



An
Coimisiún
Pleanála

Inspector's Report

PL-500384-DS-25

Development	Protected structure: External alteration to existing opes at rear and first floor level replacement of all non-original windows and doors, alterations to roof and all associated site works and new vehicular access
Location	39 Oakley Road, Dublin 6, Dublin D06 RD93
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB5183/25
Applicant(s)	Orla Brennan
Type of Application	Permission
Planning Authority Decision	Spit decision
Type of Appeal	First party
Appellant(s)	Orla Brennan
Observer(s)	Philip O'Reilly

Date of Site Inspection

15 February 2026

Inspector

Killian Harrington

Table of Contents

1.0	Site Location and Description	4
3.0	Planning Authority Decision.....	4
4.0	Planning History	7
5.0	Policy Context	7
6.0	EIA Screening	15
7.0	The Appeal	15
8.0	Assessment.....	16
9.0	AA Screening	21
10.0	Water Framework Directive	22
11.0	Recommendation	23
	Appendix A: Form 1 EIA Pre-Screening	28

1.0 Site Location and Description

1.1 The subject site, no. 39 Oakley Road, is a west-facing, end of terrace two-storey dwelling. It is a Victorian era property, similar to other dwellings in the area, and is also a protected structure (RPS no. 5980 described as a 'house'). The subject site is located to the south of Ranelagh village, Dublin 6 on an established residential street, located between Charleston Road and Dunville Avenue. Some architectural features of note at this property include a parapet wall, concealing a double hipped roof. In addition to this, there is a two-storey rear return with single storey flat roof extension. The front boundary is defined by a metal railing which surmounts a granite plinth and pedestrian access. The front curtilage is hard standing. There is a large rear garden. To the roadside, there is a lamp standard and also a parking sign on the footpath. In terms of parking and access, there is controlled parking on the carriageway to the front of the site and opposite there are double yellow line markings.

2.0 Proposed Development

2.1 The proposed development comprises the following modifications to a protected structure:

- alterations to existing opes to rear at ground and first floor level
- replacement of all non original windows and doors and alterations including a new roof to existing rear extension.
- a number of internal alterations including provision of new partitions, new opes, replacement of sanitary ware and kitchen fittings, and general refurbishment.
- Creation of new vehicular access in the front garden of the property.

3.0 Planning Authority Decision

3.1 Decision

Dublin City Council issued a split decision

It was recommended that planning permission be GRANTED for alterations to existing opes to rear at ground and first floor level, replacement of all non-original windows and doors, alterations including new roof to existing rear extension, internal alterations including provision of new partitions, new opes, replacement of sanitary ware and kitchen fittings, and general refurbishment to include all associated conservation and ancillary site works

It was recommended that planning permission is REFUSED for the creation of new vehicular access, to an existing end of terrace two storey dwelling which is a protected structure.

Reason for refusal:

1. The proposed development would result in the removal of on-street parking spaces to accommodate a private vehicular entrances, which would be contrary to the policy of the planning authority, as set out in Policy SMT25, section 8.5.7 and appendix 5, Section 4.1 of the Dublin City Development Plan 2022- 2028, which aims to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity, and accessible parking requirements. The reduced supply of on-street parking would detract from the convenience of road users, and the residential amenity of surrounding properties, would be contrary to the stated policy and would set an undesirable precedent for other similar developments on adjacent roads. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.1.1. Planning Authority Reports

Following an assessment by the Conservation Division, the report concluded that the intervention works to the building envelope of the protected structure were minor and were necessary to ensure the continued maintenance of the building and would not materially contravene the policies and objectives of the Dublin City Development Plan 2022-2028 and would accord with the proper planning and sustainable development of the area. However, the proposed vehicular entrance

would result in a loss of on-street parking and its width would also fall short of development standards and is therefore contrary to the Dublin City Development Plan 2022-2028. Accordingly, the report recommended that permission should be granted for all works relating to the building modifications with conditions attached but that permission be refused for the vehicular entrance element.

Condition 2 states that 'the proposed vehicular entrance shall be omitted. Reason: In the interest of clarity and to comply with Policy SMT25, section 8.5.7 and Appendix 5, Section 4.1 of the Dublin City Development Plan 2022- 2028.'

Condition 3 requests full compliance with the requirements of the Conservation Division including design and materials details to be submitted to the planning authority for written approval prior to commencement.

