



An
Coimisiún
Pleanála

Inspector's Report

ABP 323665-25

Development

Demolition of the existing single storey garages and construction of a new two storey dwelling.

Location

Land at side of 31 Rueben Avenue and rear of 29, Church Avenue South, Dublin.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB2483/25

Applicant(s)

Jonathan McCormick.

Type of Application

Permission.

Planning Authority Decision

Refusal of permission.

Type of Appeal

First Party

Appellant

Jonathan McCormick

Observers

None

Date of Site Inspection

4th December 2025.

Inspector

Derek Daly

1.0 Site Location and Description

The appeal site is located in an established residential area in the suburb of Rialto in the southwestern inner suburbs of Dublin comprising mainly two storied terraced dwellings.

- 1.1. The appeal site consists of an infill plot situated to the side of No. 31 Reuben Avenue and to the rear of No. 29 Church Avenue South, both of which are existing end-of-terrace two-storey houses on the corner/junction of Reuben Avenue and Church Avenue South.
- 1.2. The site itself incorporates an existing single storey garage to the side of No. 31, a single storey garage in the rear garden of No. 29, both of which are accessed from Reuben Avenue, and also part of a former laneway area which formerly linked Reuben Avenue with Carrick Terrace. The laneway has been closed and the lands of the laneway incorporated into the rear gardens of the houses on Church Avenue South.
- 1.3. There is an existing plinth wall with railing to the front of the proposed house.
- 1.4. The site has a stated area of 0.008 hectares.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 24th June 2025 comprised of the following;
 - The demolition of two existing single storey garages, one to the side of 31 Reuben Avenue, and a single storey garage in the rear garden of. 29 Church Avenue South.
 - The construction of a new two storey dwelling on a site incorporating parts of the sites of 31 Reuben Avenue and 29 Church Avenue South.
 - The design of the proposed house it would in effect be a continuation of the existing terrace along Reuben Avenue and would be a two-storey house with a pitched roof.

- The proposed dwelling incorporates a hallway, kitchen/dining/living room and wc at ground floor level and two bedrooms, 1 single and 1 double and bathroom at first floor level. The bedroom windows would face towards Reuben Avenue.
- There is a projecting fin proposed at first floor level to the side (west) of the house, which will provide for a window for the double bedroom, which will also face Reuben Avenue.
- In relation to external finishes, new brick walls to match colour of the immediate existing terrace on Reuben Street are proposed but the design also provides for new walls with a corbled black brick finish on a section of an elevation facing towards Reuben Street, towards Church Avenue South and the rear elevation at first floor level and also a new wall with a black limestone finish at ground floor level fronting onto Reuben Street. The design incorporates a slate roof adjoining the dwelling on Reuben Street and also a roof with anthra zinc finish. A section of the rear elevation at first floor level also incorporates an external timber batten detail to new aluminium glazing with opaque glass.
- In relation to open space the rear garden of 29 Church Avenue South would be subdivided to provide for two gardens side by side, one c.22m² to the side of the proposed new dwelling and an open space area c.25m² to the rear of No. 29 Church Avenue South. A small light-well would be provided to the window of the wc to the rear of the new house.
- The proposed house would also have a small front garden which would be enclosed with a rendered wall with metal railings to match the existing houses on Reuben Street. There is an existing plinth wall with railing to the front of the proposed house.

2.2. The existing dwelling has a stated area of 72.3m² and the gross floor area of buildings on the site and which are to be demolished is stated as 59.00m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The decision of the Planning Authority was to refuse planning permission. Two reasons were stated which refers to;

1. The proposed new dwelling, by reason of the reduction in the private open space for the existing dwelling at number 29 Church Avenue South, to below the minimum required for a three-bedroomed dwelling in this area, would have a negative impact on the residential amenities of this dwelling (Number 29 Church Avenue South). The proposed development would seriously injure the residential amenities of adjoining property, which would set an undesirable precedent for similar development in the area and would be contrary to Policy SPPR2 of the 2024 Sustainable Residential Development and Compact Settlement Guidelines, in relation to private open space, and contrary to Section 15.13.3 of the Dublin City Development Plan (2022-2028) in regard to Infill/Side Garden Housing Developments. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proximity of the rear windows of number 29 Church Avenue South to the private amenity space of the proposed house, it is considered that the proposal would result in overlooking, which would seriously injure the residential amenities of the future occupants of the house. The proposed development would be contrary to Section 15.13.3 of the Dublin City Development Plan (2022-2028) in regard to Infill/Side Garden Housing Developments, and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 15th August 2025 refers to the planning history of the site; submissions received and provisions of the statutory development plan.

