoids provision of excessive hardstanding.

Foul and surface water proposals were determined by the PA to be acceptable.

9.2. Planning Authority Response

Response received 24/06/2025 states that the PA have no comments to make in respect of the appeal and seeks that the Commission uphold their decision to refuse permission. In the event that their decision is overturned, they seek that conditions relating to payment of a S. 48 Development Contribution, a bond/ cash security, tree bond and a payment in lieu to compensate for a shortfall in play facilities be applied.

9.3. Observations

Paul Shine (Neighbouring Property Owner)

Observation received 22/06/2025 outlines support for the PA's decision to refuse permission and generally reiterates issues raised at application stage. New points of note raised include:

- Proposal's conflict with Policy HCAP23, HCAP14 & HCAP15
- Impact on/ displacement of parking for No. 10 Thomas Hand Street

9.4. Prescribed Bodies

Development Applications Unit

Response dated 28/07/2025 states that the Department of Housing, Local Government and Heritage's Development Applications Unit (DAU) has no objection in principle to the infill proposal but would concur with the PA's design concerns. Where the Commission are minded to grant permission for the proposal, the DAU seek that a revised design be sought by way of written agreement with the PA.

9.5. Further Responses

First Party Response

A further response received 20/08/2025 states that the appellant notes that whilst the DAU has no objection in principle to the infill proposal, they have concerns in respect to scale and design quality which they recommend could be addressed by condition where the Commission are minded to grant permission. The appellant confirms that they would be open to engaging further with the PA in order to refine the design and prepare a revised proposal which addresses the matters raised.

Planning Authority Response

A further response received 20/08/2025 reiterates the PA's refusal reasoning and states that the proposal is fundamentally incompatible with Skerries ACA on the basis that its architectural design (materials/ proportions/ massing etc.) is incongruous, its Georgian detailing inappropriate and, that it neither reflects nor complements the local vernacular or traditional building forms. On this basis, it is the PA's view that the proposal fails to comply with the policy guidance outlined in Table 14.24 or with Policies HCAP14 and HCAP15 which require new development to respect, protect and enhance the special character of an ACA.

The PA also note that the proposal has not been developed with regard to the appeal site's sensitive context and they point to the applicant's failure to provide a design statement or to provide any design intent/ justification as evidence of same.

In respect to the appellant's proposal to provide for a revised scheme by condition, the PA are of the view that a fundamentally revised scheme which demonstrates full compliance with ACA policy and best practice conservation-led design would require a new planning application.

Notwithstanding the foregoing, in the event that their decision is overturned by the Commission, the PA seek that, where relevant, conditions relating to the payment of a Section 48 Development Contribution, a bond/ cash security, tree bond and a payment in lieu to compensate for a shortfall in play facilities be applied.

Observer Response

A further response received 15/08/2025 reiterates the observer's support for the PA's decision to refuse permission for the proposal and notes that the DAU also concur with the PAs design concerns. The observer raises concerns with the DAU's recommendation that a revised design be sought by condition, which they consider to be inappropriate given the overall unacceptability of the proposal, and they note that such an approach would not be consistent with the Development Management Guidelines given the fundamental nature and extent of design changes that would be required. The observer also highlights issues in respect to the lack of public participation in the planning compliance process and the prejudicing of third party rights in this regard. The response concludes by urging the Commission to refuse permission.

10.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, having inspected the site and having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design
- Access and Parking
- Other

10.1. Principle of Development

Zoning

- 10.1.1. The appeal site is zoned 'TC – Town Centre' with the objective 'Protect and enhance the special physical and social character of town and district centres and provide

and/or improve urban facilities'. I consider that the proposal for a residential dwelling on the TC zoned site is acceptable in principle, and in general compliance with national to local urban consolidation policy, subject to the detailed considerations below.

