



An
Coimisiún
Pleanála

Inspector's Report PL-500008-DS

Development	Removal of fencing, gates and site clearance, construction of 2 dwellings and all associated site works.
Location	Rear 58 & 60 Garville Avenue Upper, accessed from Garville Lane Upper, Rathgar, Dublin 6.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB2644/25
Applicant(s)	PAJC Garville Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	PAJC Garville Limited
Observer(s)	Frank Gannon Pól Ó Briain

Date of Site Inspection

10th February 2026

Inspector

Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site comprises a broadly rectangular plot to the rear No.'s 58-60 Garville Avenue Upper Rathgar, Dublin 6, and is accessed from Garville Lane Upper.
- 1.2. The plot, in hardstanding has significant quantities of overgrowth and an unkempt appearance. Elevational treatment facing the lane currently comprises steel railings and gate. The rear gardens of No.'s 58-60 Garville Avenue Upper lie to the south, with the boundary between the plot and these structures formed by a block wall and partial hedging (on the side of the residential use).
- 1.3. A block wall also forms the western boundary, beyond which lies a yard/parking area. A pitched roof, single-storey garage faced in brick lies adjacent.
- 1.4. Immediately east of the plot is a single storey former commercial building with glazed front elevation which lies adjacent the lane edge with no set back provided. This structure does not form part of the application site. A wall forms the remainder of the eastern boundary.
- 1.5. A contemporary two-storey mews structure sits at the junction of Garville Lane Upper and Rathgar Avenue. This structure is set in from the lane and provided with a single parking space, kerbed off and separate from the carriageway. The unit is accessed via Rathgar Avenue.
- 1.6. Garville Lane Upper is of narrow width which fluctuates along its length. It is flanked to its northern boundary by the gable elevation of a two-storey dwelling fronting Rathgar Avenue and its rear garden. A former commercial building and yard which previously operated as a crash repair unit has been cleared, with the plot now an active construction site accommodating a small residential scheme accessed from Rathgar Villas. Garville Avenue 38kv substation lies at the end of the lane.
- 1.7. Worn double yellow lines were observed towards the western end of the lane and no on-street parking allocation is provided. A van and construction vehicle were observed parked in proximity to the construction site on the day of the inspection.
- 1.8. To its southern boundary, the lane is flanked by single storey structures/garages and gap sites.
- 1.9. The plot extends to a stated area of 0.025Ha.

2.0 Proposed Development

- 2.1. Permission is sought for a development comprising the removal of existing fencing, gates and site clearance and for the construction of 2 no. two-storey, two-bedroom dwelling houses.
- 2.2. The development does not provide for car parking and will instead incorporate cycle parking within the units.
- 2.3. Site works include boundary treatment, bin storage, hard and soft landscaping and associated works.
- 2.4. Existing connections to public water mains and to public foul sewer are available as per the application form provided. A soakaway in accordance with BRE365 is not proposed given site constraints and availability of off-set distances to boundaries. Paved areas will be designed to be permeable and rainwater butts are to be incorporated.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council by Order dated 4th September 2025 refused permission for the development for 1 no. reason set out below:

3.1.2. Reason

The existing Garville Lane Upper, from which the proposed mews dwellings would gain access, is currently substandard and contrary to the relevant provisions of the Dublin City Development Plan (2022-2028), including those outlined for access for mews development in Section 15.13.5.4. The laneway is of constrained width with no vehicle manoeuvring and turning facilities and, as such, the proposed development would result in the reversal of vehicular movements, including service, deliveries, emergency and refuse vehicles, onto or off Rathgar Avenue, which would endanger public safety by reason of traffic hazard. The proposed development would set an undesirable precedent for other sites along the laneway, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The planning report reflects the decision of the Planning Authority and recommends that permission is refused.
- The planning history of the site, including the decision of An Bord Pleanála with respect to Reg. Ref. 3254/24 / ABP-319692-24 and applications in the wider area are noted.
- The report summarises matters raised in third party submissions and assesses the proposal against policies contained in the statutory Development Plan, noting its general compatibility with the Z2 land use zoning and concluding that the design would not give rise to undue adverse impacts on residential or visual amenities.
- The report concurs with concerns raised by the Transportation Planning Division, highlighting the substandard nature of the laneway, failure to comply with Section 15.13.5.4 of the Development Plan and concerns with respect to constrained manoeuvrability/turning facilities, servicing, deliveries and emergency access.
- Given the absence of vehicle turning facilities the development would result in vehicular reversing movements onto, or off, Rathgar Avenue which would give rise to the endangerment of public safety by reason of traffic hazard. Refusal is recommended.

3.2.2. Other Technical

3.2.2.1. Transport Planning Division

- Report refers to S15.13.5.4 of the Development Plan outlining access requirements for mews dwellings and to S4.3.8 of Appendix 5 of the Development Plan requiring accessibility in terms of private vehicle movements, emergency and refuse vehicles. A minimum carriageway width of 4.8m (5.5m where no verges or footpaths) is required.

- The laneway currently provides no primary access to any existing dwellings. Extant commercial sites appear to have turning facilities and on-site parking.
- The fluctuation in carriage way width across its length is noted, as well as the absence of verges, footpaths and lack of turning facilities.
- The report refers to turning manoeuvres being reliant on access to existing driveways.
- Garville Lane Upper is within the charge of the local authority.
- Concerns are expressed in relation to the swept path analysis conducted with tracking indicating a fire tender reversing from the laneway and oversailing the footpath at Rathgar Avenue where uncontrolled parking is in place.
- Shortcomings are identified in relation to the service and delivery access strategy which is reliant on Rathgar Avenue. Service, delivery, refuse and emergency access would generate reversing vehicles, both onto and from, Rathgar Avenue where reversing vehicles would not have line of sight of oncoming traffic resulting in conflict with vulnerable road users and other vehicles.
- Collection of refuse at Rathgar Avenue junction sets an undesirable precedent.
- Cycle parking proposals are acceptable.
- No construction management plan is provided. Detailed construction access and traffic management proposals are required.
- Report recommends that permission is refused given the substandard nature of the laneway with physical constraints including no vehicle manoeuvring and turning facilities, resulting in reversal of vehicle movements and giving rise to endangerment of public safety by reason of traffic hazard. The development would also fail to comply with the provisions of the Dublin City Development Plan 2022-2028.

