



An
Coimisiún
Pleanála

Inspector's Report PL-500022-DR

Development	Planning permission is sought for (1) installation of Photo Voltaic (PV) panels, (2) sliding gate to vehicular access and (3) increase in height of railings
Location	21 Summerhill Road, Dun Laoghaire, Co. Dublin, A96 A4P1 (Protected Structure)
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0580
Applicant(s)	Duncan & Cathy Osborne
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Amelia Jones
Observer(s)	None
Date of Site Inspection	31 st December 2025
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	7
5.1. Development Plan	7
5.2. Natural Heritage Designations	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant Response	11
6.3. Planning Authority Response	11
6.4. Observations	11
6.5. Further Responses	12
7.0 Assessment	12
7.2. Principle	12
7.3. Impact to Protected Structure	13
7.4. Legal Interest	14
7.5. Unauthorised Development	14
7.6. Other Issues	15

8.0	Environmental Impact Assessment.....	15
9.0	Appropriate Assessment Screening.....	15
10.0	Water Framework Directive	16
11.0	Recommendation	16
12.0	Reasons and Considerations.....	17
13.0	Conditions	17
14.0	Appendix 1 - Form 1 EIA Pre-Screening [EIAR not submitted].....	19
15.0	Appendix 2 - WFD – Stage 1 Screening.....	21
Appendix 1	Form 1: EIA Pre-Screening	
Appendix 2	WFD – Stage 1 Screening	

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.068 ha comprises a Protected Structure located on the north-eastern side of Summerhill Road within the established residential area of Dun Laoghaire. The building on site is an end of terrace, two storey over basement dwelling with a gable roof profile. It was noted on day of site inspection that the property undergoing renovation works as permitted under DLRCC Reg Ref D24A/0439 (a change of use from medical practice to single family residence).
- 1.2. The existing building is set well back from the public highway and vehicular access is from the driveway to Summerhill Court, which abuts the site to the east. To the north the site is bounded by car parking associated with the neighbouring residential development of Summerhill Court, to the west by the adjoining terrace which appears to be in residential use and to the south by Summerhill Road and Eden Park opposite.
- 1.3. The building is set back from the public road and benefits from both off-street vehicular parking and pedestrian access to the front with a small area of private amenity space to the rear. The front area is unsurfaced and used for car parking. Under permitted DLRCC Reg Ref D24A/0439 it is noted that this area is to be landscaped and will serve as the principal amenity space serving the building. Provision for off street parking and bin storage is to be provided to be retained at the front boundary and accessible via the existing private access road.
- 1.4. I refer to the photos available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
 - 1) installation of Photo Voltaic (PV) panels to front of main roof
 - 2) installation of sliding gate to vehicular access to east boundary and
 - 3) increase in height from 1.4m to 1.8m of later railings to the east boundaryat 21 Summerhill Road, Dun Laoghaire, which is a Protected Structure.

- 2.2. The application was accompanied by an Architectural Heritage Impact Assessment Report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. DLRCC issued a notification of decision to grant permission subject to 3 no conditions summarised as follows:

1.	Compliance with plans and particulars submitted
2.	PV panels to the front pitch of main roof to be omitted
3.	Revised design of sliding gate ensuring in keeping with Protected Structure and reallocated bin store and bicycle rack within front garden

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- 3.2.2. The **Case Planner** having considered the proposed scheme recommended that permission be granted subject to 3 no conditions that included the omission of the PV panels to the front pitch of the main roof. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

- 3.2.3. Other Technical Reports

- **DLRCC Conservation** – Stated that the proposed works to the front garden are acceptable in principle and that the following should be submitted for approval in advance of any works:
 - a) vehicular gate to be revised to be in keeping with the historic railings, or to reflect a contemporary solution that does not detract from the historic setting
 - b) proposed bin store and bicycle rack design to integrate into the front garden of the Protected Structure.

Further stated that the introduction of photovoltaic (PV) panels to the front of the Protected Structure does not align with Policy Objective HER8 or Section

12.11.2.1 of the DLRCDP 2022 – 2028, as they negatively impact the special character and appearance of the Protected Structure and should be removed.

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. There is 1 no observation recorded on the appeal file from Amelia Jones (appellant in this case), Summerhill Court. The issues raised relate to ownership of the access roadway and footpath, proposed works on private land and that the sliding gate cannot be implemented given the ownership issues raised.

4.0 Planning History

4.1. There was a previous appeal on this site that may be summarised as follows:

- **ABP-317105-23 (Reg Ref D23A/0124)** – In April 2023 DLRCC refused permission for a change of use from medical practice to single family residence (Protected Structure) at 21 Summerhill Road, Dun Laoghaire, Co. Dublin, A96 A4P for a single reason relating to the loss of a sustainable neighbourhood infrastructure facility and contravention of Special Local Objective No. 10 on the site. Following a first party appeal the Board granted permission subject to 3 no standard conditions.

