



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323605-25**

### Development

PROTECTED STRUCTURE: Demolition of two garden sheds, construction of a home office, gym and extension to the rear of the house, internal alterations and all ancillary landscaping works.

### Location

27 Marlborough Road, Donnybrook, Dublin  
4 D04K5R9

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

WEB2454/25.

### Applicant(s)

Claire Geary.

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission.

### Type of Appeal

Third Party.

### Appellant(s)

Seóirse Plunkett.

### Observer(s)

None.

### Date of Site Inspection

17<sup>th</sup> November, 2025.

**Inspector**

Aiden O'Neill.

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## **1.0 Site Location and Description**

- 1.1 The proposed development site, c. 0.0351ha, comprises is a 3 storey red brick end-of-terrace three-bay townhouse, c. 242.20m<sup>2</sup> in area, with pitched roof to the front elevation and hipped roof to the 3 storey rear return. It is a Protected Structure, RPS No. 4937. The height of the townhouse is 10.671m to ridge level.
- 1.2 It is set back from the street, with a small set of steps to access the lower ground floor and a larger set of steps to access the upper ground floor. The boundary with the street is characterised by black railings over plinth stone. The front driveway is principally laid out in gravel, with paving to access the steps.
- 1.3 There is a single-storey mono-pitched shed structure attached to the rear elevation of the townhouse and a stand-alone single-storey pitched roof shed structure at the back of the long, narrow rear garden with shutter opening to the shared laneway with Morehampton Terrace that runs along the north-western boundary of the townhouses on Marlborough Road. Side and rear boundaries are characterised by capped random rubble walls.
- 1.4 No. 29 Marlborough Road is located to the south-west, with which no. 27 shares a front chimney, and no. 25 Marlborough Road is located to the north-east. The Morehampton Road (R138) is located further north-east.
- 1.5 On the site visit, it was noted that a number of properties on eastern end of Morehampton Terrace in the vicinity of the proposed development site have constructed two-storey extensions onto the shared laneway with Marlborough Road

## **2.0 Proposed Development**

- 2.1 The proposed development will consist of the demolition of two garden sheds to the rear of the house, enlarging the existing window opening to the ground floor rear elevation, forming new openings in the ground floor return west facing wall, blocking up the ground floor return north elevation window and blocking up one first floor return north elevation window, demolishing the boundary wall to the laneway to the north of the property and reusing the stone from this wall in the construction of a new one and a half storey pitched roofed home office and gym

(proposed office on a proposed mezzanine level), the construction of a new single storey flat roofed (green roof) extension to the rear of the house to provide an extended kitchen/living room space, the remodelling of the existing ground floor to provide a new utility room, bedroom and ensuite, and all ancillary landscaping works.

- 2.2 The total area of the demolition works is 20.8m<sup>2</sup>, and the total area of the proposed home office and gym and rear extension is 107.5m<sup>2</sup>.
- 2.3 The proposed rear extension and home office/gym are set back from the site boundaries, and residual rear open space area between the proposed rear extension and the home office/gym is 9.815m in length and 7.110m in width, c. 69.78m<sup>2</sup> overall. The rear extension, which has a green roof with pressed metal parapet capping, is maximum 3.662m to parapet height. The home office/workshop is maximum 7.162m to ridge height.

### **3.0 Planning Authority Decision**

#### **3.1 Decision**

The Planning Authority granted permission on 14<sup>th</sup> August, 2025, subject to 11no. conditions.

##### **3.1.1. Conditions**

Of the 11no. conditions, the following is of note:

3. The Developer shall comply with the following conservation requirements of the Planning Authority: 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. v. the applicant shall prepare a small sample area of cleaning, raking out and repointing of the historic stone walls for the written approval by the Conservation Officer. The proposed pointing shall be NHL2 lime pointing.

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

4. No flat roofed area shall be used or accessed as a roof garden, roof terrace or balcony whether or not it would be exempted development.

Reason: in the interests of residential amenity.

11. The proposed home office and gym shall not be used for human habitation or for any use other than as a use incidental to the enjoyment of the dwelling house as such, unless authorised by a prior grant of Planning Permission.

Reason: In the interests of residential amenity.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planner's report dated 15<sup>th</sup> August, 2025 notes the following:

- the main matters for assessment relate to the principle of the proposed development and potential impact in terms of surrounding residential and visual amenity in the context of the conservation area zoning and the historical setting of the protected structure.
- the demolition of two sheds in the rear garden, which are not original, is considered acceptable to the planning and the conservation division.