3.2.2.2. Drainage Division

Report raises no concerns with regard to the development and includes standard conditions with respect to compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 and requires submission of surface water management details prior to development commencing.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

2 no. observations were received in relation to the application. The matters raised are largely common to both and are summarised below as follows:

- Submissions refer to the previous decision of An Bord Pleanála under ABP319692-24/ Reg. Ref. 3254/24 to refuse planning permission for a mews development on this site. Notwithstanding that the current proposal omits car parking, the scheme does not address the deficiencies of the laneway and access/servicing arrangements as previously identified. Submission refutes contention that concerns previously raised were related solely to parking provision and have been addressed by the current proposal.
- Relevance of the development precedents listed is questioned.
- The substandard laneway does not meet minimum requirements of the Dublin City Development Plan 2022-2028 and cannot support the development in question. Concerns remain in relation to the lack of facilities including turning areas, footpaths, servicing arrangements, lighting and availability of appropriate sight lines, resulting in an inappropriate development which would endanger public safety by reason of traffic hazard.
- Concerns/shortcomings with regard to the swept path analysis conducted.
- Accuracy/omissions of/from the planning documentation.
- Proof that the site notice was removed maliciously should be furnished.
- Proposal gives rise to additional demand for parking in the area.
- Commentary with respect to aspects of the Mobility Management Plan
- A supporting Transport Observation report prepared by Transport Insights accompanied a submission.

4.0 Planning History

4.1. The following planning history is noted:

4.1.1. Appeal Site

Reg. Ref. WEB2582/25 Invalid Application

The development to comprise a) removal of existing fencing, gates and site clearance; b) construction of 2 no. two- storey, 2 bedroomed dwellings; c) cycle parking & bin storage; & d) all associated site works including all boundary treatments, hard and soft landscaping, associated external alterations and connections to services and utilities.

Reg. Ref.WEB2562/25 Withdrawn

Permission for development at rear 58 & 60 Garville Avenue Upper, accessed from Garville Lane Upper, Rathgar, Dublin 6. The development will consist of a) removal of existing fencing, gates and site clearance; b) construction of 2no. 2 storey, 2 bedroomed dwellings; c) cycle parking & bin storage; & d) all associated site works including all boundary treatments, hard and soft landscaping, associated external alterations and connections to services and utilities.

Reg. Ref. 3254/24 [ABP-319692-24]

Rear of 58 & 60 Garville Avenue Upper Rathgar D6. Permission sought for a) removal of existing fencing, gates and site clearance b) construction of 2 no. 2 storey, 3 bedroomed dwellings incorporating off-street car-parking c) all associated site works including all boundary treatments, hard and soft landscaping, associated external alterations and connections to services and utilities.

Decision: Permission REFUSED by Dublin City Council and REFUSED on appeal by An Bord Pleanála under ABP-319692-24 on the 8th of October 2024. The reason stated:

‘Notwithstanding the benefits arising from the redevelopment of an underutilised serviced urban brownfield site, and the delivery of two number urban dwellings, it is

considered that, by reason of the incorporation of two number off-street car parking spaces, the proposed development would generate traffic turning movements along a laneway with restricted width which would endanger public safety by reason of traffic hazard and obstruction of users of this laneway. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area’.

Social Housing Exemption Certificate (SHEC) Ref: 0002/24

Construction of two mews properties on Garville Lane Upper to rear of 58 & 60 Garville Avenue, Dublin 6.

Decision: GRANTED 29th January 2024.

SHEC Ref: 0283/25

Construction of 2no. two-storey 2 bedroomed dwellings to rear of 58-60 Garville Avenue accessed from Garville Lane Upper.

Decision: GRANTED 31st July 2025.

4.1.2. **Applications in the vicinity:**

Reg. Ref. 5942/05

Permission sought for a two-storey, three-bedroom mews dwelling, single car parking space, demolition of part of the existing wall and garage and repositioning of pedestrian access off Rathgar Avenue at No. 54 Garville Avenue Rathgar Dublin 6.

Decision: Permission GRANTED 2nd February 2006.

Reg. Ref. 2547/11

Permission sought at No. 64 Garville Avenue Upper to demolish existing garage and to construct a new garage including loft storage space.

Decision: Permission GRANTED 8th June 2011.

Reg. Ref. 4000/23

Permission sought for the demolition of single storey vehicle workshop and single storey light industrial shed and construction of 7no. 3 storey, 4-bedroom terraced houses, roof terraces with new vehicular access from Rathgar Villas at Rathgar Avenue Dublin 6. Site located to the rear 27-29 Rathgar Avenue and adjoining Rathgar Villas.

Decision: Permission GRANTED 28th February 2024. Appeal under ABP-319387-24 was WITHDRAWN.

5.0 Policy Context

5.1. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities.

