



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323451-25**

### **Development**

**PROTECTED STRUCTURE:**

Demolition of garage and construction of a mews dwelling and all associated site works.

### **Location**

14, Morehampton Lane, Donnybrook, Dublin 4, D04 Y6W0.

### **Planning Authority**

Dublin City Council.

### **Planning Authority Reg. Ref.**

WEB2320/25

### **Applicant(s)**

Edwina Governey.

### **Type of Application**

Permission.

### **Planning Authority Decision**

Grant Permission

### **Type of Appeal**

Third Party

### **Appellant(s)**

P.J. Robinson.

### **Observer(s)**

None.

**Date of Site Inspection**

22<sup>nd</sup> October 2025.

**Inspector**

Kathy Tuck.

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## **1.0 Site Location and Description**

- 1.1. The appeal site has a stated area of c.0.029ha and is situated at 14, Morehampton Lane, Donnybrook, Dublin 4. Morehampton Lane is located approximately 280m to the east of Donnybrook and approximately 3.4km to the south of Dublin City Centre.
- 1.2. The site is located to the rear of no. No. 52 Morehampton Road, which is a Protected Structure (RPS 5305) and previously formed part of the rear garden associated with the Protected Structure. A significant number of sites have already been developed along Morehampton lane and comprise of a mix of dwelling designs and finishes including for both 2 storey and 3 storey mews dwellings.

## **2.0 Proposed Development**

- 2.1. This is an application for permission for the Demolition of the existing single storey garage to rear of parent dwelling No. 52 Morehampton Road, which is a Protected Structure (RPS 5305).
- 2.2. Permission is also sought for the construction of 3 storey detached dwelling which has a stated area of c.311.73sq.m. The proposed dwelling is finished with a barrel roof profile which has a ridge level of c.8.84m. The proposal also provides for 2 no. in-curtilage parking spaces and all associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority issued a decision to grant planning permission on the 1<sup>st</sup> August 2025 subject to 10 no. conditions.

Conditions of note are as follows:

- Condition no. 2: development contribution in the sum of €22,159.80.
- Condition no. 4: Requirements of the Transport Planning Division of Dublin City Council:

- a) parking shall be secure, conveniently located, sheltered and well lit.
- b) The applicant shall be limited to one parking bay/ space to adhere to Zone 2 regulations of Appendix 5, Table 2 of the Dublin City Development Plan 2022-2028.
- c) A dedicated bin storage area shall be provided within the site. The storage of refuse bins on the adjoining laneway shall not be permitted, in order to avoid obstruction and ensure safe and unobstructed access along the laneway.
- d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of pedestrian and vehicular safety.

- Condition no. 5: Requirements of the Conservation Officer:
  - a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.
  - b) The proposed development shall be carried out in accordance with the following:
    - i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.
    - ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

c) All plastered finishes to the new build elements shall be in lime plaster in order to protect the special character of the Protected Structure and its setting.

d) The maximum extent of historic boundary wall to the front of the site (along the lane) shall be retained, and new openings made where required to facilitate the proposed development and all openings shall be made good in accordance with best conservation practice.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

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

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

The report of the Planning Officer noted the site location, details of the proposed development, the land use zoning, relevant planning history, details of consultee report and submission, and all relevant planning policy at a local level. The assessment also provided for a Appropriate Assessment Screening determination.

The report consider the proposal to be acceptable and recommended that permission be granted in line with the decision issued.

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

- Conservation – recommends permission be granted subject to condition.
- Transportation - recommends permission be granted subject to condition.
- Drainage - recommends permission be granted subject to condition.

### 3.3. Prescribed Bodies

None received.

### 3.4. Third Party Observations

Three letters of observation (two from the same third party) were received by the Planning Authority which raised the following concerns:

- Overlooking – large windows on second floor.
- Negative visual impact.
- Support of the derelict site – preference is for a two storey dwelling reflecting scale of no. 16 Morehampton Lane.
- Green-Blue roof not to be used as an outdoor space.
- Do not see the need to build 135mm over party wall.
- Block light.
- Overshadowing of any dwelling that may be built at 15 Morehampton Lane.
- Only 6.015m separation distance to back wall of the adjoining site.
- Inaccurate drawings.
- Negative impact on development potential of 15 Morehampton Lane.
- Should be set off common boundary to allow maintenance and repair.
- North gable wall over the protected wall would create a narrow void which if a dwelling was built at 15 Morehampton Lane would be hard to maintain.