Extant Structure

- 10.1.2. The planning authority (PA) and Observer have raised significant concerns in respect to the applicant's failure to sufficiently acknowledge the existence of a derelict stone structure on the site, to provide information regarding its condition or, to put forward plans for its future treatment (i.e. demolition, retention or re-use) in line with FDP Policy HCAP23 (Heritage-led Regeneration) which states that there will be a presumption against the demolition of older buildings where restoration or adaptation is a feasible option. This reasoning underpinned the PA's refusal reason No. 1.
- 10.1.3. The appellant is of the view that no intact standalone structure/ building remains on the appeal site and that the extant remains referred to are an insubstantial stone gable/ boundary wall which has no architectural or historical merit to the ACA. On this basis, they contend that it would not qualify as a 'structure' for the purposes of adaption or reuse and should not inhibit the development of the site.
- 10.1.4. I note that in answer to Q.17 on the planning application form, the applicant stated that their proposed development does not involve the demolition of any structure notwithstanding the fact that their submitted site topographical survey shows an existing structure on the north-east side of the site which it describes as "*a building in ruins*", with this structure also being illustrated on the submitted site location map.
- 10.1.5. A detailed photographic survey illustrating the nature and extent of the wall/ structure or conservation assessment of same has not been provided as part of the application or subsequently, as part of the GOA. Notwithstanding, having visited the site on 05/09/2025, I observed that there was no 'derelict stone structure' (as referred to by the PA and Observer) on site with the only extant features in this regard being a c. 3m high stone wall forming the northern site boundary and a stone gable which formed part of the north-eastern site boundary. Features (holes for roof beams etc.) apparent on these walls suggest that they may have once formed part of a previous stone building structure on the site. Having consulted the National Inventory of Architectural Heritage (NIAH) Historic Environment Viewer (accessed on 08/09/2025), I note that the 1888-1913 map shows a narrow linear structure at this location although no such

structure is identified on the contemporary NIAH map nor on the FDP's Record of Protected Structures.

- 10.1.6. Therefore, given that there is no extant derelict stone building structure on site, it is my opinion that FDP Policy HCAP23, which states that there will be a presumption against the demolition of older buildings where restoration or adaptation is a feasible option, does not apply in this instance and I do not consider that this matter warranted a refusal of permission on the basis of the applicant's failure to provide information regarding a structure which demonstrably is not in existence.

10.2. Design

Impact on Visual Amenity and on ACA

- 10.2.1. The PA considered the mock-Georgian architectural style and materiality (uPVC windows and concrete roof tiles etc.) of the dwelling to be inappropriate and inconsistent with the architectural character of the Skerries ACA which is defined by a traditional vernacular form of 1-2 storey cottages and townhouses with pitched roofs and relatively simple fenestration arrangements. The PA are also of the view that this architectural design character coupled with the dwelling's scale, massing and materiality would rise to visual incongruity within the ACA and would, in turn, injure visual amenity. The observer is in agreement with the PA and notes that, if permitted, the proposal would set a negative precedent for future infill residential development within the Skerries ACA.
- 10.2.2. The appellant is of the opinion that the PA's interpretation of the proposed design character and materiality is overly subjective and unwarranted given its backland siting, limited visibility and roof height and massing relative to neighbouring properties. They are also of the view that the design and backland location of their proposal ensures it would not impact prominent public views within the ACA, the historic street pattern, urban grain or setting of protected structures. Notwithstanding, they are open to revising their proposed materiality and architectural detailing by condition and to providing for a simplified/ more contemporary design approach (see Section 8.1 of this report for details) which harmonises with the local housing vernacular as per the advice in the observation made by the DAU which they state supports this approach.
- 10.2.3. The observer raises serious procedural and public participation concerns about the design issues raised being dealt with by compliance submission. The PA are of the

view that, given the extent of design changes required to comply with ACA policy and conservation requirements, a new planning application would be required.

10.2.4. I note that the proposed dwelling (east gable) would be highly visible from Thomas Hand Street (and from within the ACA) given the access and built context which exists between No's 10 and 11 and I further note that this is not reflected on the applicant's contiguous elevation (which also does not provide for any dimensions or for a key plan). Given it's a-typical mock-Georgian architectural design, hipped roof profile with upstand parapet wall (which gives rise to a shoulder height of c. 5.95m) and projecting first floor balcony, I consider that the design, form and massing of the dwelling would give rise to unacceptable visual incongruity relative to the scale, form and local vernacular design character of the adjoining properties (such as no's 10, 10A, 11 and 12 Thomas Hand Street) and would have a detrimental impact on the character and appearance of the Skerries ACA on account of its visibility from the public realm.