- Policy guidance in relation to planning and development of urban and rural settlements with a focus on sustainable residential development.
- Section 5.3 relates to Standards for Housing and seeks to enable greater innovation, and a graduated and flexible approach to the application of residential development standards across all housing types. Identifies a need to review and update standards in relation to separation between dwellings, private, semi-private and public open space provision, car parking and cycle parking.
- SPPR1 Separation Distances
- SPPR 2 Minimum private open space standards for houses
- SPPR 3 Car parking.
- SPPR 4 Cycle Parking and Storage

5.2. Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities

- Provides guidance to identify principles and criteria important in the design of housing and highlights specific design features of particular relevance.

- Section 5 -Dwelling Design. Provides specific design guidance in relation to dwelling units, setting out in Table 5.1 space provision and room sizes for typical dwellings.

5.3. Dublin City Development Plan 2022-2028

5.3.1. The Dublin City Development Plan 2022-2028 is the operative Development Plan for the area and came into effect on the 14th of December 2022.

5.3.2. Volume 1 Written Statement

5.3.2.1. Chapter 5 Quality Housing and Sustainable Neighbourhoods

- **Policy QHSN6 Urban Consolidation**

Seeks to promote and support residential consolidation and intensification by means of infill development, including mews development, subject to the provision of good quality accommodation.

- **Objective QHSNO4 Densification of Suburbs**

Support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.

5.3.2.2. Chapter 11 Built Heritage and Archaeology

- **Section 11.5.3 Built Heritage Assets of the City**

The Z8 Georgian Conservation Areas, Z2 Residential Conservation Areas and red-lined Conservation Areas are extensive throughout the city. Whilst these areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application.

- **Policy BHA14 Mews**

To promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.

- **Policy BHA9 Conservation Areas**

- **Objective BHA05**

Prepare a best practice design guide regarding appropriate mews development in the city.

5.3.2.3. Chapter 14 land use Zoning

- The appeal site is zoned Z2 *‘To protect and/or improve the amenities of residential conservation areas.*
- Residential is listed as a permissible use.
- S14.7.2 relating to Z2 zoning states that *‘residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. 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’*

5.3.3. Chapter 15 Development Standards

- **Section 15.13.5 Mews**

Section 15.13.5 relates to mews development stating it is an objective of the City Council to protect the character and setting of mews dwellings and to ensure all new proposal are respectful and appropriate in its context.

The following subsections relate to particular standards applicable to mews development:

- **Section 15.13.5.1 Design and Layout**
- **Section 15.13.5.2 Height, Scale and Massing**
- **Section 15.13.5.3 Roofs**
- **Section 15.13.5.4 Access**

‘Car free mews developments may be permitted in certain circumstances where there are specific site constraints and where alternative modes of transport are available. Each development will be assessed on a case by case basis’.

Section 15.13.5.4 also states that *‘potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. Where access cannot be provided, an access and movement strategy must be provided to justify that the development can be adequately served’.*

Also, *‘all mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided’.*

5.3.4. **Volume 2 Appendix 5 Transport and Mobility: Technical Requirements**

Section 4.3.8 Mews Parking

Where provided, all parking provision in mews lanes is required to be in off-street garages, forecourts or courtyards, subject to conservation and access criteria.

Car-free mews developments may be permitted in certain circumstances where there are specific site constraints and where alternative modes of transport are available.

Potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. A minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) is required. In circumstances where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated. All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided, save for lanes where existing footpaths are present.

Section 2.4 Service Delivery and Access Strategy

Where no off-street services or on-street storage can be provided, it shall be a requirement of all new developments to submit full details of all new deliveries, including their time, frequency and manner, to the planning authority. For residential developments, details of access for service vehicles shall be considered at an early

stage in the design process. Access for emergency vehicles, refuse collections and general servicing needs (i.e. domestic/household deliveries) shall be adequately demonstrated. Identifying the location of drop off/pick up areas for deliveries, in particular for car free developments which may be reliant on third party services to meet their household requirements shall also be considered early in the design process.

5.4. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c.4.8km

North Bull Island SPA (Site Code 004006) c.8.2km

Dalkey Islands SPA (Site Code 004172) c.12.8km

South Dublin Bay SAC (Site Code 000210) c. 4.8km

Rockabill to Dalkey Island SAC (Site Code 003000) c.12.5km

North Dublin Bay SAC (Site Code 000206) 8.2km

5.5. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (Refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First Party appeal against the decision of Dublin City Council made on the 4th September 2025 to refuse permission is made by the First Party, PAJC Garville Limited. The appeal submission is accompanied by a report from Stephen Reid Consulting Traffic and Transportation Limited and by amended drawings. The matters raised in the appeal may be summarised as follows:

- Proposal aligns with planning policy to secure compact urban development.
- Principle of development is acceptable. Technical matters are addressed in a supporting report from Stephen Reid Consulting Traffic and Transportation Ltd.
- The appeal is supported by revised plans relocating the bin storage area.
- First Party refers to ABP 319692-24 and to the accompanying Direction of the Board in relation vehicular parking. The current application seeks to address this matter by excluding parking, thereby resulting in pedestrian and cycle access only, supported by Mobility Management Plan and Service Delivery and Access Strategy. The proposal has been designed to address the concerns of An Bord Pleanála under its previous decision.
- The planning authority has not had regard to the previous decision made by the Board and has reached a new refusal decision, including new reasons that could not have been anticipated by the project team. The planning appeal therefore focuses specifically on addressing these reasons for refusal. The planning authority's decision seeks to undermine and overrule the decision of An Bord Pleanála which found that the development was acceptable on all grounds excepting the provision of car parking.
- An Bord Pleanála in its decision was aware of the substandard nature of the lane, including constrained width and turning facilities. The development excludes car parking and cannot generate traffic turning movements along the laneway. The scheme will not cause any reduction in public safety by reason of traffic hazard and obstruction.
- The proposed development can be safely accessed by pedestrians and cyclists.