## 4.0 Planning History

### 4.1. Subject Site

PA Ref 3474/08      Permission GRANTED for demolition of existing single storey workshop and conservatory at the rear of 52 Morehampton Road, Dublin 4, which faces onto Morehampton Lane, and the construction of 1 no. three storey, semi-detached mews house,

being part 2 no. storeys over basement to Morehampton Lane and part 2 no. storeys over semi basement to the rear with provision made for 2 no. off street parking spaces, associated external hard and soft landscaping and stone boundary walls.

PA Ref 1081/08      Permission REFUSED for demolition of an existing conservatory and single storey workshop and the erection of new three storey mews dwelling with off street parking.

#### 4.2. Within the Vicinity

PA Ref 1704/08      Permission GRANTED for demolishing existing vehicular access and wall, rebuilding and widening vehicular access, and adding a pedestrian entrance at 15 Morehampton Lane.

PA Ref 3715/01      Permission GRANTED for the demolition of the existing garages and the construction of 2 storey mews house with off street parking and a rear garden at 16 Morehampton Lane.

PA Ref 6134/06      Permission GRANTED for Change of house type as previously approved under grant of permission order no. PL29S.201935 (Application no: 4053/02) and the construction of a two storey private dwelling with attic storage area to the rear of and originally within the curtilage of no.13 Morehampton Road, Donnybrook, Dublin 4, a protected structure, incorporating all related site works, two car parking spaces and connection to services. This dwelling is to match the proposed adjoining dwelling at the rear of No. 15 Morehampton Road (grant of permission application no. 5590 dated 20 Feb 2006) and adjacent dwelling erected at the rear of No. 17 Morehampton Road.

## 5.0 Policy Context

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

The subject site is zoned under objective Z2 – Residential Neighbourhoods (Conservation Areas). This objective seeks ‘*to protect and/or improve the amenities of residential conservation areas.*’

Relevant sections and Objectives:

#### *Chapter 4: Shape and Structure of the City*

- *Policy SC10: Urban Density Policy*
- SC11:Compact Growth Policy
- SC12 :Housing Mix

#### *Chapter 5 – Quality Housing and Sustainable Neighbourhoods.*

- Policy QHSN2 National Guidelines
- Policy QHSN6 Urban Consolidation
- Policy QHSN10 Urban Density
- Objective QHSNO4 Densification of Suburbs
- Policy QHSN22 Adaptable and Flexible Housing
- Policy QHSN37 Houses and Apartments

#### *Chapter 11: Built Heritage and Archaeology*

- Policy BHA2 Development of Protected Structures
- Policy BHA2 BHA9 Conservation Areas
- Policy BHA14: Mews

#### *Chapter 15: Development Standards*

- Section 15.13.5.1: Design and Layout
- Section15.13.5.2: Height, Scale and Massing
- Section15.13.5.3: Roofs Section

- 15.13.5.4: Access

*Appendix 5 Transport and Mobility.*

- Section 4.3.7: Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas
- Section 4.3.8: Mews Parking

*Appendix 16 Sunlight and Daylight.*

## 5.2. **Natural Heritage Designations**

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c.2.2km to the west of the South Dublin Bay SAC (Site Code 000210), the South Dublin Bay and River Tolka SPA (Site Code SPA 004024) and the South Dublin Bay pNHA (Site Code pNHA 000210). The site is also situated c.906m to the south of the Grand Canal pNHA (Site Code pNHA 0002104).