Following assessment, the principle of the development was accepted as the site is located in a Z1 residential area. 'Residential' is a permissible use within the zoning,

and the site is located in an established residential area subject to detailed design and the house meeting the relevant standards.

Reference is made to the Sustainable Residential Development and Compact Settlements 2024 which sets out the minimum private open space for houses and in particular to Policy SPPR2 and that SPPR2 does allow for a relaxation of private open space standards on building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the proposed house has provided c. 22m² of private amenity space and this is below the minimum standard set out above. Reference is made to ensuring that adequate private amenity space is retained for the existing houses which is also less the standards outlined in SPPR2 and there are also concerns regarding the proximity of the rear windows on number 29 Church Avenue South to the rear garden of the proposed house. In relation to internal layout standards the standards for housing are set out in the Design Manual for Quality Housing, 2023 and the proposal generally complies with the standards.

Concerns in relation to impacting the residential amenities of the occupants of adjoining properties is indicated and also concerns about the overbearing impact of the development on the adjoining property at number 29 Church Avenue South; the front elevational treatment of the ground floor and it was considered that the applicant has not sufficiently dealt with the reason for refusal from the previous application on this site. Refusal was recommended.

- 3.3. Other internal submissions indicate no objections to the development.
- 3.4. External Submissions By Statutory Bodies.
 - 3.4.1. The development was referred to Uisce Éireann and no response was received.
- 3.5. Other submissions
 - 3.5.1. A third party submission was received which considered that the proposed development would materially and negatively impact their residential amenity and would impact on the amenity and character of the street and surrounding neighbourhood; refers to the use of black brick is at odds with the Edwardian Character of the street which is redbrick; refers to provisions of the CDP; would be overbearing impact due to proximity to boundary wall; impact on residential

amenities currently enjoyed; privacy issues due to proximity of windows and vents to boundary wall; overshadowing and loss of sunlight to their rear garden; poor residential amenity for future occupants due to the constrained nature of the site and insufficient private garden area.

4.0 Planning History

4.1.1. Planning history in relation to the appeal site

4.1.2. An Coimisiún Pleanála Ref. No. PL29S.244989 / Planning authority Ref. No WEB1076/15:

Planning permission refused and upheld on appeal by An Coimisiún Pleanála for demolition of existing obsolete storage sheds associated with 31 Reuben Avenue and 29 Church Avenue South, Dublin 8 (both end-of-terrace houses), the construction of a 2-storey end-of-terrace (1no. bedroom, including 2 no. roof lights to rear) dwelling beside 31 Reuben Avenue, the reconfiguration and enhancement of garden space associated with the existing properties (Nos. 31 and 29) to facilitate the new dwelling and garden, construction of new boundary walls and creation of 2 no. new pedestrian gates onto Reuben Avenue, new window treatment to rear of 29 Church Avenue South and all associated site works.

The stated ACP reason for refusal referred to;

“The proposed new dwelling, by reason of the reduction in the private open space associated with the existing dwelling at number 29 Church Avenue South to below the minimum required for a three-bedroomed dwelling in this area, and the loss of a window to the kitchen area in this dwelling would reduce the quantity and quality of natural light to this room and would have a negative impact on the residential amenities of this dwelling (Number 29 Church Avenue South). Accordingly, the proposed development would seriously injure the residential amenity of this dwelling and would be contrary to the proper planning and sustainable development of the area”.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The statutory development plan is the Dublin City Development Plan 2022-2028.
- 5.1.2. The site is within an area zoned Z1, with the zoning objective 'To protect, provide and improve residential amenities'.
- 5.1.3. 'Residential' is a permissible use within the zoning.
- 5.1.4. Chapter 15 refers to Development Standards.
- 5.1.5. Section 15.5.2: Infill Development: Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form. Infill sites are an integral part of the city's development due to the historic layout of streets and buildings. Infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

As such Dublin City Council will require infill development:

- To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
- To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.
- Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.

- Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.

5.1.6. Section 15.5.7 refers to Materials and Finishes The materials and finishes of a building have the ability to shape the architectural design quality and distinctiveness of an area. Materials and finishes should be selected to ensure longevity throughout the lifetime of the development. All developments will be required to include details on the maintenance and management of the materials proposed as part of the planning application.