10.2.5. In light of this assessment, I am not satisfied that the proposal complies with FDP Table 14.4 (Infill Development) or Objectives SPQHO42 (Development of Underutilised Infill, Corner and Backland Sites), DMSO31 and HCAO38 (Infill Development) which require backland infill development to respect the height and massing of existing residential development; to be appropriate in scale and character to historic town and village centres; and, with the character of the area and environment being protected. I am also not satisfied that the proposal is compliant with Policy HCAP14 (Architectural Conservation Areas) and Table 14.24 (Direction for Proposed Development within Architectural Conservation Areas) which state that development proposals for new build need to follow a sensitive design approach that respects and enhances the established character of the ACA in terms of the scale, massing, bulk, plot sizes, proportions and materials of the adjoining buildings to the development site. However, I do not consider that it is not non-compliant with Policy HCAP15 (Character of Architectural Conservation Areas) as cited by the PA in refusal reason no. 2 on the basis that that policy guidance relates to reuse, refurbishment, and upgrading of protected structures and buildings or structures that contribute to the character of an Architectural Conservation Area (which has not been ascertained).

10.2.6. On balance, having consulted the Development Management Guidelines (2007) which state that a condition should not require a complete re-design of a development, I consider the nature and extent of the issues with the dwelling's design and materiality

are such that they would require a full re-design of the dwelling. As such, they cannot be addressed by the mechanism of a planning condition, and I recommend to the Commission that permission be refused on this basis.

Impact on Existing Residential Amenity

- 10.2.7. It is the Observer's view that the proposal constitutes the overdevelopment of the site and that it does not meet infill development requirements as per FDP Table 14.4 and Objectives DMSO31 and DMSO32. They also raise specific concerns in relation to the dwelling's overbearance, impact on sunlight and daylight re: overshadowing, and its potential to negatively impact on the privacy, visual amenities, enjoyment and value of neighbouring properties.
- 10.2.8. The observer is also of the view that the subdivision of site has provided for poor quality amenity space to rear of No. 10 Thomas Hand Street thereby negatively impacting that dwelling's standard of residential amenity and they consider that the appellant has given inadequate consideration to same on account of their legal ownership of the property.
- 10.2.9. The appellant contends that the proposal provides for adequate separation distances, generally meets or is capable of meeting all FDP standards in relation to backland development/ design/ height/ density and, does not give rise to overlooking or overshadowing and, they are of the opinion that the third party concerns in respect to residential amenity are not evidence-based.
- 10.2.10. In respect to the potential impact on the residential amenity of adjoining properties, the PA determined that there were outstanding issues in relation to proposal's separation from, and relationship to, neighbouring dwellings (to southeast, southwest and north) which had not been addressed in line with PAC advice. In addition, the PA determined that the height and siting of the proposed garage to the rear of the single storey dwelling at No. 10A Thomas Hand Street may give rise to overbearance on same. In light of these concerns, the PA recommended a refusal of permission.
- 10.2.11. I note that the proposed dwelling (which has a max. height of c. 6.68m and a shoulder height of c. 5.95m) is sited between c. 1.5m and c. 1.75m from the northern site boundary wall (c. 3m high) which is shared with neighbouring properties fronting Balbriggan Street. Given that the rear elevation of the proposed dwelling features no glazing, no min. separation distance is required to be maintained in line with SPPR1

of the Compact Settlement Guidelines or Objective DMSO23 of the FDP. However, given the proximity of the c. 6m high 3-bay dwelling to the c. 3m high wall and to the neighbouring properties rear gardens and rear living spaces, I consider that its siting would give rise to unacceptable overbearance, visual intrusion and diminution in visual amenity and that the proposal is non-compliant with FDP Table 14.4 (Infill Development) and Objective DMSO31 (Infill Development) on this basis. This relationship would also likely give rise to unacceptable overshadowing of these rear gardens and potentially to a loss of internal daylighting. Notwithstanding, there is insufficient information on file to accurately determine the extent of same.