- The appeal provides a summary of applicable Development Management matters indicating how they are addressed.
- A Construction Management Plan can be required by condition.
- The appellant was not afforded an opportunity under Further Information to address concerns of the planning authority or matters raised in 3rd party submissions/transportation reports.

Stephen Reid Consulting – Traffic and Transportation

- Parking control measures currently in place and hours of operation would effectively preclude future residents of the scheme from owning a car and parking on street.
- Physical constraints of the lane ensure a low-speed environment conducive to shared use.
- Mandatory guidance within the Design Manual for Urban Roads and Streets (DMURS) stipulates a maximum width for a shared space laneway of 4.8m which overrules planning authority requirements.
- The planning authority stipulates that mews laneways should be treated as shared space.
- Minor amendments to the design provide for bin storage to the front of the units, rather than at the rear.
- Bicycle spaces are provided within each unit, and the site is in proximity to public transport.
- Swept Path analysis undertaken for the application utilised a non-standard fire tender and not a standard sized Dublin Fire Brigade. Report acknowledges that Dublin Fire Brigade are likely to use a larger vehicle. A fire tender would not enter the laneway in the event of a fire and would be likely to use Rathgar Avenue which is c. 25m from the centre frontage of the site. Part B Vol 2 Dwelling Houses Fire Regulations (para 5.4.2) identifies a maximum hose line distance of 45m as appropriate.
- The width of the laneway leaves little effective working room either side of a tender for e.g. ladder use. A standard-sized brigade would instead stop on Rathgar Avenue rather than access the lane. The utility pole close to the laneway entrance also impacts ability to turn in/out of the laneway.

- Report refers to vehicles parked close to the laneway entrance potentially blocking ability to access the lane (in the event of an emergency and generally). Parking on the west side of Rathgar Avenue could block access to a hydrant north of the lane and impact vehicles entering/exiting, including to parking spaces to the frontage of no. 27 Rathgar Avenue. Kerbside parking on Rathgar Avenue to the immediate south of the lane would impact access to/from the in-curtilage parking space for no. 54. The report refers to requirements under the Roads Act and enforcement by Dublin City Council and An Garda Síochána, noting it is incumbent on the authority to ensure access is maintained to/from Garville Lane Upper for existing users.
- Revised plans indicate bin storage in-curtilage to the front of the units with bins brought to Rathgar Avenue on collection days.
- Development is a low impact 'no-car' infill development with adequate cycle parking and a reasonable and balanced strategy for fire and refuse collection /servicing not requiring fire tender or refuse collection to access Garville Lane Upper due to its proximity to Rathgar Avenue.

6.2. Planning Authority Response

The Commission is requested to uphold the decision of the planning authority to refuse permission. If permission is awarded, the planning authority requests that conditions giving effect to the payment of a development contribution under Section 48, the payment of a bond; a naming and numbering scheme and a social housing condition are included in the decision.

6.3. Observers

6.3.1. Third Party Observations were received from Mr. and Mrs. Frank Gannon and from Pól Ó Briain. The matters include a number previously raised in third-party submissions to the planning authority. The issues are summarised as follows:

- Garville Lane Upper is substandard in width and surfacing treatment, lacks public lighting, turning facilities and footpaths, giving rise to attendant safety and access concerns.

- The determination of Dublin City Council to refuse permission remains valid.
- The proposal would give rise to an unsafe and undesirable precedent for further development with potential negative impacts on existing property and the wider residential conservation area.
- Previous decisions of An Bord Pleanála and the planning authority consistently reference concerns in relation to the appropriateness of Garville Lane Upper to accommodate residential development and the substandard nature of the lane.
- Removal of car parking does not outweigh or address remaining deficiencies.
- Proposal would contravene and is non-compliant with mandatory requirements of the Development Plan, including in relation to mews developments.
- There is no jurisdiction in legislation empowering an appellant to submit an alternative scheme to the Commission and the scheme as presented in the amended drawings differs from that submitted to the planning authority.
- Swept path analysis conducted as part of the original application is insufficient.
- Proposal does not provide for a comprehensive upgrade of the lane and no vehicle turning facilities exist.
- Lack of clarity provided in relation to emergency plans.
- Amended proposals indicate emergency services are to be provided from Rathgar Avenue rather than Garville Lane Upper as previously proposed. The proposal does not envisage more than 1no. vehicle being present and would result in the road being blocked.
- Waste collection arrangements are suboptimal.
- The relevance of development precedents identified by the appellants in support of the appeal is questioned.
- No record of planning permission for use of neighbouring site for vehicle display/storage.
- Observation provides commentary with regard to perceived unsupported statements in the appeal documentation.
- Proposal is contrary to proper planning and sustainable development.

An updated Transport Observation prepared by Transport Insights is provided in Appendix 2 to the observation from Mr. and Mrs. Frank Gannon. Matters raised are summarised as follows:

- On-street car-parking on Rathgar Avenue adjacent and opposite Garville Lane Upper has the potential to constrain access to and from Garville Lane Upper and restrict driver intervisibility upon accessing or egressing the laneway.
- Appeal does not address potential cumulative impacts of suboptimal arrangements for access and servicing and does not include mitigation measures.
- Fire tenders or ambulances stopping on Rathgar Avenue would result in the Rathgar Avenue being blocked with spillover effects on the wider area.
- The principle of emergency services serving the appeal site from Rathgar Avenue has not been directly considered by the planning authority or An Coimisiún Pleanála. Should this principle be accepted, it would create a citywide precedent.
- The appellants do not address the challenge of accommodating deliveries to the site. Communicating delivery arrangements to drivers may not be possible in practice who may nevertheless seek to use the laneway resulting in reversing manoeuvres.
- Development permitted under Reg. Ref. 4000/23 is not served by vehicular access onto the lane.
- Amended drawings remove external cycle parking and are deficient for a car-free development.
- The principle of car-free development is not disputed. The design does not provide sufficient focus on alternative sustainable mobility options and does not address cycle storage or refuse storage in a practical manner.
- Being car-free, the development is likely to generate frequent movements associated with deliveries.