3.1.2 Other Technical Reports

- Drainage Division – no objection subject to conditions
- Conservation Division – no objection to internal works. Recommend refusal of the vehicular entrance due to unacceptable loss of historic fabric (stone and plinth/railing). If minded to approve, the entrance should be reduced to 3 metre width and details, specification and material samples for the boundary works should be submitted by way of a planning condition
- Transportation Planning Division – recommend refusal

'The proposed development would result in the removal of on-street parking spaces to accommodate a private vehicular entrances, which would be contrary to the policy of the planning authority, as set out in Policy SMT25, section 8.5.7 and appendix 5, Section 4.1 of the Dublin City Development Plan 2022- 2028, which aims to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity, and accessible parking requirements. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties'

3.3. Prescribed Bodies

No relevant submissions

3.4. Third Party Observations

One observation, not from within proximity of the site, relates to concerns about the loss of on-street car parking, which is needed by the community, and the resulting traffic hazard caused by a new vehicular entrance. The observation also refers to the need to retain consistent plinth and railing boundaries on the street and there is concern that this proposal would result in the loss of original architectural material.

4.0 Planning History

4.1 Subject site

No relevant history

5.0 Policy Context

5.1 Development Plan

Under the Dublin City Development Plan 2022-2028 the site is zoned objective objective Z2 Residential Neighbourhoods (Conservation Areas), which has an objective 'to protect and or improve the amenities of residential conservation areas'. The property is listed on the Record of Protected Structures (no. 5980) and is described as a 'House'. The following Dublin City Development Plan policy objectives have specific relevance to this appeal:

Section 8.5.7 Car Parking

Dublin City Council recognises the need to further control and manage on-street parking across the city to safeguard and enhance city living for people of all ages and abilities and for families. Dublin City Council is committed to reviewing the residential and non-residential car parking provision across the city and urban

villages and evaluating the implementation of parking demand management strategies in areas where deemed appropriate and practicable

Section 14.7.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2

Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. 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.

Section 15.15.2.2 Conservation Areas

Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city. All planning applications for development in Conservation Areas shall:

- Respect the existing setting and character of the surrounding area.
- Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.
- Protect the amenities of the surrounding properties and spaces.
- Provide for an assessment of the visual impact of the development in the surrounding context.
- Ensure materials and finishes are in keeping with the existing built environment.
- Positively contribute to the existing streetscape
- Retain historic trees also as these all add to the special character of an ACA, where they exist.

Section 15.15.2.3 Protected Structures

DCC would support new proposals to conserve, repair and adapt Protected Structures to ensure they stay in long term sustainable use

A Protected Structure, unless otherwise stated, includes the interior of the structure, the land lying within the curtilage of the structure, any other structures (and their interiors) lying within that curtilage. The protection also extends to any features specified as being within the attendant grounds including boundary treatments.

Works to a protected structure should be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and the Conservation Advice Series published by the Department of Housing, Local Government and Heritage

All planning applications for development/works to Protected Structures must provide the appropriate level of documentation, including an Architectural Heritage Impact Assessment, in accordance with Article 23 (2) of the Planning and Development Regulations, 2001 (as amended) and chapter 6 and appendix B of the 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011), to assist in the assessment of proposals. This report should be prepared by an accredited conservation architect or equivalent conservation professional/expert (a useful list of suitably qualified professionals is available on the Irish Georgian Society <https://www.igs.ie/> and RIAI <https://www.riai.ie/> websites). The report should:

- Outline the significance of the building(s) or structure(s) and their settings and an assessment of how the proposed works would impact on that significance.
- Include a detailed drawn survey of the building/structure identifying all surviving original/early and later features that may contribute to its significance and associated photographic survey.
- Include a conservation focused method statement and specification of works.

- Details of proposed works should be clearly identified on the accompanying survey drawings by way of colour coding and/or annotated notes to distinguish clearly between the existing structure, the proposed works including demolition of existing fabric and/or features. The colour coding should also show the provenance of the historic building, including identification of the various stages of its development, identifying original, historic and later intervention.

Policy BHA9 (Conservation Areas)

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8, Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
1. Re-instatement of missing architectural detail or important features.
2. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
3. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
4. The repair and retention of shop and pub fronts of architectural interest.
5. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
6. The return of buildings to residential use.

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and

appearance of the Conservation Areas and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.

BHA2 Development of Protected Structures

That development will conserve and enhance protected structures and their curtilage and will:

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.
- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.
- (d) 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.
- (e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.
- (f) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.
- (g) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

(h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.