- 10.2.12. Having consider the proposals' contravention of DMSO32 which was raised by the Observer, having reviewed the wording of same I would note that this objective relates specifically to infill development on corner or side garden sites and does not relate to infill development on rear garden or backland sites and, as such, it does not apply in this scenario.
- 10.2.13. In relation to the concerns raised regarding impacts on the privacy of neighbouring properties, I note that the rear (north) elevation features no glazing at any level whilst the side elevations (east and west) only feature glazing at ground floor level. Having regard to the siting of the dwelling coupled with these glazing arrangements, I consider that there is no potential for the proposal to give rise to overlooking of neighbouring properties to the north, north-east or north-west.
- 10.2.14. In respect to the impact on neighbouring properties to the south, south-east and south-west, I do not consider that the design and siting of the proposed dwelling would give rise to overbearance or to a diminution in visual amenity on same. Furthermore, whilst I note that Section 14.10.1 (Corner/ Infill Development) of the FDP allows for a balance between the protection of amenities, privacy, the established character of the area and new residential infill, it is unclear from the submitted plans whether or not the 16m separation distance required to be maintained between opposing (rear to rear or side to rear) first floor windows under SPPR1 is achieved. However, having observed the built context at this end of the appeal site (as per the site photos), I consider it unlikely that the glazing at first floor level would give rise to overlooking of these neighbouring properties. However, given the orientation and placement of the proposed first floor balcony, I consider that this element of the proposal would give rise to visual intrusion and nuisance/ disturbance

on these neighbouring properties and should be omitted by condition in the event the Commission are minded to grant permission.

10.2.15. Furthermore, in respect to the proposed garage, whilst it is sited close to the boundary shared with No. 10A Thomas Hand Street, having observed the rear glazing arrangements and c. 2m high boundary wall that would delineate same, I do not consider that the garage (which has an eaves height of c. 2.45m) would give rise to unacceptable overbearance on same.

10.2.16. Lastly, in respect to the Observer's concerns about the specific impact on No. 10 Thomas Hand Street, having inspected the site and reviewed the information on file, I note that the subdivision of a large portion of No. 10's original rear garden from the property pre-dated the subject application with this subdivision being a relatively longstanding arrangement and, in this respect, I observed the existence of a c. 2m blockwork boundary wall delineating the appeal site from No.10's remaining rear garden. On this basis, I consider that the specific issue raised by the Observer falls outside of the scope of the appeal before the Commission.

Future Residential Amenity

10.2.17. The Observer considers that the proposed dwelling design (re: glazing arrangements and balconies) will provide for a poor standard of future amenity for residents with the PA noting in their assessment that the lack of windows on the dwelling's northern elevation gives rise to concerns regarding daylight serving habitable rooms within the dwelling. Having reviewed the plans against the requirements of the Quality Housing Guidelines, I would have significant concerns about the quality of the proposed dwelling in terms of adequate daylight lighting (particularly to its living spaces at ground floor level), solar gain and also in terms of natural cross ventilation.

Conclusion

10.2.18. In light of the foregoing, I do not consider that the proposal responds appropriately to the site's backland location to the rear of a number of existing 1-2 storey residential properties or to its siting within a designated ACA and a sensitive, coastal landscape. I recommend that permission be refused on this basis.