4.2. There are two further recent application on the site that may be summarised as follows:

- **Reg Ref D23A/0808** – In February 2024 DLRCC granted permission subject to 5 no generally standard conditions for the provision of a bin storage area, bicycle parking at the front, landscaping and change of use from medical practise to single-family dwelling (Protected Structure).
- **Reg Ref D2A/0439** – In August 2024 DLRCC granted permission subject to 6 no generally standard conditions for the development of detailed internal works together with external works that include the removal of existing tarmacadam parking area to front of house and installation of grass/planting, formation of parking area (gravel finish) with direct access from private access road, installation

of railings and formation of pedestrian gate and pillars to front (Protected Structure).

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the Dún Laoghaire-Rathdown County Development Plan 2022 – 2028. The building subject to the proposed development is a Protected Structure RPS Ref No 1071 (Appendix 4: Table 4.1 Record of Protected Structures). The appeal site is on lands zoned “A” where the objective is “*to provide residential development and improve residential amenity while protecting the existing residential amenities*”. The site is also located within the boundary of the proposed Dun Laoghaire and Environs Local area Plan and the Dun Laoghaire Urban Framework Plan Area, as identified in the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

5.1.2. The relevant policies and objectives in this case are set out as follows:

5.1.3. Policy Objective HER8: Work to Protected Structures

It is a Policy Objective to:

- i. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the ‘Architectural Heritage Protection Guidelines for Planning Authorities’ published by the Department of the Arts, Heritage and the Gaeltacht.
- iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.
- iv. Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

- v. Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.
- vi. Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.
- vii. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.
- viii. Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.
- ix. Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- x. Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES)

5.1.4. **Section 12.11.2.1 Works to a Protected Structure**

In assessing works (inclusive of extensions/ alterations/ change of use etc.) to a Protected Structure, the Planning Authority will seek to ensure that:

- Alterations and interventions to Protected Structures shall be executed to the highest conservation standards and shall not detract from their significance or value. Interventions should be kept to a minimum, and all new work should relate sensitively to the fabric, scale, proportions, and design of the Protected Structure. Works should follow a cautious approach of changing as much as necessary but as little as possible.
- Original features of architectural and historic interest will be retained. Lost features where evidence exists should be reinstated.

- The legibility of the original plan form should be retained and not compromised by any unsympathetic works. Where the original plan form has been lost or heavily modified, it should be reinstated, where possible.
- New work should be readily identifiable as such, and must respect, and have minimal impact on the architectural character and interest of the Protected Structure.
- New additions/extensions should respect the significance of the building/structure, through consideration of its siting, bulk, form, scale, character, colour, textures and material. Imitation/replications should generally be avoided.
- Works should consider the evolution of the structure and later phases of work, which may also contribute to its special character. Evidence of additions, alterations, and earlier treatments to the fabric of the Protected Structure are traces of its history and use(s), which may be part of the building's historical significance.
- Works to the interior shall be sensitive to the original fabric including the hierarchy of spaces, materials and fixtures and fittings. Where bathrooms, en-suites and kitchens are proposed to be introduced/relocated within the Protected Structure, they should avoid principal rooms and not impact on the spatial character and volume of the room.
- All works should be carried out to the highest possible standard, under supervision of a qualified professional with specialised conservation expertise. On-site operatives/ contractors should have experience dealing with historic buildings.
- Appropriately scaled extensions should complement, and be subsidiary to, the main structure be positioned generally to the rear elevation or less prominent elevation. Full width extensions will not normally be permitted, particularly where the composition and form of the elevation is negatively impacted upon.
- Good conservation practice recommends that extensions should be legible i.e. clearly distinguishable from the original so as not to confuse the historical record, be to a high standard of design, and using material that both respect and are complementary to the existing building.
- Demolition, partial demolition, or significant removal of structural fabric of rear returns is not generally acceptable. Where a rear return forms part of a unified

terrace and/or contributes to its architectural character, any works that will disrupt or distort the uniformity should be avoided.

- The use of traditional and compatible materials will be used for any repairs to ensure the historic fabric is not negatively impacted by any proposed works. M External fittings (such as meter boxes, ventilation grilles, security cameras, burglar alarms, cables) should be sited to minimise their visual impact and should not be affixed to the principal elevation. Where this is unavoidable, fixtures and associated fittings should utilise any vertical or horizontal lines, i.e. channelling the wires along rainwater goods and mouldings.
- All planning applications will be referred to the Department of the Arts, Heritage and the Gaeltacht and the prescribed bodies. The Planning Authority will have regard to the advice and recommendations received from the prescribed bodies, both in respect of whether or not to grant planning permission and in respect of the conditions to which permission, if granted, should be subject.
- The special interest of the structure is not compromised when meeting the requirements of Building Regulations. Those that are particularly relevant to works in relation to historic buildings are Part B 'Fire Safety' and Part M 'Access and Use'. Applications for works to meet the requirements of the Building Regulations shall be guided by the principles of minimum intervention to the historic fabric.
- In considering proposals to meet Part M regard should be had to the Department of Art, Heritage, and the Gaeltacht advice series 'Access: Improving the Accessibility of Historic Buildings and Places', (2011).