- the proposed home office and gym would be constructed independently and would be offset from the original rubble stone boundary walls. It is considered acceptable and the Conservation Division raised no concerns
- the original boundary walls to the east and west would be retained in the proposed development.
- there is an existing vehicular access to the rear laneway which is proposed to be removed and replaced by a pedestrian access. There is no objection to the removal of the rear vehicular access.
- the existing boundary wall on the lane, is not in line with adjacent boundary walls and juts into the laneway creating a pinch point impacting access.
- it is noted that the dwelling benefits from vehicular access and in-curtilage parking to the front.
- the single storey flat roofed extension to the rear, which occupies the full width of the site and extends approximately 9 metres from the rear elevation, will create a larger living space at lower ground floor level and would be constructed independent of the historic boundary walls to the east and west, and is considered to be of a scale that would not detract from the existing house in terms of character or historic setting.
- the proposals do not raise any concerns in terms of potential impact on neighbouring residential amenity in relation to overshadowing, overbearing and overlooking.
- the proposal allows for sufficient remaining private open space to adequately serve the occupants of the house.
- the Conservation Officer's report recommends that permission be granted subject to conditions, including the submission of further photographs and methodologies by way of compliance, which, given the size and scale of the works, is not considered necessary by the Planner.
- Overall, it is considered that the proposal is in keeping with the Z2 zoning of the site and particularly the requirements set out Chapter 11 and Appendix 18 of the Dublin City Development Plan 2022-2028.

- The Planner's report is the basis for the Planning Authority's decision to grant permission.

### 3.2.2. Other Technical Reports

- The Conservation Officer's report dated 31<sup>st</sup> July, 2025 states that:
  - the proposed removal of non-original sheds is acceptable in principle. Through condition, all existing original features, in the vicinity of the works shall be protected during the course of the construction works.
  - The proposed blocking of openings, together with the proposed enlargement of an opening on the rear wall of the house, would result in the removal of three sash windows, their surrounds and cills. It is noted that the lower ground floor was extensively altered and refurbished in the late 20th century. Windows to the lower ground floor and first floor of the rear return are non-original.
  - The proposed new single storey flat roofed extension to the rear of the house to create a larger living space at lower ground floor level is supported in principle.
  - The proposed removal and erection of later internal partitions would not impact on historic fabric. The proposal would reinstate features of the original plan such as the lower ground floor hallway, which is welcomed.
  - The proposed home office and gym would be constructed independently and would be offset from the original rubble stone boundary walls. The original boundary walls to the east and west would be retained in the proposed development. The proposal is supported in principle.
  - In order to ensure that the materials, coursing, joint details will be sympathetic to the character and respect the curtilage of the site, methodologies for the re-pointing of the stonework, details of the historic stone coursing, sizes of stone as well as mortar colour and full details of all proposed new elements, such as toothing-in and repair work shall be submitted.



- The Drainage Division Report dated 8<sup>th</sup> July, 2025 recommends permission subject to conditions.
- The Transportation Planning Report dated 1<sup>st</sup> August, 2025 states that:
  - There is an existing vehicular access to the rear laneway which is proposed to be removed, and replaced by a pedestrian access. This division has no objection to the removal of rear vehicular access. It is noted that the dwelling benefits from vehicular access and in-curtilage parking to the front.
  - The existing boundary wall on the lane, is not in line with adjacent boundary walls and juts into the laneway creating a pinch point impacting access along the laneway. It is proposed to set back the boundary wall, in line with adjacent properties. This division offer no objection to the proposed set back.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

A third party observation made by the appellant sets out the following concerns:

- None of the works were discussed with the observer.
- There is an error in the depiction of the site boundary. A boundary wall is to be demolished, which safeguards the way out for the observer's vehicle.
- The services needed for the office and gym would not conform with planning guidelines.
- There is a proposal to have a door into the lane, making the building independent of the main house. The lane has no footpath and it is 3m wide at its narrowest.
- The height of the proposed gym is obtrusive. The observer was limited to a smaller height and a row of neighbour's buildings are no higher than mine.

- The demolition of two garden sheds is a misnomer. One is a car garage. Its removal will compromise the off-street parking available to residents of no. 27.
- 3 no. houses would suffer shadowing. These lead onto the lane with no back garden.
- The extension is described as modest by contemporary standards is totally out of context. It removes a large proportion of greenery, percolation area, is intrusive and out of line with the ambience of the neighbourhood.
- The objection is largely to do with the extent of the proposed demolition and building, not the concept itself.