(j) Have regard to ecological considerations for example, protection of species such as bats

Policy SMT25 (On-Street Parking)

To manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements.

Appendix 5 Transport and Mobility – Technical Requirements

Section 4.1 On Street Parking

There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces or where there is a demand for public parking serving other uses in the area.

Section 4.2 Accessible Car Parking

At least 5% of the total number of spaces shall be designated car-parking spaces, with a minimum provision of at least one such space, whichever one is the greatest. In particular circumstances, the planning authority may require a higher

accessible parking content depending on the nature of development. All accessible parking shall be allocated and suitably signposted for convenient access.

Section 4.3 Parking in Front Gardens

Planning Permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. Proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.

Section 4.3.1 Dimensions and Surfacing

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates. Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres. Detailed requirements for parking in the curtilage of Protected Structures and in Conservation Areas are set out below in section 4.3.7. The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building. Any works to the public road to facilitate the provision of an entrance including the removal or relocation of utility poles/boxes and public lighting are carried out at the applicant/developers own expense to the requirements of the relevant utility provider and Dublin City Council

Section 4.3.4 Sustainable Urban Drainage Section

In accordance with Policy SI22, proposals should indicate how the design aims to control surface water runoff in a sustainable fashion through the use of permeable or porous surfaces such as gravel and green areas etc. rather than excessive hard surfacing (for further design guidance please refer to Sustainable Drainage Design and evaluation Guide (2021) which is summarised in Appendix 12.

Section 4.3.5 Treatment of Front Boundaries

When considering any alterations, minimal interventions are desirable and proposals should aim to be complementary or consistent to others in the area which are of a high standard and in keeping with the overall character and streetscape. Vehicular entrances with splayed entrance walls or fences will not generally be permitted. All boundary treatment shall take cognisance of the need to provide adequate visibility

Section 4.3.6 Landscape Treatment of Front Gardens

The front boundary wall or fence should always be provided with a screen of ornamental small trees or hedging to give visual definition to the extent of the front garden and soften the appearance of the parked car. Importantly, any planting incorporated in the garden must not obscure visibility for drivers when exiting the driveway.

Section 4.3.7 Parking in the curtilage of Protected Structures, Architectural Conservation Area and Conservation Areas.

Proposals for parking within the curtilage and front gardens of such buildings will not normally be acceptable where inappropriate site conditions exist, particularly in the case of smaller gardens where the scale of intervention is more significant, and can lead to the erosion of the character and amenity of the area and where the historic plinths, decorative railings and gates, historic gate piers, and historic ground surfaces are still intact.

Where site conditions exist which can accommodate car parking provision without significant loss of visual amenity and/or historic fabric, proposals for limited off-street parking will be considered where certain criteria (set out in this section) can be met.

5.3. Natural Heritage Designations

The subject site is c. 3.3 km west of South Dublin Bay proposed NHA, and European sites South Dublin Bay SAC & South Dublin Bay and River Tolka SPA and c. 4 km northwest of Booterstown Marsh proposed NHA

6.0 EIA Screening

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. 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.

7.0 The Appeal

7.1 Grounds of Appeal

The first party appeal includes an appeal statement and drawings from the planning application. The grounds are summarised as follows:

- Safety and public realm enhancement – Oakley Road is a one-way street and from no. 36 onwards the road narrows considerably to 2.3 metres and a footpath narrowing to 0.8 metres. The removal of on-street parking also alleviates a bottleneck at this location.
- Alignment with Policy SMT25 and Section 8.5.7 of the Development Plan in that the removal of on street parking must be balanced with pedestrian safety and protection of the public realm
- The vehicular entrance complies with DMURS principles including Section 2.2.2 (User Priorities), Section 4.4.1 (Carriageway widths for local streets should be 5-5.5 metres)
- There is already some off-street parking on Oakley Road and adjacent streets and so the proposal is consistent with the established character of the area
- The appeal statement includes an appendix of images illustrating the carriageway width of Oakley Road increases if on street parking is removed

7.2. Planning Authority Response

None

7.3. Observations

An observation was submitted and a summary of the points raised is set out below:

- The loss of on-street car parking, which is needed by the community, would be unacceptable. There has been a general presumption against off-street parking in the wider area with examples in Belgrave Square and Kenilworth Square due to high demand for parking.
- Oakley Road on-street parking reservations are in heavy use during the day and evening
- There would be a resulting traffic hazard caused by a new vehicular entrance and the crossing of vehicles into the path of pedestrians and cyclists in addition to an existing tree and pole on the road outside no. 39
- Refutes the suggestion that the removal of on-street parking would remove a pinch point and improve road safety
- There is a need to retain consistent plinth and railing boundaries on the street and there is concern that this proposal would result in the loss of original material

8.0 Assessment

8.1. Following a review of the file, assessment of the relevant planning policies and inspection of the site, I am satisfied that the primary concern in this appeal relates to the creation of a new vehicular entrance for off-street parking at the front of the property. I will assess this element mainly in terms of (1) loss of on-street parking spaces and (2) conservation and design matters

8.2 Firstly, the proposed interventions to the building envelope include enlarging the existing opes to rear at ground and first floor level, replacement of all non-original

windows and doors and the insertion of a new roof to existing rear extension in addition to new partitions, new opes, replacement of sanitary ware and kitchen fittings, and general refurbishment. I note the appropriate materials chosen and the positive assessment by the Conservation Division of the local authority and I agree that the proposed modifications to the building are minor and relate to the continued maintenance of a protected structure without detracting from the historical integrity of the structure or its setting. These alterations would be in compliance with Policy BHA2 (Development of Protected Structures), Section 15.15.2.3 (Protected Structures), Policy BHA9 and Section 15.15.2.2 (Conservation Areas) and would meet the objectives of the Z2 (Residential Neighbourhoods) zoning to protect and or improve the amenities of residential conservation areas.

Loss of on-street parking

- 8.2 There is on-street Pay & Display parking in front of the subject site on Oakley Road. Residents of Oakley Road are reliant on a mix of in-curtilage (southern section only) and on-street parking. From a site inspection, it was clear that a significant number of residents and members of the public are reliant on on-street parking. The proposed new vehicular entrance would result in the removal of 1-2 on-street car parking spaces on Oakley Road. On street parking on Oakley Road serves both local residents and businesses as well as visitors parking requirements. The removal of on street parking in an area of high demand to facilitate a vehicular entrance for a single dwelling is contrary to the Development Plan 2022-2028, Policy SMT25, Section 8.5.7 and Appendix 5, Section 4.1.
- 8.3 The appeal makes reference to Policy SMT25 (On-street parking). The policy is '*to manage on-street car parking to serve the needs of the city alongside the needs of residents*'. Furthermore, the policy objective is '*to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements.*' Therefore the Development Plan seeks to manage on-street parking and a loss can be acceptable in certain circumstances, in areas where there is low demand.

- 8.4 Section 4.0 of Appendix 5 in the Development Plan (Car Parking Standards) states that proposals for off-street parking in the front gardens of single dwellings in predominantly residential areas will not be permitted '*where residents are largely reliant on on-street car parking and there is a strong demand for such parking*'. Section 4.1 states that there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are reliant on these spaces.
- 8.5 Section 4.3 of Appendix 5 states that proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted '*where residents rely on on-street car parking and there is a strong demand for such parking*'. I also note the submitted observation that there is high demand for parking on this street during the day and in the evening. A site inspection during the day confirmed high demand and it is noted that there is a large primary school and an embassy on Oakley Road within 100 metres of the subject property.
- 8.6 The appeal submission states that there is already some off-street parking on Oakley Road and adjacent streets and so the proposal is consistent with the established character of the area. However, there is no in-curtilage parking along these terraces of protected structures in the middle section of Oakley Road on either side (numbers 31-39 Oakley Road on the eastern side and numbers 6-20 on the western side). There are some dwellings with in-curtilage parking at the junction with Dunville Avenue and some properties in the northern section of Oakley Road. The vast majority of dwellings on Oakley Road do not benefit from in-curtilage parking.
- 8.9 Given that demand for parking is evidently high on Oakley Road and the majority of residents require on-street parking and do not park within the curtilage, it is considered that the proposed entrance would contravene Policy SMT25 and Section 8.5.7 of the Development Plan.

Conservation and Design Matters

8.10 The Z2 zoning objective, Section 15 (Development Standards), Policy BHA2 (Development of Protected Structures) and Policy BHA9 (Conservation Areas) are set out in Section 5 of this report. The submitted observations on architectural conservation issues are noted. However, the site is not located within an Architectural Conservation Area and instead is subject to the criteria set out in Policy BHA9, which states that any development within a Conservation Area '*must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible*'. It is also a Protected Structure, and so all works to the building including boundary treatment is subject to Policy BHA2 and Section 15.15.2.3 of the Development Plan.