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third-party appeal has been prepared and submitted by Amelia Jones, Summerhill Court, Sandycove and may be summarised as follows:

- The appellant has on numerous occasions pointed out to the applicant that they do not own the kerb, footpath and roadway on which they intend to carry out work. The applicants have indicated that they will engage the council to carry out such works. The appellant has submitted to the applicant's reasonable conditions for discussion and agreement prior to any work being undertaken to protect their obligations to third parties who are resident to the rear of the appeal dwelling, but the applicants have not engaged.
- The week before making the appeal the appellant noted that the applicant removed bollards, damaged the kerb stones that were not in their ownership and commenced work without any pre-consultation or agreement and without a full grant of permission being issued and in breach of Section 34 (13) of the Planning and Development Act (2000).
- The appellant has serious concerns in relation to insurance, work standards, health and safety issues over work which the applicants require to undertake to fulfill their permission and which they appear to be intent on carrying out regardless of third-party rights.
- The appellant points out that they are not against the development but cannot allow it to take place without agreement on the above issues and it is on these grounds and the breach of planning by commencing development without a grant of permission that the appeal is lodged.

6.1.2. The appeal was accompanied by site photos.

6.2. **Applicant Response**

6.2.1. None.

6.3. **Planning Authority Response**

6.3.1. DLRCC in their response refer the Coimisiun to the Case Planners report. No further comment is provided.

6.4. **Observations**

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings.

- Principle
- Impact to Protected Structure
- Traffic Impact
- Legal Interest
- Commencement of Work
- Other Issues

7.2. Principle

7.2.1. Planning permission is sought for the following:

- installation of Photo Voltaic (PV) panels to front of main roof
- installation of sliding gate to vehicular access to east boundary and
- increase in height from 1.4m to 1.8m of later railings to the east boundary

at 21 Summerhill Road, Dun Laoghaire, which is a Protected Structure.

7.2.2. The appeal site is on lands zoned “A” where the objective is “to provide residential development and improve residential amenity while protecting the existing residential amenities”. I am satisfied that the works proposed are domestic in nature, are ancillary to the residential use of the main building and will not detract from the residential amenities of the area. Having regard to the zoning objective for the site I am satisfied that the principle of the development is acceptable. The impact of the proposed works on the Protected Structure together with other matters raised in the appeal are discussed below.

7.3. Impact to Protected Structure

- 7.3.1. The building subject to the proposed development is a Protected Structure RPS Ref No 1071 (Appendix 4: Table 4.1 Record of Protected Structures in the current Development Plan refers).
- 7.3.2. I note the report of the DLRCC Conservation Division whereby the proposed works to the front garden comprising new paving and landscaping works, installation of sliding gate to east boundary and increase height of railings is acceptable in principle subject to conditions outlined in their report and summarized as follows:
- Vehicular gate is to be revised to be in keeping with the historic railings, or to reflect a contemporary solution that does not detract from the historic setting
 - Additional detail on the proposed bin store and bicycle rack to ensure the design is appropriately integrated into the front garden
- 7.3.3. Condition number three of the notification of decision to grant planning permission issued by DLRCC reflects this requirement. I agree with the Conservation Report which also aligns with the views of the Case Planner. It is therefore recommended that should the Coimisiun be minded to grant permission that a similar condition is attached.
- 7.3.4. With regard to the PV Panels, the proposal aligns with the principle of supporting renewable strategy and improved energy performance. However, I agree with the Case Planer that the siting of the PV panels on the principal elevation of this protected structure may raise concerns regarding potential adverse impact on the character and setting of the building. This aligns with the DLRCC Conservation Report where concerns were raised that the inclusion of PV panels on the front pitch of the existing roof is not acceptable, as they would be visible from Summerhill Road and would visually detract from the Protected Structure by negatively impacting its special character and appearance. The DLRCC Conservation Report refers to Policy Objective HER8 Work to Protected Structures and Section 12.11.2.1 Work to Protected Structures of the DLRCDP 2022 – 2028. Both are set out in full in Section 5.1 of this report above.
- 7.3.5. I refer to the Architectural Heritage Impact Assessment report submitted with the application. The house has been fully refurbished to a contemporary standard and this

is to be commended. I note that the installation of the PV panels to the front of the main roof would benefit from a southwestern orientation and would also complete the project in reverting the building to a family home as would have been the original design intent. While the installation of the PV panels is supported in principle their location on the front of the main roof cannot be supported as to permit same way detract from the special character and appearance of this protected structure. It is therefore recommended that should the Coimisiun be minded to grant permission that a condition be attached requiring the PV panels to be omitted this aligns with condition number two of the notification of decision to grant permission issued by DLRCC.