## **4.0 Planning History**

- 4.1 4065/08: Planning permission granted on 12<sup>th</sup> November, 2008 for the provision of off-street parking in the front garden. Re-pointing the front brickwork with lime mortar.
- 4.2 There is reference in the Planner's Report to a Section 57 Declaration, ref: D0075/00, but no further detail is provided.

## **5.0 Policy Context**

### **5.1 Development Plan**

#### **Dublin City Development Plan 2022-2028 (as varied)**

- The site is zoned Z2 Residential Neighbourhoods (Conservation Areas). Section 14.7.2 of Volume 1 of the Plan states that the principal land-use encouraged in residential conservation areas is housing. It is also stated that residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. It is stated that the overall quality of the area requires special care in dealing with development proposals which affect structures in such areas. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or

architectural quality of the area. Chapters 11: Built Heritage and Archaeology, and Chapter 15: Development Standards, detail the policies and objectives for residential conservation areas and standards, respectively.

- The site is a recorded Protected Structure in Volume 4 of the Plan, RPS No. 4937. Policy objective BHA2(d) of the Plan seeks to ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- Policy objective BHA9 of the Plan in relation to Conservation Areas seeks to protect and improve the amenity of residential conservation areas by ensuring that new development is sympathetic to their character and special interest. This involves giving particular consideration to the impact of a proposal on the area's character, with a strong preference for retaining and adapting existing structures rather than demolishing them.
- Section 15.15.2.3 of the Plan states that the inclusion of a structure in the Record of Protected Structures does not prevent a change of use of the structure, and/or development of, and/or extension to the structure, provided that the impact of any proposed development does not adversely affect the character of the Protected Structure and its setting.
- Appendix 18 of Volume 2 of the Plan sets out the policies with respect to ancillary residential accommodation. This states as follows:
  - Section 1.1 states that Applications for extensions to existing residential units should:
    - Not have an adverse impact on the scale and character of the existing dwelling
    - Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight
    - Achieve a high quality of design

- Make a positive contribution to the streetscape (front extensions)
- Section 1.2 in relation to rear extensions states that:
  - Ground floor extensions should match or complement the main house.
  - First floor extensions will be considered on their merits, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. The following factors will be considered:
    - Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries
    - Remaining rear private open space, its orientation and usability
    - Degree of set-back from mutual side boundaries
    - External finishes and design, which shall generally be in harmony with existing
- Section 1.4 in relation to privacy and amenity states that it is important to make sure that any extension does not unacceptably affect the amenities of neighbouring properties, including privacy, outlook, daylight and sunlight.
- Section 1.5 in relation to separation distances states that extensions should be designed so as not to dominate or appear unduly overbearing when viewed from adjoining properties.
- Section 1.6 in relation to daylight and sunlight states that consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.

- Section 1.7 in relation to appearance and materials states that an extension should not dominate the existing building and should normally be of an overall scale and size to harmonise with the existing house and adjoining buildings. The materials used should complement those used on the existing building features.
- Section 2.2 in relation to Detached Habitable Rooms states that access to the individual room to the rear of the existing dwelling will be provided by way of side passage/ access but with shared entranceway. The purpose of these rooms is to provide for additional space within the rear garden of an existing dwelling for study/ home office use or additional living/ children's play room. These rooms shall only be used as ancillary residential accommodation.

## **5.2. Relevant National or Regional Policy / Ministerial Guidelines**

### **Architectural Heritage Protection – Guidelines for Planning Authorities 2011**

These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000 and concern development objectives: a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and b) for preserving the character of architectural conservation areas.

Section 6.8.11 states that a proposal to demolish such a structure requires the strongest justification before it can be granted permission.

Section 6.8.13 of the Guidelines state that caution should be used when considering proposals to demolish parts of protected and proposed protected structures as these parts may be of importance to the cumulative historic interest of a building.

## **5.3. Natural Heritage Designations**

The proposed development site is c. 2.347km to the west of the South Dublin Bay and River Tolka SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210) and the South Dublin pNHA (Site Code: 000210).

## **6.0 EIA Screening**

6.1 The proposed development does come within the definition of a 'project' for the purposes of EIA, as it involves the execution of construction works. However, it does not fall within a class set out in Schedule 5, Part 1 or 2 of the Planning and Development Act, 2000, as amended. Therefore, EIA is not required. Refer to Form 1 in Appendix 1 of this report.