As such, Dublin City Council will require developments:

- To ensure materials and finishes complement the existing pallet of materials in the surrounding area.
- Promote durability to ensure a good visual appearance over time.
- The design and layout of buildings, together with the robustness of materials used in their construction, should be such as to discourage graffiti, vandalism and other forms of anti-social activity.
- To support the use of structural materials that have low to zero embodied energy and CO2 emissions as well as the use of sustainably sourced building materials and the reuse of demolition and excavated materials.

Section 15.11 refers to House Developments and outlines requirements on a range of criteria.

15.11.1 refers to Floor areas

Houses shall comply with the principles and standards outlined in Section 5.3: 'Internal Layout and Space Provision' contained in the DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

15.11.3 refers to Private Open Space

Private open space for houses is usually provided by way of private gardens to the rear of a house. A minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and

a double bedroom represents two bedspaces. Generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city. In relation to proposals for house(s) within the inner city, a standard of 5.8 sq. m. of private open space per bedspace will normally be applied. These standards may be relaxed on a case by case basis subject to a qualitative analysis of the development. Where dwellings have little or no front gardens in urban settings, it is important that 'defensible space' is created behind the public footpath, for example, by means of a planting strip, and the design of ground floor windows will need to be carefully considered. Rear gardens and similar private areas should: be screened from public areas, provide safe and secure play areas for children, be overlooked from the window of a living area or kitchen, have robust boundaries, and not back on to roads or public open spaces.

Section 15.13.3 refers to Infill/Side Garden Housing Developments.

The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites. The planning authority will favourably consider the development of infill housing on appropriate sites, having regard to development plan policy on infill sites and to facilitate the most sustainable use of land and existing urban infrastructure. In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements. In certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land is developed.

The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:

- The character of the street.
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.

- Accommodation standards for occupiers.
- Development plan standards for existing and proposed dwellings.
- Impact on the residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed dwellings.
- The provision of a safe means of access to and egress from the site.
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- The maintenance of the front and side building lines, where appropriate.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas and the Council will support innovation in design.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

5.2. National Guidance

5.2.1. DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). Chapter 5 relates to design and section 5.3 outlines requirements in relation to a range of criteria including internal layout and space provision.

5.2.2. The Design Manual for Quality Housing, 2023 outlines standards for housing relating to floor area internal room areas storage etc.

5.2.3. Sustainable Residential Development and Compact Settlements 2024 sets out the minimum private open space for houses.

Chapter 5 outlines Development Standards for Housing on a range of matters including open space private and public; parking; separation distances, daylight and storage.

Policy SPPR2 refers to private open space and in relation to a two-bedroom house, outlines the minimum standards for private open space which would be 30m².

SPPR2 does allow for a relaxation of private open space standards on building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

5.3. Natural Heritage Designations

5.3.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA and a significant distance of the subject site from any designated site.

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment and in this regard, I refer to Form 2 in Appendix 1 of this report. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.2. The appellant grounds of appeal in summary refers to;

- The planning authority has incorrectly assessed the amount and quality of private open space provided.
- The planning authority has incorrectly claimed that the proposed development would result in a reduction in amenity open space in the neighbouring dwellings of 31 Reuben Street and 29 Church Avenue South.
- The planning authority has incorrectly assessed the impact on neighbouring properties.
- The planning authority has made subjective assessments in relation to the impact of the proposed development in relation to visual amenity on Reuben Street.
- The planning authority raised no concerns in relation to access and movement, drainage or internal layout standards.
- The current development city development plan in addition to national guidance does allow for relaxation in relation to private amenity open space within the inner city on a case by case basis and that the level of open space provided exceeds 5-8m² per bed space referring to section 15.11.3 of the CDP.
- SPPR2 is misapplied in relation to existing houses and there is no reduction in private open space for 31 Reuben Street and there is arguably a net gain for 29 Church Avenue South which had a single storey extension and private rear garden measuring only 13.5m² and with the demolition of the extension the area of private open space increased to 29m² and there would still be an increase under the current proposal from a previous 13.5m². The retention of an open space area of 25m² is a negligible decrease from 29m² and would not have a significant impact on the residential amenity of 29 Church Avenue South.
- None of the properties on Reuben Street have anywhere approaching 40m² private open space and many on Church Street South likewise as indicated on table 1.
- The level of open space is in keeping with the area.