6.4. Further Responses

6.4.1. The First Party submitted a further response raising the following matters:

- Refers to the inference in observation that views/opinions are held by others. *Locus standi* relies on their observer status and cannot claim to or infer representation of other parties.
- Selective objection against the current scheme with no objection raised to other proposals on the laneway.

- In opposing proposal for infill residential development, the Observer's position is a preference for a used car lot.
- The planning authority did not afford a request for Further Information thereby treating the third-party objector's submission and road engineering report with undue weight. The applicant was denied the right of rebuttal and cross examination of the report. The subject appeal is accompanied by a report from Stephen Reid Consulting Traffic and Transportation Ltd.
- Road and Traffic Assessments undertaken by Transport Insights in support of a range of developments are referenced by the First Party.
- Observer's position is contradictory regarding pedestrian path, bin collection and emergency vehicle access.
- Planning guidance explicitly provides flexibility for infill dwellings in older city locations, with the approach driven by policies supporting compact growth, regeneration and use of brownfield lands.
- The First Party responds to various elements of the submission under Section 2.0.
- The proposal does not set a precedent. The suitability of the laneway for pedestrian access has been accepted, noting previous grants of permission from the planning authority.
- The Observer does not refer to previous permissions, and their property does not adjoin the laneway and has no access to it.
- No response is provided to the First Party's transportation report by the Observer's transportation consultants.
- Amendments to the proposal are minor in nature and seek to address concerns raised in relation to bin storage.
- Precedents raised by the First Party demonstrate that Irish planning policy supports infill residential development.
- The site was previously in use as a car storage lot and no enforcement is open with respect to the site.
- Fire tender access is addressed in the report by Stephen Reid Consulting
- The planning authority refused permission on grounds which do not align with the An Bord Pleanála decision issued under ABP 319692-24.

- A letter from Stehen Reid Consulting is appended in which the author indicates he has reviewed the submission noting no new roads or traffic details are submitted by the Observer and stating there is nothing further to add to the report submitted with the First Party appeal.

6.4.2. A further response was also received from Pól Ó Briain in which the Observer indicates he is largely supportive of the documentation submitted by Mr. & Mrs. Frank Gannon and previous correspondence is submitted for completeness.

6.5. **Assessment:**

6.6. Having examined the application details and all other documentation on file and having regard to local, regional and national planning policies and guidance, and having visited the site, I consider that the main issues in this appeal relate to:

- Principle of Development
- Compliance with national planning policy and Development Plan provisions
- ABP-319692-24
- Access and Movement
- Other Matters

6.7. **Principle of Development**

6.7.1. The Dublin City Development Plan 2022-2028, through numerous policies and objectives supports the national policy of compact sustainable development, underpinned in the use of underutilised serviced land and buildings. In this regard, it is the stated policy of Dublin City Council within its Development Plan to achieve greater intensity in suburban areas through infill, backland and mews development as well as through the re-use of existing housing stock. Policy QHSN6 and Objective QHSNO4 are supportive of this approach.

6.7.2. The appeal site is located on lands zoned Z2 where the objective seeks to '*protect and/or improve the amenities of residential conservation areas*', and where residential development is listed as a permissible use. I also note specific policy with regard to mews housing as a distinct category is contained within the Development Plan. Section 14.7.2 relating to the Z2 land use zoning states that residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. 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.

6.7.3. I note that Objective BHAO5 of the Plan seeks to prepare a best practice design guide regarding appropriate mews development in the city. I am not aware that such guidance has been published to date by the planning authority.

6.7.4. While the development's ability to comply with specific Development Plan criteria concerning the layout, accessibility and design of mews development is set out in following sections; I am satisfied that in principle, this form of development is acceptable on the subject lands and is in compliance with the underlying Z2 land use zoning objective pertaining to the site.

6.8. Compliance with national planning policy and Development Plan provisions

6.8.1. Elevational Drawings submitted indicate two modest two-storey attached mews structures extending to a height of 6.2m, both flat-roofed and finished with a brick-faced upper storey and natural stone to the ground floor. Timber screens are proposed to window opens facing the lane with a privacy screen to the ground floor entrance. The rear elevation is finished in a self-coloured render and a brick finish at ground floor. Internally, the units provide for a stated combined accommodation of 272sq.m providing *inter alia* for a dining/living area, study/office, toilet at ground floor with two ensuite bedrooms overhead.

- 6.8.2. I note the Planning Authority was generally satisfied with the standard of internal accommodation provided, finding that the standards required under Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities and Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities, were generally complied with.
- 6.8.3. The site is in separate ownership to the original host dwellings at 58-60 Garville Avenue Upper and I am unaware of the date at which these properties and the appeal site were separated. Notwithstanding, the proposed dwellings are provided with appropriate levels of private open space and suitable set back is provided so as to ensure the amenities of these properties are not significantly impacted. I note in this regard Strategic Planning Policy Requirements (SPPR's) contained within the Sustainable Residential Development and Compact Settlements are generally adhered to, including in relation to private open space allocation (33sq.m.) and set back from the rear common boundary.
- 6.8.4. From my review of the plans and particulars provided, I agree with the findings of the planning authority that the overall design of the mews units, their external finishes and presentation, are to a high standard and comply with national and Development Plan policy with respect to residential standards.
- 6.8.5. I note also that car-free development is supported by SPPR 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, where it is acknowledged in city centre and urban neighbourhoods, car-parking provision should be minimised, substantially reduced or wholly eliminated. SPPR 4 Cycle parking requires that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors. In the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied together with visitor cycle parking.