## **7.0 The Appeal**

### **7.1 Grounds of Appeal**

A Third Party appeal has been submitted by the sole observer on the application, generally stating the same grounds as the observation:

- None of the grounds of the submission to the Planning Authority have been addressed.
- Permission has been given for the demolition of the shared boundary wall without the appellant's consent or without discussion.
- Paragraph 11 of the permission letter strongly implies that it might be possible to convert the usage of the proposed gym building to domestic living quarters at a later stage. The site is not in conformity with rules for domestic dwellings and the back lane is 3m wide at its narrowest
- The right of light has not been taken into account. The windows of the appellant's workshop would be occluded, and the loss of light to the neighbours butting directly onto the back lane would be much worse.
- The increase in height is from 2.967m to 6.327m. There is no reference in the documents submitted to the close proximity of the neighbours at the far side of the laneway, and the windows on the gable wall would look directly into the neighbours' houses.
- The house extension is totally out of context, at 107.5m\*2, and removes a large proportion of available space and greenery, percolation area, is intrusive in height overseeing adjoining gardens and is out of line with the ambience of the neighbourhood.

- There is a parapet on the roof which would cause unnecessary extra shade in the appellant's garden.
- A drawing superimposing the existing garage with the new elevations is included with the appeal.

## **7.2. Applicant Response**

The applicant's response dated 30<sup>th</sup> September, 2025 states the following:

- The appellant appears to have misread the drawings. All proposed development is set back from the party walls as stated in the cover letter, conservation report and drawings.
- There is no proposal to demolish any section of the boundary/party wall.
- The reference to 'Paragraph 11' cannot be found in the planning documentation. The proposed use of the gym and office is domestic.
- The conversion of the former stable to a gym and office reflect the change in lifestyles from 1884 to the present. A change of use to a dwelling would require planning permission.
- It is not clear how a right to light to a workshop exists. No details of the workshop have been provided. There is a single-storey garage with no windows to the rear of the appellant's property. Without windows facing the proposed development it is not understood how a right to light can exist. There is no record of planning permission for this workshop. There are also no rooflights visible.

## **7.3. Planning Authority Response**

The Planning Authority's response dated 30<sup>th</sup> September, 2025 requests the Commission to uphold the decision to grant permission, and requests the attachment of a condition requiring the payment of a Section 48 development contribution.

## **7.4. Observations**

None.

## **7.5. Further Responses**

None.

## **8.0 Assessment**

8.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that main issues which require consideration in this appeal are those raised in the grounds of appeal.

8.2 I note that the appellant states that none of the grounds raised in the submission to the Planning Authority have been addressed, however the Planning Authority has stated in the Planner's report that the submission has been considered in the overall assessment of the proposed development.

8.3 The main appeal issues are as follows:

- Legal matters
- Impact on built heritage
- Impact on residential amenity
- Development Contribution

8.4 Legal matters

8.4.1 The appellant has stated that the applicant does not have their consent to make the application, including the demolition of the shared boundary wall.

8.4.2 The applicant has indicated on the application form that she is the owner.

8.4.3 There is no proposal to demolish the shared boundary wall. The original boundary walls to the east and west would be retained in the proposed development.

8.4.4 The Planning Authority has validated the application as being in compliance with Article 22 of the Planning and Development Regulations, 2001, as amended.

8.4.5 In this context, in terms of the legal interest, I am satisfied that the applicant has provided sufficient evidence of her legal intent to make an application. Any further legal dispute is considered a civil matter and is outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having



regard to the provisions of s.34(13) of the 2000 Planning and Development Act, 2000, as amended.

## 8.5 Impact on built heritage

- 8.5.1 The proposed development site is zoned Z2 Residential Neighbourhoods (Conservation Areas), and the dwelling is a Protected Structure, RPS No. 4937. The provisions of policy objectives BHA2(d) and BHA9 of the Plan refer, as does the Architectural Heritage Protection – Guidelines for Planning Authorities 2011.
- 8.5.2 In the context of these provisions, I note the Conservation Officer's report that the two sheds in the rear garden are not original, and that their demolition is considered acceptable.
- 8.5.3 It is also noted that the proposal involves the set back of the northern boundary wall along the lane. This wall juts into the laneway creating a pinch point impacting access along the laneway. The Transportation Planning Report raises no objection to this set back. The set back is to be welcomed, as it will benefit users of this section of the laneway, including the appellant.
- 8.5.4 It is also noted that the proposed development includes the blocking up the ground floor return north elevation window and blocking up one first floor return north elevation window. The Conservation Officer has observed that these windows are non-original. Their blocking up is therefore acceptable.
- 8.5.5 It is also noted that the Conservation Office welcomes the proposed reinstatement of features of the original plan such as the lower ground floor hallway.
- 8.5.6 The Conservation Officer recommends the attachment of a condition requiring the details of the proposed conservation works to be agreed prior to the commencement of development, with which I concur, in the event that the Commission is minded to grant permission. It is recommended that the full condition attached to the Planning Authority's decision is attached to the Commission's decision.
- 8.5.7 In this context, the proposed demolition and blocking up works are acceptable having regard to the provisions of policy objectives BHA2(d) and BHA9 of the Plan and of the Architectural Heritage Protection – Guidelines for Planning Authorities 2011.