- The impact on daylighting on 29 Church Street South will be negligible in the context of what currently exists and proposed.
- In relation to overlooking reference is made to the distance of windows in adjoining properties and that the distance differs with some properties have less of a distance to the boundary others more but the planning authority have not made any statement as to what is an acceptable distance and table B of the response outlines the distance of properties in the vicinity.
- The projecting “fin” detail is not as overbearing and only projects for a small part of the elevation and there is for the most part a separation distance of 7.3 metres and only comes to within 5.8 metres at its closest point.
- The planning authority has permitted dormer windows to within 2 metres of boundaries in the vicinity and these are referenced.
- The proposal it is considered complies with the requirements of the CDP in relation to infill development and section 15.5.2 is referred to.
- The planning authority are ignoring the positive aspects of the proposal and the approach adopted provides for increased passive surveillance and refers to the existing streetscape and that derelict sheds are being replaced and that high qualities finishes are proposed referring to paragraph 15.5.7 of the CDP. The appellant would welcome if the finishes are note appropriate a condition to agree with the proposed finishes.

7.3. Planning Authority Response

The planning authority in a response request the decision to refuse the proposal be upheld and in the event of permission being granted conditions in relation to contributions and naming and numbering be included.

8.0 Assessment

8.1.1. The main issues in this appeal are principle of the development and the grounds of appeal. The issues which arise in relation to the grounds of appeal include the provision of infill development with regard to design, streetscape and character of the street including materials and finishes; impacts on adjoining development including

the residential amenities of adjoining development and proximity of neighbouring windows and compliance with satisfactory standards for occupants in relation to private amenity open space provision for the proposed development and existing adjoining development and internal layout standards. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

8.2. The principle of the development

8.2.1. In relation to the principle of development the appeal site is located within an area zoned Z1, with the zoning objective 'To protect, provide and improve residential amenities'. 'Residential' is a permissible use within the zoning and the principle of the proposed development is acceptable subject to compliance and adherence with standards and guidance as set out in national guidance and the provisions of the CDP and its impact on residential amenities of property in the vicinity.

8.3. Grounds of appeal

8.3.1. The planning authority in the decision to refuse permission refer to the reduction in the private open space for the existing dwelling at number 29 Church Avenue South, to below the minimum required for a three-bedroomed dwelling in this area; would be contrary to Policy SPPR2 of the 2024 Sustainable Residential Development and Compact Settlement Guidelines, in relation to private open space, and contrary to Section 15.13.3 of the Dublin City Development Plan (2022-2028) in regard to Infill/Side Garden Housing Developments. The issue of proximity of the rear windows of number 29 Church Avenue South to the private amenity space of the proposed house, was considered that the proposal would result in overlooking, which would seriously injure the residential amenities of the future occupants of the house was also referred to.

8.3.2. Infill development by their nature presents challenges and largely require assessment onsite specific consideration and matters relating to design, streetscape and character of the street including materials and finishes also require consideration specific to the site and its immediate vicinity. It is noted that the development is on a relatively small site and also arises from the reduction in the site areas of adjoining properties.

8.3.3. The development is on a site which incorporates the demolition of two existing single storey garages garage, one to the side of 31 Reuben Avenue, and a single storey

garage in the rear garden of. 29 Church Avenue South and the construction of a new two storey dwelling on a site incorporating parts of the sites of 31 Reuben Avenue and 29 Church Avenue South. In relation to design the proposed presents a continuation of the existing terrace along Reuben Avenue South incorporating a two-storey house with a pitched roof.

8.3.4. Specific to considering infill development section 15.5.2 of the CDP considers that infill sites are an integral part of the city's development due to the historic layout of streets and buildings and should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. Criteria are outlined which include;

To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.

In relation to this matter in terms of height and roof pitch the development does largely respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.

To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.

The site forms part of a wider neighbourhood with a prevalence of terraced properties with a relative uniform building plot widths and architectural form. The issue of materials and details will be addressed under a separate assessment.

Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.

As indicated the site forms part of and area with terraces or groups of buildings of unified design and broadly the design as presented recognises this.