6.9. ABP-319692-24

- 6.9.1. Permission was refused on appeal by An Bord Pleanála under ABP-319692-24 for a broadly similar development on this site, noting the inclusion within the earlier scheme of in-curtilage car parking to serve each of the two units. Permission was refused for the following reason:

‘Notwithstanding the benefits arising from the redevelopment of an underutilised serviced urban brownfield site, and the delivery of two number urban dwellings, it is considered that, by reason of the incorporation of two number off-street car parking spaces, the proposed development would generate traffic turning movements along a laneway with restricted width which would endanger public safety by reason of traffic hazard and obstruction of users of this laneway. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area’.

The accompanying Direction from the Board BD-017711-24 noted the appellants submission that, *‘as an alternative the car parking could be omitted altogether by way of condition. The Board considered that such an option would alter the proposed development materially and decided not to pursue this option’.*

- 6.9.2. I note commentary within the First Party appeal that given the former determination of An Bord Pleanála and the perception that outstanding issues relate solely to the matter of on-site car-parking, that the Planning Authority has erred in its decision by introducing new/additional reasons for refusal and additional concerns which the project team could not have been aware of. I have reviewed in full ABP-319692-24 and the current appeal case and note similarities between both in terms of the broader concerns raised. I do not agree with the contention held by the First Party that the removal of car parking and development of a car free scheme fully addresses wider concerns previously raised in relation to other aspects of this development, notably the safe management of vehicular movements generated by the residential use of the site in a broader sense. I note in this regard that the planning authority’s decision reflects that under ABP-319692-24 and it has not raised a new issue in its consideration of this application.

6.10. Access and Movement

- 6.10.1. Garville Lane Upper is a short cul-de-sac laneway approximately 90.0m in overall length. The carriageway does not benefit from lighting or footpaths, and its surfacing is uneven and generally in poor condition. Double yellow lines are evident towards the western end and are eroding in places.
- 6.10.2. The width of the laneway is such that opportunities to turn a vehicle are non-existent, other than to encroach on third party property. A utility pole is positioned in a somewhat isolated location at the entrance to the lane from Rathgar Avenue, adjacent the off-street parking space associated with the contemporary mews to the rear of no. 54 Garville Avenue Upper. The lane is stated to be in the charge of the local authority. There is currently no residential use on the laneway which requires the carriageway to provide its primary means of vehicular access.
- 6.10.3. While the appellant points to development permitted under Reg. Ref. 4000/23 (7 no. 3 storey 4-bedroom units) as confirmation of the lanes suitability to accommodate residential development, the Commission should note that the layout and orientation of these units address Rathgar Villas, with only secondary/incidental pedestrian access (not vehicular) for no.'s 1-5 onto Garville Lane Upper. I note also from the layout plans and other particulars associated with this permission, that the properties, are served by in-curtilage parking and dedicated bin storage to Rathgar Villas. Autotrack/fire tender access was demonstrated through that estate, with all servicing - deliveries, bin collections, emergency access also provided via Rathgar Villas and not via Garville Lane Upper. A naming and numbering scheme on foot of Condition no. 7 refers to the scheme forming an extension to Rathgar Villas both in name and number sequencing. As such, while I note the future availability of pedestrian access onto the subject lane, to all intents and purposes, the scheme could not reasonably be considered to rely on its access arrangements from Garville Lane Upper.
- 6.10.4. I note the material change in the current proposal from that considered by An Bord Pleanála under ABP-319692-24. This relates to the omission of car parking, with the units instead served by on-site bicycle parking. In support I note the Service Delivery and Access Strategy prepared by the appellants as part of the application and in

response to Table 15-1 Thresholds for Planning Applications of the Development Plan. The strategy refers to the central location and public transport opportunities in the immediate area, noting that the scheme is not supported by car parking facilities in the wider area. While I note amendments to the scheme as part of the appeal documentation, the plans before the Planning Authority provided for forecourt bicycle storage with additional internal bicycle storage and a bin store to the rear. Bins are brought to Rathgar Avenue for collection. The appellant acknowledges that a comprehensive bin collection system for the entire laneway may arise at a future date. Revised plans tabled as part of the appeal indicate the reconfiguration of bicycle storage within the dwellings with bin storage area introduced to the forecourt.

6.10.5. Dimensions of the laneway as indicated on Drawing No. 2211-PL-02 Issue PL 'Existing Plan' demonstrate a width of 4.257m to the rear of 62 Garville Lane Upper, 4.17m at the western corner of the disused commercial property and 4.11m to its eastern corner. The extent of the lane way immediately in front of the site would be widened to 5.5m on completion of the development.

6.10.6. I refer to the report of the planning authority's Transportation Planning Division which raises concerns in relation to multiple issues, including the inherent inability of the lane to meet the width requirements of the Development Plan to serve mews developments as set out under Appendix 5. The report acknowledges where such widths cannot be achieved, an Access and Movement Strategy to justify that the development can be adequately served, must be furnished. Section 15.13.5.4 of the Development Plan indicates that parking provision in mews lane where provided, may be off-street garages, forecourts or courtyards, subject to access considerations. Car free mews developments may be permitted in certain circumstances. The guidance provided under Section 4.3.8 of Appendix 5 states that potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. A minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) is required. In circumstances where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated.