## 6.0 **EIA Screening**

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

This is a 3<sup>rd</sup> Party Appeal against the decision of the Planning Authority to grant permission from the resident of the adjoining property no. 15 Morehampton Lane, Dublin 4. The grounds can be summarised as follows:

1. Over-sailing

- Proposed house would be 311sqm - do not therefore see the need for the extra few square metres sought by building 335mm over the party wall.
  - architect's report submitted states "proposed house ... makes no intervention ... on the garden walls" - planning application shows the gable wall being built above and across the party wall.
  - Width of the property, inside the party walls, is 7180mm - width of the proposed structure is 7515mm, according to the drawings.
  - Inconsistent with condition 5(a), which requires "minimum interference to the retained fabric and the curtilage of the Protected Structure".
- Not all of the conditions recommended by the Dublin City Council Conservation Officer have been adopted in the decision.
  - clear that the Conservation Officer did not envisage either the wall of the proposed house or anything else, e.g. guttering, being built directly above the boundary wall.
- Building the north gable wall partially over the protected stone party wall (or even flush to it) would create a narrow void between any future structures at nos. 14 and 15. Could lead to the following difficulties:
  - general maintenance and repair of the new and old structures.
  - airflow in the void.
  - how close any future house at no. 15 could be built to the wall, thus impacting negatively on adjoining property and its value.

## 2. Surface Water

- Concerned about potential overflow of water from the gutter on the north gable wall:
  - architect's report submitted referred to an overflow connection to the combined sewage system in the event of rear downpipe blockage - does not appear in the drawings submitted.
  - no upstand or other detail provided in the drawings to keep any overflow of water from the gutter within the confines of no. 14 - potential for water from the roof to overflow onto the party wall between nos. 14 and 15,

possibly damaging this protected structure and/or flowing directly into no.15, possibly flooding it in heavy rain or the event of a blockage in the guttering.

- 90% of the north roof area will have rainwater directed towards the back of the house - standard EN12056-3 is old, dating from 2000 and guttering big enough to comply with the standard may not in fact be sufficient to cater for the heavier and more intense rainfall that has been occurring in recent times due to climate change.
- If the pitch of the roof of the proposed property had been rotated 90 degrees, then any overflow and/or flooding would have occurred entirely within the curtilage of no.14.
- Condition 3(e) of the planning permission, requiring all drainage such as downpipes and gullies to be located within the “final site boundary” is unclear as to whether this must be inside the party walls or not.
- Cannot see how 13m long guttering can be fully maintained and cleaned without the need to come onto neighbouring property.
- Condition 3(e) requires all private drainage to be located within the final site boundary.
  - no specific mention of soilpipes in the condition and the soilpipe itself is not indicated on the drawings.
  - proposed bathroom and the soil pipe vent, however, are shown on neighbouring side, the north side of the structure.
  - assurance is required that there can be no roof level protrusions beyond the gable face. It is not clear where the soilpipe itself is intended to be located. The conditions should specifically address this.

### 3. Impact on residential amenities

- 14 Morehampton Lane is due south of no. 15 - overall length and external height of the single storey element would block the light available for rear facing windows constructed on any property on my site and cast significant shadow on the open space.

- distance from the back wall of the proposed house at no. 14 would be 6015mm from the inside face of my back serving no. 15, not 6200mm as shown on the drawings submitted.
  - site at no. 15 is shorter (31600mm) than its neighbour at no. 14.
- Boundary wall is shown as being 400mm wide along its entire length in the proposed ground floor plan, D01 - the wall varies in width
  - It is as narrow as 200mm approx. 18.5m from the front wall, where the proposed back wall of the single storey element is envisaged.
  - height of the wall varies along its length.
  - issues are not addressed by DCC.
  - Concerning given that the drawings show building 135mm across part of the party wall.
- There was a lack of any privacy screening proposed and that the site at no.15 is higher than no.14. No conditions have been imposed in relation to this issue, whether at ground level or above.

The 3<sup>rd</sup> Party Appeal was accompanied by the 2 no. submissions which were originally submitted to Dublin City Council and a measured topographical check survey of site at no. 15.

## 7.2. Applicant Response

A response from the applicant was received by the Commission on the 19<sup>th</sup> September 2025 and can be summarised as follows:

- Response to concerns over impact on Protected Structure and its Curtilage:
  - Proposal does not intend to build on or rely on party wall.
  - New structure is independent of the boundary.
  - External insulation over sails the wall – preserving it while avoiding the creation of a gap between any future potential construction on adjoining site.
  - Approach is not to gain extra space – ensures party wall is minimally interfered with and properly conserved.