7.4. Legal Interest

- 7.4.1. The appellant and their appeal raise concerns that the applicant does not own the curb footpath and roadway on which they intend to carry out work.
- 7.4.2. As documented, planning permission is sought for the following:
- installation of Photo Voltaic (PV) panels to front of main roof
 - installation of sliding gate to vehicular access to east boundary and
 - increase in height from 1.4m to 1.8m of later railings to the east boundary
- 7.4.3. All these works are within the red line boundary of the application. However, I note that it is indicated on the site layout plan that the footpath outside the red line boundary is to be replaced and dished by DLRCC.
- 7.4.4. I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a Civil matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the relevant parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

7.5. Unauthorised Development

- 7.5.1. The appellant in their appeal noted that the applicant removed bollards, damaged kerb stones not in their ownership and commenced work without agreement or the benefit of planning permission.

- 7.5.2. The matter of enforcement, should it arise, falls under the jurisdiction of the planning authority. Regarding legal interest please refer to the foregoing comments in Section 7.4 above.

7.6. Other Issues

- 7.6.1. **Development Contributions** – DLRCC did not attach a Section 48 Development Contribution.
- 7.6.2. **Construction Works** - The appellant raises concerns in relation to insurance, work standards, health and safety issues over work which the applicants require to undertake to fulfil their permission. These are matters outside the scope of this appeal and fall under different codes / legislation.

8.0 Environmental Impact Assessment

- 8.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development comprises extensions and alterations to an existing dwelling. No nature conservation concerns were raised in the planning appeal.
- 9.2. 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 e.g. small scale and nature of the development.
 - Distance from nearest European site and lack of connections.
 - Taking into account determination of the Planning Authority.

- 9.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.2. The reason for this conclusion is as follows:
- Nature of the project, site and receiving environment
 - Location-distance from nearest Water bodies and/or lack of hydrological connections.
- 10.3. On the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

- 11.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason.

12.0 Reasons and Considerations

12.1. Having regard to the Objective A zoning objective for the site, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure residential or visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiun Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed photovoltaic (PV) panels to the front pitch of the main roof shall be omitted from the development.</p> <p>Reason: In order to safeguard the piecemeal architectural or historical interest of the building, and in the interests of residential amenity.</p>
3.	<p>Prior to commencement of development, the applicant shall submit revised drawings and specifications for the written agreement of the Conservation Division of the Planning Authority, showing the following:</p> <p>a) Revised design of the proposed sliding vehicular gate, ensuring it is either in keeping with the historic railings or reflects a contemporary</p>

	<p>solution that does not detract from the character of the Protected Structure.</p> <p>b) Final design details, including height and materials, of the relocated bin store and bicycle rack within the front garden.</p> <p>Reason: In order to safeguard the special architectural or historical interest of the building, and in the interests of residential amenity.</p>
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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.

Mary Crowley

Senior Planning Inspector

22nd January 2026

14.0 Appendix 1 - Form 1 EIA Pre-Screening [EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500022-DR		
Proposed Development Summary	Protected Structure: (1) installation of Photo Voltaic (PV) panels to front of main roof (2) installation of sliding gate to vehicular access to east boundary and (3) increase in height from 1.4m to 1.8m of later railings to the east boundary.		
Development Address	21 Summerhill Road, Dun Laoghaire, Co. Dublin, A96 A4P1 (Protected Structure)		
Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion

No	X	N/A		No EIAR or Preliminary Examination required
Yes				Proceed to Q.4
4. Has Schedule 7A information been submitted?				
No	X		Preliminary Examination required	
Yes			Screening Determination required	

Inspector: _____ Date: _____

15.0 Appendix 2 - WFD – Stage 1 Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500022-DR	Townland, address	21 Summerhill Road, Dun Laoghaire, Co. Dublin, A96 A4P1 (Protected Structure)
Description of project		(1) installation of Photo Voltaic (PV) panels, (2) sliding gate to vehicular access and (3) increase in height of railings	
Brief site description, relevant to WFD Screening,		The site is located in an established urban.	
Proposed surface water details		Question 18 Application Form – Public sewer / drain	
Proposed water supply source & available capacity		Question 18 Application Form – Existing public mains	
Proposed wastewater treatment system & available capacity, other issues		Question 18 Application Form – Existing public sewer	
Others?		Not applicable	