6.10.7. I refer to the Transport Report by Stephen Reid Consulting (SRC) Traffic and Transportation in support of the appeal which acknowledges that the existing laneway, while *'technically wide enough for a 3.7m fire route'* *'would be impractical for a fire vehicle at 2.5m wide to park up in front of the buildings in the event of a fire as it would leave very little effective working room on either side of the vehicle for accessing truck storage compartments and opening vehicle cab doors'* . In recognition that Dublin Fire Brigade would be likely to use a larger vehicle than that detailed in the application, SRC submits that Dublin Fire Brigade would not enter Garville lane Upper in the event of an emergency call-out to these two properties and would instead utilise Rathgar Avenue where hose lengths would be within tolerances of Part B Volume 2 Dwelling Houses Fire Regulations (para 5.4.2) (hose line distance of 45m for access to the principal entrance to each unit). The acknowledgement that fire tender access cannot ideally access the laneway and would result in parking on Rathgar Avenue, a busy arterial route is of concern and points to the unsuitability of the laneway in question to cater for the proposal.

6.10.8. I acknowledge the requirement of DMURS wherein a lesser width of 4.8m for a shared surface with no separate footpath is viewed as acceptable. This requirement is below the stipulated minimum measurement of 5.5m for mews lanes as required under the Development Plan. However, there is an underlying presumption that any traffic movements on a carriageway must be capable of being conducted in a safe manner having regard to the likelihood, given the shared nature of the carriageway, that it would be used by both vulnerable road users and motorised traffic concurrently. Given that the subject laneway may potentially generate additional pedestrian traffic from the residential scheme under construction, I am of the view that this takes on a greater level of importance.

6.10.9. I refer also to the contention of the appellant that the Commission (An Bord Pleanála) was aware of the substandard nature of the lane, constrained width and lack of manoeuvring and turning facilities in its previous determination regarding this site. It is contended that the lack of parking spaces to serve the scheme cannot generate traffic turning movements along the laneway and the scheme will not cause any reduction in public safety by reason of traffic hazard and obstruction.

I disagree with this contention and am of the view that a presumption of no traffic turning generation is incorrect. The normal operations of any domestic residence by their nature, generate both regular and occasion traffic/trips in many forms such as e.g. courier deliveries, domestic appliance delivery/servicing, gas heating servicing etc. Given that the development is intended to be car-free, it could be argued that there is potential to generate a higher level of regular delivery trips such as e.g. from a supermarket provider.

I note the Service Delivery and Access Strategy provided with the application indicates that deliveries would be facilitated by vehicles stopping on Rathgar Avenue, stating *'it is not possible to set out the likely frequency and times of deliveries as these will be determined by An Post and by whether future residents order online, etc'*. The manner in which larger goods would be delivered would also appear to rely on Rathgar Avenue as a stopping point, as the strategy is otherwise silent on this matter. Forward communication of such delivery arrangements to providers, particularly those unfamiliar with an area would be both impractical and unrealistic, resulting in delivery drivers accessing the lane with no means of turning to exit.

While I agree with the appellant that measures to manage the construction phase could be agreed by way of a Construction Management Plan, management of traffic movements generated once operational, cannot be so controlled.

As acknowledged by the appellant, Garville Lane Upper does not provide opportunities for vehicle turning (other than within third party properties) and this constraint, coupled with its narrow width, an issue again not in dispute, would result in vehicles reversing back along the laneway to Rathgar Avenue in order to exit. Rathgar Avenue is itself a heavily trafficked arterial route of limited width. The junction of Rathgar Avenue with Garville Lane Upper is somewhat constricted. As noted in the report prepared by Stephen Reid Consulting, on-street kerbside parking outside of the clearway periods occurs on Rathgar Avenue which is not in marked or controlled parking bays. The SCR report also refers in this regard to parking in the vicinity of the Garville Lane Upper / west side of Rathgar Avenue potentially impacting access/exits from the lane, hydrant access and in-curtilage parking spaces to existing dwellings. (Section 3 Development Proposals and Suitability).

I am of the view therefore, that notwithstanding the omission of car parking, the proposed development does not otherwise provide a solution to resolve the absence of suitable vehicular turning facilities on the lane to cater for vehicular movements to and from the dwellings, noting that no trips being generated by this residential scheme is unrealistic. In the absence of such arrangements, I believe that the development and the turning movements it would generate at the junction of Garville Lane Upper and Rathgar Avenue, would result in the creation of a traffic hazard and would endanger public safety.

6.11. Other Matters

- 6.11.1. The First Party's appeal submission is accompanied by amended proposals, received by the Commission on the 1st October 2025. Whilst there is no impediment to the submission of revised plans with the appeal, the discretion as to whether such proposals should be considered rests with the Commission. I note in this regard the amendments, including to the ground floor plan, illustrate the reconfiguration of the forecourt by omission of bicycle storage and insertion of a bin store. The originally proposed internal bike store is shown marginally increased in floor area, and is labelled differently within the two dwellings as both 'bike store' and 'store'. It is unclear if the wall-mounted bicycle solution continues to be proposed, as such configuration is not shown on the revised plans. Annotations on Drawing No. 2211-APL-02 indicate the space *'suitable for non-standard bikes and/or additional standard bike storage'*. Understairs storage is shown accommodating 2no. bicycles, replacing an area of 1.2sq.m. previously allocated for general storage purposes. The study/office is reduced to 8.9sq.m. (previously 9.2sq.m.). A privacy screen with sliding gate is shown to the lane side boundary. The dining/living area is reduced to 33.2sq. m from 34sq.m.
- 6.11.2. A Services Plan indicates the bins removed from the forecourt area and brought to a collection point on Rathgar Avenue. This is broadly acceptable.
- 6.11.3. I am of the opinion that the details provided, primarily relate to the internalisation of the bin storage area and seek to address concerns raised in relation to this aspect of the development. Bin collection would otherwise continue to be proposed from

Rathgar Avenue. While the amendments represent an alteration to the design originally before the Planning Authority, I do not believe they are material in nature.