- Complies with Condition 5(a).
- Conservation Officer Comments.
  - Condition no. 5 adequately addresses protection of the existing wall.
  - Foundations are set back to avoid impact on the wall – in line with conservation officers' recommendations.
  - Structures will support insulation over the wall to avoid the creation of an awkward bay – which is supported by the Planning Officer in their report.
- Inconsistencies with wall dimensions
  - Accept dimensions (height and width) of wall are inconsistent – Wall is in a poor condition and needs repair.
  - All necessary measures will be fully implemented to ensure protection.
  - Supported by the photographic evidence of the condition of the wall.
- Drainage and Flood Risk.
  - Concerns were explicitly addressed by Dublin City Council Drainage Division – forms part of the grant of permission under Condition no. 3.
  - All requirements will be fully implemented.
  - Roof design that generates maintenance and cleaning requirements can be undertaken from each gable side.
- Design Concerns.
  - Green/blue roof area will not be utilised as a terrace area as per condition no. 6.
  - Proposed fully complies with Section 15.13.5 of the Dublin City Development Plan 2022-2028 which was demonstrated within the Planners report of the Local Authority.
- Residential Amenity.
  - Neighbouring properties at roughly the same level – exceptions for areas of build up where wall has collapsed.

- Screening can be provided ad wall rebuilt where fallen stones to original height with the agreement of neighbour.
- All appellants concerns were considered and addressed adequately by the Planning Authority and reflected in conditions attached.

### **7.3. Planning Authority Response**

A response from the Planning Authority was received by the Commission on the 18<sup>th</sup> September 2025 which requests that the decision made be upheld.

It further states that in the event the Commission decide to overturn the decision and a grant of permission be made the following conditions be included:

- Section 48 development contribution.
- A naming and numbering condition.

### **7.4. Observations**

None received.

## **8.0 Assessment**

### **8.1. Introduction**

Having examined the application details and all other documentation on file, including the reports of the Local Authority, having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Boundary wall.
- Drainage Issues.
- Impact on amenities.

## 8.2. **Boundary wall**

- 8.2.1. The appellants main concern relates to the issue of over-sailing and the impact the proposal may have upon the boundary wall. The Appellant contends that given the width of the appeal site together with the width of the proposed dwelling, as set out on plans submitted, that the proposed dwelling would impede 335mm over the boundary wall, which is protected as it forms part of the curtilage of the Protected Structure of both No. 50 and 52 Morehampton Road. It is further argued that this may restrict the development potential of no. 15 Morehampton Lane.
- 8.2.2. The applicant in response has stated that the proposed dwelling will not be built on or rely on the party wall and that the new dwelling will be completely independent of the shared boundary wall. However, the applicant does state that the intention is for the insulation to over sail the boundary, which in turn will help preserve the protected wall while avoiding the creation of a gap between the proposed dwelling and any future development on the adjoining site.
- 8.2.3. The proposed dwelling as indicated on plans submitted to the Planning Authority has an overall width of c.7.515m and an internal width of c.6.585m. The wall cavities (wall widths) of the dwelling along the northern elevation reads as being c. 490mm. The proposed dwelling is indicated as being located within the red line boundary of the subject site on all plans submitted.
- 8.2.4. I note that Section 5.13 of the Development Management Guidelines states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. Furthermore, I note that Article 34(13) of the Planning and Development Act, 2000 (as amended) states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.
- 8.2.5. From assessment of the Plans submitted I do not consider that the proposed dwelling over-sails the boundary of the site and has been indicated as being situated entirely within the red line boundary of the appeal site. Furthermore, Section A-A (dwg. No. P06), confirms the comments of the applicant, and indicates that the foundations of the dwelling are to be independent of the existing boundary wall.

8.2.6. Concerns have also been raised over some of the requirements of the Conservation Officer not being included within condition no. 5 of the grant of permission. The Conservation Officer within their assessment requested that the new building be constructed fully within the walls of the extant historic boundary (flanking) walls. It was requested that this be included as a condition.