8.3.5. Section 15.5.7 refers to materials and finishes and that the materials and finishes of a building have the ability to shape the architectural design quality and

distinctiveness of an area. in relation to this matter the front elevation does in part incorporate new brick walls to match colour of existing terrace but also a section of new wall with black limestone finish on the lower level and new walls with corbled black brick finish on the upper level. There is also a section of the roof which has a zinc finish though a slate finish is the predominant finish for the roof facing the front elevation. A mix of brick finishes are proposed for the site elevation and a black brick finish is proposed on the rear elevation with a section of timber batten.

In relation to CDP requirements for finishes include

To ensure materials and finishes complement the existing pallet of materials in the surrounding area.

In relation to this matter, I consider that in relation to finishes the design of the proposed dwelling has largely respected the character of Reuben Street and continues the current finishes immediate to the adjoining dwelling. As an end of terrace there is some level of latitude in relation to new expression and although I would have no major concerns in relation to the side and rear elevation finishes I would consider that retention of the finishes reflected in the terrace would be more appropriate in relation to retaining the cohesiveness of the terrace and the use of black limestone and the zinc roof on the front elevation would be out of character with the pattern of development. I would have no objection in relation to subject to retaining a plinth wall with metal railings to match the existing houses on Reuben Street.

8.4. Impacts on adjoining properties

- 8.4.1. In relation to this matter the planning authority in the decision to refuse permission considered that the proposed dwelling by reason of the reduction in the private open space for the existing dwelling at number 29 Church Avenue South and also having regard to the proximity of the rear windows of number 29 Church Avenue South to the private amenity space of the proposed house, it is considered that the proposal would result in overlooking.
- 8.4.2. The issue of open space I will separately at this is primarily the main issue raised in reason no. 1 of the planning authority decision

8.4.3. In relation to overlooking given the nature of area and its location in an urban environment overlooking of properties occurs. The design as presented does work to address potential overlooking of adjoining properties and the first floor layout does provide for a fin type projection with a window facing the street rather than direct overlooking of properties on Church Street South. The issue however remains that the appeal site and in particular will be overlooked by properties on Church Street South and in particular 29 Church Avenue South.

I note the response to this matter in the grounds of appeal in relation to overlooking and the distance of windows from boundaries of properties varies in the vicinity and wider area given the nature of current development but many of the distances would be considered as sub optimal based on current standards and notwithstanding the infill nature of the development the creation of an additional sub optimal separation distance would not be desirable and the private open space for future occupants of the proposed dwelling would be significantly overlooked.

I note reference to potential impact on day lighting arising from the proposed development on properties on Church Avenue South but given the orientation of properties although some impact may arise, I do not consider that it will be significant.

8.5. Open space provision for the proposed development and existing adjoining development.

8.5.1. The planning authority in the decision to refuse refer to the issue of the reduction in the private open space for the existing dwelling at number 29 Church Avenue South, to below the minimum required for a three-bedroomed dwelling in this area, would have a negative impact on the residential amenities of this dwelling and that the proposal would be contrary to Policy SPPR2 of the 2024 Sustainable Residential Development and Compact Settlement Guidelines, in relation to private open space, and contrary to Section 15.13.3 of the Dublin City Development Plan (2022-2028) in regard to Infill/Side Garden Housing Developments.

8.5.2. The appellant on the grounds of appeal contends that the planning authority has incorrectly assessed the amount and quality of private open space provided; has incorrectly claimed that the proposed development would result in a reduction in amenity open space in the neighbouring dwellings of 31 Reuben Street and 29

Church Avenue South. It is contended that the current development city development plan in addition to national guidance does allow for relaxation in relation to private amenity open space within the inner city on a case by case basis and that the level of open space provided exceeds 5-8m² per bed space referring to section 15.11.3 of the CDP.

It is also contended that SPPR2 is misapplied in relation to existing houses and there is no reduction in private open space for 31 Reuben Street and there is arguably a net gain for 29 Church Avenue South which had a single storey extension and private rear garden measuring only 13.5m² and with the demolition of the extension the area of private open space increased to 29m² and there would still be an increase under the current proposal from a previous 13.5m². It is also contended that none of the properties on Reuben Street have anywhere approaching 40m² private open space and many on Church Street South likewise and the level of open space is in keeping with the area.