6.11.4. I note the contention held that the applicant should have been afforded an opportunity to address concerns and refute matters raised in third party submissions by way of a request for Further Information in the application process. While I note the provisions of the Planning and Development Regulations 2001 (as amended) where it is open to a Planning Authority to request Further Information, this is not a requisite step in the assessment process and would not in any case, provide a resolution where matters of fundamental concern are identified.

Conclusions

On the basis of the above, I consider that Garville Lane Upper, being deficient in width along its length; given the lack of capacity to safely accommodate vehicular turning movements associated with the proposed development; and in the absence of comprehensive proposals for lane upgrade; or improvements to the design and layout of its junction with Rathgar Avenue, it is considered that the proposal would constitute an *ad hoc*, piecemeal and uncoordinated development which would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

7.0 Appropriate Assessment Screening

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended. The appeal site is located on zoned, serviced lands and relates to an existing two storey over basement property which is a protected structure. The separation distances between the appeal site and Natura 2000 sites situated in the wider area are set out below:

South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c.4.8km

North Bull Island SPA (Site Code 004006) c.8.2km

Dalkey Islands SPA (Site Code 004172) c.12.8km

South Dublin Bay SAC (Site Code 000210) c. 4.8km

Rockabill to Dalkey Island SAC (Site Code 003000) c.12.5km

North Dublin Bay SAC (Site Code 000206) 8.2km

The development comprises a residential development of 2 no. two-storey, two-bedroom dwelling units with the structures benefitting from existing connections to public infrastructure. The Planning Authority undertook Appropriate Assessment Screening, determining that there was no likelihood of significant effects on a European Site.

No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Nature of the works i.e. development of 2 no. two-storey residential units and associated site works.
- Location and distance from the nearest European site and lack of connections.
- Taking into account determination of the Planning Authority.

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

Likely significant effects are excluded and thereafter Appropriate Assessment (under Section 177V of the Planning and Development Act 2000), as amended, is not required.

8.0 Water Framework Directive

- 8.1.1. The subject site concerns a plot to the rear of no. 58-60 Garville Avenue Upper, Rathgar Dublin 6, with access from Garville Lane Upper. The proposal comprises a development of 2 no. two-storey dwellings and associated site works. The appeal site is separated by a distance of approximately 1.7km from the Grand Canal Main Line (Liffey and Dublin Bay) IE_09_AWB_GCMLE and is approximately 790m from the

River Poddle IE_EA_09P030800 and approximately 1.2km from the River Dodder IE_EA_09D010900. The site is within the Liffey and Dublin Bay Water Framework Directive Catchment ID09.

I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works concerned, providing for a small residential development of 2 no. residential units and associated works on zoned lands and noting existing connections to public wastewater, water supply and surface water systems.
- Distance from nearest water bodies and/or lack of hydrological connections.

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.

9.0 Recommendation

9.1. I recommend that permission is refused.

10.0 Reasons and Considerations

The subject site, providing for 2 no. residential units is served by Garville Lane Upper, a narrow laneway, lacking appropriate turning facilities and being deficient in width. Given the constraints to vehicular turning and manoeuvrability which would arise at

the junction of the lane and Rathgar Avenue, the proposed development would contravene Section 15.13.5.4 Access and Section 4.3.8 Appendix 5 with respect to Mews Parking, of the Dublin City Development Plan 2022-2028. Notwithstanding the non-inclusion of car parking facilities to serve the intended dwellings, given the deficiencies identified, the proposal cannot safely accommodate wider vehicular movements associated with a residential scheme and would result in substandard and uncoordinated development which would endanger public safety by reason of traffic hazard, necessitating hazardous vehicle manoeuvres and obstruction of road users. The development would therefore result in poor quality residential consolidation which 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Patricia Byrne

Planning Inspector

23rd February 2026.

Form 1 - EIA Pre-Screening

Case Reference	PL-500008-DS
Proposed Development Summary	Removal of fencing, gates and site clearance, construction of 2 no. dwellings and all associated site works
Development Address	Rear of 58-60 Garville Avenue Upper, accessed from Garville Lane Upper Rathgar Dublin 6.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b) Part 2 Schedule 5 Construction of more than 500 dwelling units
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input 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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	

<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	2 no. dwellings on a stated site area of 0.025Ha
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-500008-DS
Proposed Development Summary	Removal of fencing, gates and site clearance and construction of 2 no. dwellings and all associated site works.
Development Address	Rear of 58-60 Garville Avenue Upper, accessed from Garville Lane Upper Rathgar Dublin 6.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Construction of 2 no. mews dwelling houses in an urban area on serviced, zoned lands. The site extends to 0.025Ha and the proposed gross floor area is stated as 272sq.m. The development requires the removal of the existing fencing, gates and site clearance and does not require the use of substantial natural resources or gives rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is located within an urban area on lands which are zoned and serviced for development. The site does not impact on protected views. The site is situated approximately 4.8km from South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and a similar distance from South Dublin Bay SAC (Site Code 000210), the closest European sites to the proposal. While the site is zoned under Zone Z2 of the Dublin City Development Plan, it is not located within an Architectural Conservation Area. Properties to the immediate south at 58-60 Garville Avenue Upper are not protected structures. No cultural or historic impacts arise.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development-2no. two-storey mews dwelling units and 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.
Conclusion	
Likelihood of Significant Effects	
There is no real likelihood of significant effects on the environment.	EIA is not required.

<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)