8.2.7. I consider that the provision of the external insulation, which will over sail the boundary wall to the central point of the boundary, which remains within the red line boundary of the development, will allow for any future development on the adjoining site to the north, to tack onto the proposed dwelling, subject to this application. This in turn will eliminate the concerns raised over the creation of a narrow gap. I would further note that on undertaking a site inspection, this has been the established pattern of development along Morehampton Lane that as infill mews developments have been constructed they have created a terrace effect as it is the most practical use of land at this location avoiding the creation of awkward gaps. This was also reiterated by the Planning Officer within their assessment.

8.2.8. Overall, I consider the proposed dwelling to be acceptable, and I do not accept the concerns that the dwelling will impact negatively upon the boundary wall which forms part of the curtilage of the protected structure, and I further consider that the development as proposed will avoid the creation of a narrow void between the proposed dwelling and development which may be forthcoming on the adjoining site to the north. I therefore recommend permission be granted.

### **8.3. Drainage Issues**

8.3.1. Concerns have been raised by the appellant with regard to issues relating to wastewater treatment and also surface water management and it is contended that drawings submitted did not provide for an adequate level of detail to provide assurance that the proposal will not result in overflow of surface water or blockages of the proposed sewage connections.

8.3.2. The applicant in response state that concerns raised by the appellant have been explicitly addressed by Dublin City Council Drainage Division and their assessment has been covered within condition no. 3 of the grant of permission. It was further noted

by the applicant that all requirements of condition no. 3 will be fully implemented, and that any maintenance required can be undertaken from each gable end.

- 8.3.3. The applicant has indicated that it is proposed to connect to the main municipal services for wastewater collection and for water supply. In terms of surface water disposal soakaways, filter drains and similar infiltration systems will be used for the disposal of surface water from the appeal site. The proposal also includes for a suite of Sustainable Urban Drainage design details which include the use of a blue green roof and water butts. The soakaway is indicated as being compliant with the requirements of BRE Digest 365 and CIRIA C753.
- 8.3.4. The report from the Water Services Section of the Planning Authority notes no objection to the proposed development and accepts the surface water proposal. A condition to ensure that the soakaway complies with BRE Digest 365 and CIRIA C753 was recommended, being the most up to date guidance, and was included by the Planning Authority.
- 8.3.5. I note from assessment of plans submitted that the downpipes to serve the proposed dwelling have been indicated to be situated on the rear elevation proximate to the southern boundary of the site and within the red line boundary. It is further noted that downpipes on the front elevation again are indicated as being situated within the red line boundary of the site.
- 8.3.6. Having regard to the comments of the Water Services Section of the Planning Authority, I consider that the services proposed in terms of wastewater collection and surface water management are acceptable. Furthermore, I recommend that a condition be included to ensure that surface-water generated from the proposed development is managed within the confines of the appeal site in line with that recommended by the Planning Authority.

#### **8.4. Impact on amenities**

- 8.4.1. Concern has been raised by the appellant with regard to the impact the proposed dwelling would have upon the amenities of the adjoining site. It is contended that having regard to the overall length and external height of the single storey element of the proposed dwelling that this would give rise to loss of light of the rear elevation of any dwelling constructed at no. 15 in the future and also give rise to issues of

overshadowing. Furthermore, it is contended that there is a lack of privacy screens proposed, and the distance indicated to the rear boundary of no. 15 Morehampton Lane is incorrect.