## 8.6 Impact on residential amenity

- 8.6.1 The appellant contends that the proposed home office/gym will result in a loss of light to neighbours abutting the lane, and the windows on the gable wall will look directly into the neighbouring houses. It is also stated that the proposed house extension is totally out of context, will result in the loss of available space, will oversee adjoining gardens, and result in unnecessary extra shade in the appellant's garden.
- 8.6.2 The applicant in response contends that the appellant has misread the drawings as there is no proposal to demolish the party boundary wall and that there is no impact on the appellant's right to light. It is also stated that the home office/gym would require planning permission to change to use as a dwelling.
- 8.6.3 I acknowledge that the demolition of the existing shed and its replacement with the proposed home office/gym will be a taller structure than the current shed structure.
- 8.6.4 However, it is a pitched roof structure, set back from the side boundary walls, and comprises a single storey with an additional mezzanine floor that is domestic in scale. There is just one gable window at mezzanine level facing onto the north-western laneway. There are no windows on the south-western or north-eastern elevations.
- 8.6.5 Given its domestic scale, and the distance to the first floor windows of the nearest dwelling on the opposite side of the north-western laneway, which dwelling is characterised by a single-storey windowless elevation onto the laneway, it is considered that there will be limited impact on neighbouring properties in terms of loss of light or overlooking.
- 8.6.6 I also note the proposal involves the construction of a single storey flat roofed extension to the rear, which will occupy the full width of the site, is to be constructed independent of the historic boundary walls to the east and west.
- 8.6.7 I note the concern raised by the appellant that the single-storey extension is out of context.

- 8.6.8 However, it is considered that the single-storey extension, by reason of its height and scale, is an acceptable intervention, and will not give rise to significant residential amenity concerns.
- 8.6.9 I agree with the Planner that neither the home office/gym or the single-storey extension give rise to any concerns in terms of overshadowing, overbearing and overlooking.
- 8.6.10 The appellant raises a concern about the loss of green space and percolation area.
- 8.6.11 However, the Planner's Report raises no objection to the reduction in private amenity space, and, while it is reduced to accommodate the rear extension, the resultant rear garden space is nevertheless of sufficient size.
- 8.6.12 In relation to the loss of a percolation area, I note that the Drainage Division has no objection to the proposed development. It is also noted that the proposed extension has a green roof. It is recommended that a condition is attached requiring details for surface water disposal to be agreed with the Planning Authority prior to the commencement of construction, in the event of a grant of planning permission.
- 8.6.13 The appellant also raises a concern that the home office/gym might be possible to convert the usage of the proposed gym building to domestic living quarters at a later stage. However, the nature and scale of the home office/gym building does not lend itself to residential use that meets the required standards, and in any event a condition will be attached to restrict the use.
- 8.6.14 In the interests of residential amenity, the Planning Authority also attached a condition recommending that no flat roofed area shall be used or accessed as a roof garden, roof terrace or balcony whether or not it would be exempted development. It is recommended that this condition is also attached to the Commission's decision in the event of a grant of permission.
- 8.6.15 Overall, it is considered that the proposed development complies with the provisions of Appendix 18 of Volume 2 of the Plan.

## **9.0 AA Screening**

- 9.1. I have considered the development of the demolition of two garden sheds, construction of a home office, gym and extension to the rear of the house, internal alterations and all ancillary landscaping works at 27 Marlborough Road, Donnybrook, Dublin 4 D04K5R9 (Protected Structure) in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The proposed development site is c. 2.347km to the west of the South Dublin Bay and River Tolka SPA (Site Code: 004024), and the South Dublin Bay SAC (Site Code: 000210).
- 9.3 The proposed development will comprise the demolition of two garden sheds, construction of a home office, gym and extension to the rear of the house, internal alterations and all ancillary landscaping works at 27 Marlborough Road, Donnybrook, Dublin 4 D04K5R9 (Protected Structure).
- 9.4 No nature conservation concerns were raised in the planning appeal.
- 9.5 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 the South Dublin Bay and River Tolka SPA (Site Code: 004024), and the South Dublin Bay SAC (Site Code: 000210) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections

- 9.6 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.