10.3. Access and Parking

- 10.3.1. The appellant notes that the proposed site access is via an existing gated entrance of Thomas Hand Street, whose sightlines have been determined by the PA to be compliant with DMURS and, which does not require road widening or the relocation of services.
- 10.3.2. The Observer highlights the issue of the proposed increase of car parking on site (to 3 no. spaces and potential loss of off-street parking serving No. 10 Thomas Hand Street) and the related implications for the intensification of use of the existing substandard access – for which inadequate plans and dimensions have been provided – which could give rise to traffic hazard/ pedestrian safety issues.
- 10.3.3. The appellant seeks to clarify that only 1 no. on-site car parking space is proposed with further provision for secure bike storage which is compliant with FDP policy.
- 10.3.4. The PA considered that the proposal to provide for 1 no. car parking space is acceptable and compliant with the standards set out in the 2024 Compact Settlement Guidelines notwithstanding that insufficient details had been provided in respect to impact on existing parking serving No. 10 Thomas Hand Street. The PA also determined that a swept path analysis would be required in order to demonstrate the functionality of the proposed vehicular access which I observed may be constrained by a pinch point of c. 2m between the side gable of No. 10 Thomas Hand Street and the boundary wall shared with No. 11 Thomas Hand Street (FI sought on matter). In this regard, I note that any future proposal would need to comply with FDP and DMURS access requirements and policy on private driveways.
- 10.3.5. In carrying out the site inspection on 05/09/2025, I noted that there is no provision for on-street parking on Thomas Hand Street to the front of the appeal site on account of the existence of double-yellow lines. On this basis, whilst the loss of any existing in-curtilage parking serving No. 10 would of concern, I did not observe the site being in use for parking on the date of my visit and the overgrown condition of the site suggests that it is not used for this purpose.
- 10.3.6. The plan of the proposed garage illustrates that it will accommodate 1 no. car with no other in-curtilage parking being shown on the application plans. Notwithstanding, I do note that the PAC cover letter on file states that 2 no. in-curtilage parking spaces will be provided to the dwelling although it is not clear if these include the parking provided in the garage. I further note than an extensive area of hardstanding is proposed to the

east of the property and this area could provide for a number of car parking spaces once operational.

10.3.7. Section 14.7.7 (Car Parking) and Tables 14.18 (Car Parking Zones) and 14.19 (Car Parking Standards) of the FDP provides that in accessible Zone 1 areas (such as Skerries on account of the rail station), 0.5 car parking spaces is the max. allowed for a 1-2 bed residential property, with SPPR3 of the Compact Settlement Guidelines allowing for a max. of 1 no. car parking space per dwelling.

10.3.8. Overall, whilst I note that access to the site is constrained on account of its backland location, I consider that the proposal's compliance with SPPR3 and FDP parking policy (and the observer's related concerns about the intensification in the use of the access), together with clarification on the parking arrangements for No. 10 and the requirement to slightly relocate utility poles adjoining the access are all relatively minor matters capable of being addressed by condition in the event of a grant of permission.

10.4. Other

Water Supply and Drainage

10.4.1. The PA's Water Services Department determined the applicant's proposed water supply (via existing connection to public mains), foul drainage (via existing connection to public sewer) and surface water management arrangements (SuDS planters and permeable paving etc) to be acceptable subject to the attachment of standard conditions in this regard. The appellant notes this acceptance of their proposals and argues that their driveway and garage design avoid provision of excessive hardstanding. Having reviewed the information on file, I am satisfied with the applicant's proposals in this regard.

Procedural Issues

10.4.2. The Observer contends that the appellant failed to disclose the nature and extent of their property ownership at planning application stage. In this regard, I note that the appellant subsequently clarified their ownership (of No. 10 Thomas Hand Street) as part of their GOA.

10.4.3. The PA and Observer also raise concerns in respect to the conflicting information put forward by the applicant in respect to the design, materiality and finish of the dwelling and about the applicant's failure to address the PA's PAC advice. A consideration of

these issues informed my assessment of the design of the proposal as dealt with under Section 10.2 of this report.

Environmental Assessment

- 10.4.4. The observer seeks to highlight the fact that no AA screening report was provided with the application notwithstanding site's proximity to European sites. I note that an AA screening assessment was undertaken by the PA as competent authority at application stage. The details of the AA screening undertaken as part of the assessment of this appeal are contained in Section 11 and Appendix 2 of this report.