- 8.4.2. The single storey rear projection of the proposed dwelling has an external height of c.4.140m and has a length of c.5.15m. Having regard to the scale of this section of the development, which I consider to be minor in nature, I do not accept that it will give rise to undue issues of overshadowing of the adjoining site. Furthermore, the rear elevation of the proposed dwelling aligns with that constructed on the adjoining site situated to the south at no. 13 Morehampton Lane.
- 8.4.3. The appellant has included a survey of the site situated at no. 15 Morehampton Lane indicating a separation distance from the rear elevation of the proposed dwelling on the appeal site to the rear boundary of no. 15 Morehampton Lane. I note that no scale is provided on this drawing. From assessment of the plans submitted as part of this application I calculate, by using the measuring tool available to me on Adobe Acrobat, that the separation distance from the rear elevation to the subject boundary is c.6.2m.
- 8.4.4. SPPR 1 of the Residential Compact Guidelines for Planning Authorities states that '*a separation distance of at least 16 metres between opposing windows serving habitable rooms16 at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.*' The guidelines do not prescribe a separation distance to the boundary of adjoining sites.
- 8.4.5. Overall, I consider that the proposed dwelling will not impede upon the development potential of the adjoining site to the north (no. 15 Morehampton Lane) and will not give rise to any negative impact upon current levels or future potential level of residential amenities enjoyed within the vicinity of the appeal site.

## 9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The site is situated c.2.2km west of South Dublin Bay Special Area of Conservation as well as South Dublin Bay and River Tolka Estuary Special Protection Area.

- 9.2. The proposed development comprises the demolition of the existing garage and construction of a mews dwelling and all associated site works at 14 Morehampton Lane, Dublin 4.
- 9.3. 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 there is no conceivable risk to any European Site.
- 9.4. The reason for this conclusion is as follows:
  - The small scale and domestic nature of the works in a serviced urban area,
  - The distance from the nearest European site and lack of connections, and
  - Taking into account screening report/determination by Dublin City Council.
- 9.5. I conclude that 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive

- 10.1. The subject site is located approximately c.532m to the North-west of the Dodder River and c. 906m to the south of the Grand Canal. The proposed development comprises the demolition of the existing garage and construction of a mews dwelling and all associated site works at 14 Morehampton Lane, Dublin 4. No water deterioration concerns were raised in the planning appeal.
- 10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both 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.

10.3. The reason for this conclusion is as follows:

- The nature of the development in an urban environment.
- There are no waterbodies within the site.
- The location of the site approximately c.532m to the North-west of the River Dodder and the lack of a hydrological connection.

10.4. 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.

## 11.0 Recommendation

I recommend that the Board uphold the decision of Dublin City Council and Grant planning permission for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

Having regard to the land use zoning of the subject site, the provision of the Dublin City Development Plan 2022-2028, and the design, scale and layout of the proposed development, and the pattern of development in the surrounding area, it is considered that subject to compliance with the conditions set out below, would provide for an appropriate form of development and would not adversely impact upon the built heritage of the area, and therefore, be in accordance with the proper planning and sustainable development of the area

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the day of 9th June 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the

developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The developer shall enter into a water connection and waste water connection agreements with Irish Water.

**Reason:** In the interest of public health.

3. a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).

c) The Developer's submission includes the proposal to construct a soakaway as part of this development. The design and construction of soakaways must comply with the requirements of BRE Digest 365 and CIRIA C753.

d) The developer shall ensure that an appropriate Flood Risk Assessment (FRA), in accordance with the OPW Guidelines and the Dublin City Development Plan 2022-2028 Strategic Flood Risk Assessment, is carried out for the proposed development.

e) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary.

Reason: To ensure the protection of public drainage infrastructure, and the satisfactory management of surface water runoff.

4. a) A minimum of 2no. long term cycle parking spaces shall be provided within the site. Cycle parking shall be secure, conveniently located, sheltered and well lit.
- b) The applicant shall be limited to one parking bay/ space to adhere to Zone 2 regulations of Appendix 5, Table 2 of the Dublin City Development Plan 2022-2028.
- c) A dedicated bin storage area shall be provided within the site. The storage of refuse bins on the adjoining laneway shall not be permitted, in order to avoid obstruction and ensure safe and unobstructed access along the laneway.

d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In the interest of pedestrian and vehicular safety.

5. a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.

b) The proposed development shall be carried out in accordance with the following:

i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement. ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works. iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

c) All plastered finishes to the new build elements shall be in lime plaster in order to protect the special character of the Protected Structure and its setting.

d) The maximum extent of historic boundary wall to the front of the site (along the lane) shall be retained, and new openings made where required to facilitate the proposed development and all openings shall be made good in accordance with best conservation practice.