- 8.5.3. Initially it is important to consider that the appeal site is largely formed of a site currently occupied by single storied sheds and building rather than an area currently used for open space. These buildings do however form part of properties and are ancillary to the properties.
- 8.5.4. The provisions of section 15.11.3 of the current CDP in relation to proposals for house(s) within the inner city, indicate that a standard of 5-8m² of private open space per bedspace will normally be applied. Similarly in relation to national guidance although SPPR2 outlines a standard for a 2 bed house of 30m² a more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied; that a further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space; private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas and in all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Coimisiún Pleanála that residents will enjoy a high standard of amenity.

8.5.5. As already noted, the private open space will be significantly overlooked and although the level of open space provided if accepted as 24m² as stated in the grounds of appeal would meet the range provision in section 15.11.3 of the current CDP it arises from reductions in open space or potential open space provision of existing properties which are three bedoomed properties. I would acknowledge that as indicated in the grounds of appeal many of the properties in the area do not meet current standards and are sub optimal but reducing existing open space and provision of substandard overlooked open space is not a satisfactory redress of the current situation or providing a high standard of external amenity space and that residents will enjoy a high standard of amenity from the proposed open space.

8.6. Residential standards

8.6.1. In relation to standards for the dwelling itself the standards for housing are set out in national guidance and in this regard, I would refer to DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) and the Design Manual for Quality Housing, 2023. The proposed two storey house has two-bedrooms. The floor area of the proposed new dwelling is 72.3m² and provides for 3 bedspaces and the area is in excess of the minimum floor area standard of 70m². The bedrooms also comply with the minimum standards and the aggregate living/kitchen and dining area is 28.6m², which would comply with the minimum standard of 28m².

8.6.2. The proposal does not provide onsite parking but houses on Reuben Avenue or Church Avenue South do not generally have off street parking and I note Transport Planning raised no objections to the proposed house given its location

8.6.3. I would have no objection to the layout as submitted

9.0 AA Screening

9.1. I have considered the proposal for the construction of a two storey house, connection to existing services and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on an established residential site and within an established residential area.

9.2. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.

9.3. 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 and 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 Recommendation

10.1. I recommend that permission be refused.

11.0 Reasons and Considerations

The proposed new dwelling, by reason of the reduction in the private open space associated with the existing dwelling at number 29 Church Avenue South to below the minimum required for a three-bedroomed dwelling in this area and as a consequence the proposed development would also seriously injure the residential amenities of the adjoining property resulting in a negative impact on the residential amenities of this dwelling.

In addition, having regard to the proximity of the rear windows of number 29 Church Avenue South to the private amenity space of the proposed house, it is considered that the proposal would result in significant overlooking of the private amenity space of the proposed house, which would seriously injure the residential amenities of the future occupants of the house. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan section 15.13.3 in relation to consideration of Infill/Side Garden Housing Developments and the criteria as set out for the assessment of such development in these provisions which are considered to be reasonable.

The Accordingly, the proposed development would seriously injure the residential amenity of the proposed dwelling and properties in the vicinity and would be contrary to the proper planning and sustainable development of the area”.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Derek Daly
Planning Inspector

19th December 2025

Form 1 - EIA Pre-Screening

Case Reference	323665-25
Proposed Development Summary	Demolition of the existing single storey garages and construction of a new two storey dwelling.
Development Address	Land at side of 31 Rueben Avenue and rear of 29, Church Avenue South, Dublin.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	<input type="checkbox"/> X Yes , it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	<input type="checkbox"/> X Yes , it is a Class specified in Part 1. <input type="checkbox"/> No,
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?	x No , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.
No , the proposed development is of a Class and meets/exceeds the threshold.	
Yes , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	

4. Has Schedule 7A information been submitted AND is the development a Class of

Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 19th December 2025

Form 2 - EIA Preliminary Examination

Case Reference	AP323655-25
Proposed Development Summary	Demolition of the existing single storey garages and construction of a new two storey dwelling.
Development Address	Land at side of 31 Rueben Avenue and rear of 29, Church Avenue South, Dublin.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (<i>The development has a modest footprint, providing for a dwelling of a modest scale in a residential development which has a grant of planning permission. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</i>
Location of development (<i>The development is situated in an urban area within an established residential area and an approved land use in which existing services are available. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the City Development Plan</i>
Types and characteristics of potential impacts	<i>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</i>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no	EIA is not required.

real likelihood of significant effects on the environment.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	No
There is a real likelihood of significant effects on the environment.	No

Inspector: Derek Daly Date: 19th December 2025