11.0 AA Screening

- 11.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, specifically the North-West Irish Sea SPA (Site Code 004236), Skerries Islands SPA (Site Code 004122), Rockabill to Dalkey Island SAC (Site Code 003000) and Rockabill SPA (Site Code 004014), in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

- 11.2. This determination is based on:

- The relatively minor nature of the development.
- The location-distance from the nearest European Site and lack of connections.
- Taking into account the appropriate assessment screening undertaken by the PA.

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

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

12.0 Recommendation

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

13.0 Reasons and Considerations

1. Having regard to the pattern of existing and permitted development in the area, the nature, scale, design and materiality of the development proposed, together with Tables 14.4 (Infill Development) and 14.24 (Direction for Proposed Development within Architectural Conservation Areas), Policy HCAP14 (Architectural Conservation Areas) and, Objectives SPQHO42 (Development of Underutilised Infill, Corner and Backland Sites), DMSO31 and HCAO38 (Infill Development) of the Fingal Development Plan 2023-2029, it is considered that the proposed development would be out of scale, proportion and character with the existing built form and architectural character of the Skerries Architectural Conservation Area (ACA) and would and would have a detrimental impact on the character and appearance of the ACA. The proposed development would also give rise to significant overbearance on, and overshadowing of, neighbouring properties thereby seriously injuring their residential and visual amenity. The proposed development would, therefore, be contrary to the provisions of the Fingal Development Plan 2023-2029 and 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.

Emma Gosnell

Planning Inspector

11th September 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322708-25
Proposed Development Summary	Construction of dwelling with all associated site works
Development Address	10 Thomas Hand Street, Skerries, Co. Dublin
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 1 no. dwelling unit.</p> <p>Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is 0.044 ha.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322708-25
Proposed Development Summary	Construction of dwelling with all associated site works
Development Address	10 Thomas Hand Street, Skerries, Co. Dublin
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of	The development is for a one-off dwelling house and related works and it comes forward as a standalone project, and it does not involve the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.

accidents/disasters and to human health).	
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated on a part brownfield, part greenfield backland site located to the rear of 10 Thomas Hand Street, Skerries, Co. Dublin.</p> <p>The Mill Stream (Skerries) is located c. 500m away to the south-east, with the Northwestern Irish sea being located c. 300m to the north. These watercourses/ waterbodies provide very indirect hydrological links to the North-West Irish Sea SPA, Skerries Islands SPA, Rockabill to Dalkey Island SAC and Rockabill SPA. However, it is considered that there is no pathway from the appeal site to this river as per Section 10 of the Inspector's Report (AA Screening).</p> <p>The development is removed from sensitive natural habitats, dense centres of population and designated sites identified significance in the County Development Plan.</p> <p>The site's located within the Skerries ACA and within a sensitive, coastal landscape character area is dealt with as part of the Planning Assessment in the main body of the Inspector's Report.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and, absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2 – AA Screening Determination

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

I have considered the proposal for the construction of a new dwelling house and all associated ancillary site works at 10 Thomas Hand Street, Skerries, Co. Dublin in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located:

- c. 300m from North-West Irish Sea SPA (Site Code 004236)
- c. 2km from Skerries Islands SPA (Site Code 004122)
- c. 3km from Rockabill to Dalkey Island SAC (Site Code 003000)
- c. 3.5km from Rockabill SPA (Site Code 004014)

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 on a European Site.

The reason for this conclusion is as follows:

- Small scale nature of works/ development
- Location-distance from nearest European site and lack of connections
- Taking into account screening report/determination by PA

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.

Appendix 3

Screening the need for Water Framework Directive Assessment Determination

The appeal site is located at 10 Thomas Hand Street, Skerries, Co. Dublin.

The Mill Stream (Skerries) is located c. 500m away to the south-east, with the Northwestern Irish sea being located c. 300m to the north.

The proposal is for the construction of a new dwelling house and related works – see Section 2.0 of Inspector's Report for further details.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission (described above) on this part greenfield, part brownfield site at Skerries, Co. Dublin 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 and 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:

- The de-minimus small scale nature and scale of the proposal.
- The 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.