- 9.7 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.
- 9.8 Likely significant effects are excluded and therefore Appropriate Assessment (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 in a established urban area of Dublin City. The nearest relevant water body is the Dodder \_050, code IE\_EA\_09D010900, c. 0.615km to the east, the status of which is 'At Risk'.
- 10.2 The proposed development comprises permission for development to consist of the demolition of two garden sheds, construction of a home office, gym and extension to the rear of the house, internal alterations and all ancillary landscaping works at 27 Marlborough Road, Donnybrook, Dublin 4 D04K5R9 (Protected Structure).
- 10.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development of the demolition of two garden sheds, construction of a home office, gym and extension to the rear of the house, internal alterations and all ancillary landscaping works at 27 Marlborough Road, Donnybrook, Dublin 4 D04K5R9 (Protected Structure), 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.
- 10.4 The reason for this conclusion is as follows:
- The nature and scale of the development proposed which includes a connection to a public services.

- Distance from the nearest relevant water bodies, and the lack of hydrological connections.

## 10.5 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.

## 11.0 Recommendation

11.1. I recommend the Commission grant permission for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

Having regard to the provisions of the Architectural Heritage Protection – Guidelines for Planning Authorities 2011, the Z2 Residential Neighbourhoods (Conservation Areas) zoning objective, and policy objectives BHA2(d) and BHA9, and Appendix 18 of Volume 2 of the Dublin City Development Plan 2022-2028 (as varied), it is considered that, subject to compliance with the conditions below, the proposed development would not detract from the built heritage character of the area, would not seriously injure the amenities of the area, will not result in a traffic hazard, and is in the interests of 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 on 20 <sup>th</sup> 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
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	<p>planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained, carried out and completed in accordance with the agreed particulars</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The Developer shall comply with the following conservation requirements of the Planning Authority:</p> <p>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.</p> <p>b) The proposed development shall be carried out in accordance with the following:</p> <p>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.</p> <p>ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.</p> <p>iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.</p> <p>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.</p>

	<p>v. the applicant shall prepare a small sample area of cleaning, raking out and repointing of the historic stone walls for the written approval by the Conservation Officer. The proposed pointing shall be NHL2 lime pointing.</p> <p>Reason: In order to protect the original fabric, character and integrity of the Protected Structure at and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
3.	<p>(a) The proposed development shall be restricted to a home office &amp; gym use that is incidental to the occupation of the adjacent dwelling house, as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.</p> <p>(b) The existing dwelling house, including single-storey extension, and the ancillary home office/gym building the subject of this grant of planning permission, shall be occupied as a single residential unit, and the single-storey extension or the ancillary home office/gym building shall not be used, sold, let or other transferred or conveyed, save as part of the dwelling house, as extended.</p> <p>Reason: In the interests of orderly development.</p>
4.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no flat roofed area shall be used or accessed as a roof garden, roof terrace or balcony.</p> <p>Reason: In the interests of residential amenity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of visual amenity and to ensure an appropriate high standard of development.</p>
5.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p>



	Reason: in the interests of public health and surface water management.
6.	<p>The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.</p> <p>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.</p>

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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Aiden O'Neill  
Planning Inspector

24<sup>th</sup> November, 2025

## Appendix A: Form 1 EIA Pre-Screening

<b>Case Reference</b>	ACP-323605-25
<b>Proposed Development Summary</b>	the demolition of two garden sheds, construction of a home office, gym and extension to the rear of the house, internal alterations and all ancillary landscaping works
<b>Development Address</b>	27 Marlborough Road, Donnybrook, Dublin 4 D04K5R9 (Protected Structure).
<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)	<div style="margin-bottom: 10px;"> <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.         </div> <div> <input type="checkbox"/> No, No further action required.         </div>
<b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in <b>Part 1</b> .  <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 Q 5	
<b>1. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of</b>	

<p><b>proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<p><input checked="" 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.</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 type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	
<p><b>2. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p><b>Yes</b> <input type="checkbox"/></p>	
<p><b>No</b> <input type="checkbox"/></p>	

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

Date: 24<sup>th</sup> November, 2025