**Reason:** In order to protect the original fabric, character and integrity of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

6. The green-blue flat roofed area over the single storey rear extension shall not be used or accessed as a terrace/balcony for recreational purposes whether or not it would be exempted development.

**Reason:** in the interests of residential amenity.

7. The naming and numbering of the dwelling unit shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling.

**Reason:** In the interest of orderly street numbering

8. a) The site and building works required to implement the development shall only be carried out between the hours of: Mondays to Fridays - 7.00am to 6.00pm Saturday - 8.00 a.m. to 2.00pm Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

**Reason:** In order to safeguard the amenities of adjoining residential occupiers.

9. a) During the construction phase, the proposed development shall comply with British Standard 5228 "Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

b) Noise levels from the proposed development should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. The rated noise levels from the site (defined as LAeq 1 hour) shall not exceed the background noise level (as defined in B.S. 4142:2014 by 10 dB or more.

**Reason:** In order to ensure a satisfactory standard of development, in the interests of residential amenity

10. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf

of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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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Kathy Tuck

Planning Inspector

10<sup>th</sup> November 2025.

## Appendix 1

### EIA Pre-Screening

<b>Case Reference</b>	ACP-323451-25
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Demolition of garage and construction of a mews dwelling and all associated site works.
<b>Development Address</b>	14, Morehampton Lane, Donnybrook, Dublin 4
<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.	State the Class here
<b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	<p>S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.</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"/>	<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

### EIA Preliminary Examination

<b>Case Reference</b>	ACP-323451-25
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Demolition of garage and construction of a mews dwelling and all associated site works.
<b>Development Address</b>	14, Morehampton Lane, Donnybrook, Dublin 4
<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).	<p>Permission is being sought for the demolition of the existing garage structure on site and the construction of a 3 storey mews dwelling which is located to the rear of no. No. 52 Morehampton Road, which is a Protected Structure (RPS 5305). Access to the dwelling is provided from Morehampton Lane.</p> <p>Water connection and wastewater services will be provided from existing mains within the vicinity of the subject site.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants.</p>
<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,	<p>The proposed site is located within an urban area; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site, the nearest are as follows:</p> <ul style="list-style-type: none"> <li>○ South Dublin Bay SAC (Site Code 000210), the South Dublin Bay is situated 2.2km to the east of the site; and</li> <li>○ River Tolka SPA (Site Code SPA 004024) is situated 2.2km to the east of the site.</li> </ul>

cultural or archaeological significance).	My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European Site.
<p><b>Types and characteristics of potential impacts</b></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>The site size measures c.0.029ha. The size of the development is not exceptional in the context of an urban environment. There are existing dwellings adjacent to the proposed site, to the south.</p> <p>The proposed development is a relatively small development in the urban context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

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

## Appendix 3

### **Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

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

The proposed development comprises the demolition of garage and construction of a mews dwelling and all associated site works to the rear of a protected structure at 15 Morehampton Lane, Dublin 4.

The Planning Authority, within their assessment, undertook a screening determination of the proposed development and found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

### **European Sites**

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km or 5 no. of European sites are located within a potential zone of influence of the proposed development. These are:

- South Dublin Bay and River Tolka Estuary SPA (004024)
- South Dublin Bay SAC (000210)

There are no direct natural hydrological connections from the subject site to Dublin Bay.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

#### **Likely impacts of the project (alone or in combination)**

It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development.

With regard to surface water, it is proposed to collect rainfall runoff within the blue roof located at roof level and at upper floor terrace areas. A small allowance of available storage space is available to the North of the site within the profile of the red line and this will consist of an oversized chamber below ground. This will also incorporate the flow control device for the ground floor sections of storage on the site before the system connects to the final foul manhole prior to connecting to the Irish Water Combined network.

All wastewater generated from the new development site is to discharge to the Irish water local wastewater drainage network. All wastewater from the upper levels of the block shall be routed by a piped network and then discharged to the final manhole on the site prior to discharging to the local network.

I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP.

Having regard to the distance separating the site to the nearly Natura 2000 site there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPA/SAC's identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natura 2000 sites located within the zone of influence.