It is proposed to create a new vehicular entrance, 3.5m in width to the existing stone boundary wall to the north of the existing pier and railings is proposed. A pillar to match would be constructed to the north of the proposed opening. Policy BHA2(f) of the Development Plan states that '*development will conserve and enhance protected structures and their curtilage and will protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features*'. I would agree with the local authority's Conservation Division that the proposed new vehicular entrance would alter the appearance, special character and the proportions of the original boundary which would be considered to represent a significant loss of architectural character. The proposed new entrance would result in an unacceptable loss of original fabric and would have a detrimental impact on the special architectural character of the Protected Structure. The proposed works would contravene Policy BHA2 of the Development Plan and Sections 16.10.18 and 13.4.3 of the Architectural Heritage Protection Guidelines 2011.

8.11 Section 4.3.7 of Appendix 5 relates to parking in the curtilage of properties in Conservation Areas. It states that proposals for parking within the curtilage and front gardens of such buildings will not normally be acceptable where inappropriate site conditions exist. It goes on to state that where site conditions exist which can

accommodate car parking provision *without significant loss of visual amenity and/or historic fabric*, proposals for limited off-street parking will be considered where certain criteria (set out in that section) can be met. I am satisfied that there would be significant loss of both visual amenity and historic fabric given the removal of the boundary (stone and plinth/railing) of a protected structure would be detrimental to that structure and would additionally result in harm to the visual appearance of the terrace and other protected structures within this Conservation Area.

- 8.13 In terms of technical design and road safety, I note the proposed entrance width of 3.5m is not in compliance with Appendix 5 standards set out in the Development Plan. The maximum width as per standards would be 3.0 metres and this can be reduced to 2.6 metres for Protected Structures. It appears that the proposed vehicular entrance may conflict with the lighting column and signage on the public footpath in front of the site. The submitted observation raises safety concerns with a new entrance but there would not appear to be a particular hazard at this location given that it is a residential street where traffic movement is slowed and there is good visibility. Equally, it is not considered that removing car parking from the street would alleviate a traffic bottleneck at this point, as the appeal suggests, as there is on-street parking on the entire stretch of road outside of the terrace.
- 8.14 On balance, it is considered that the removal of 1 to 2 on-street parking in a residential location where demand is high would not be in accordance and noting the provisions of Section 8.5.7 and Policy SMT25 and Sections 4.1 and 4.3 of Appendix 5 of the Dublin City Development Plan 2022-2028. The proposed vehicular entrance would also be contrary to the Z2 zoning objective, Section 15 (Development Standards), Policy BHA2 (Development of Protected Structures) and Policy BHA9 (Conservation Areas) and would not be in keeping with the pattern of development of the area. I find all other aspects of the proposed development acceptable in planning terms.
- 8.15 Should the Commission be minded to grant permission for the vehicular entrance, the applicant should be required to liaise with the Roads Planning Department of Dublin City Council to minimise the extent of on-street car parking to be removed.

Furthermore, conditions requiring the vehicular entrance to have a width no greater than 3 metres and details and samples of conservation works to the boundary to be submitted for approval should be attached.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area c. 3.3 km west of South Dublin Bay SAC and South Dublin Bay and River Tolka SPA.
- 9.2. The proposed development comprises works to a protected structure consisting of external alteration to existing opes at rear and first floor level replacement of all non-original windows and doors, alterations to roof and all associated site works and new vehicular access. No nature conservation concerns were raised in the planning appeal.
- 9.3. 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 works
 - Location in an established residential area
 - Lack of connections to nearest European sites
- 9.4. 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. The subject site is located at 39 Oakley Road Dublin 6 approximately 900 metres south of the Grand Canal and 1.3km west of the River Dodder.
- 10.2 The proposed development comprises works to a protected structure consisting of external alteration to existing opes at rear and first floor level replacement of all non-original windows and doors, alterations to roof and all associated site works and new vehicular access.
- 10.3 I have assessed the 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. The reason for this conclusion is as follows:
- Nature of works
 - Location-distance from nearest water bodies and/or lack of hydrological connections
- 10.4 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend a SPLIT DECISION

11.2. It is recommended to GRANT PLANNING PERMISSION for alterations to existing opes to rear at ground and first floor level, replacement of all non-original windows and doors, alterations including new roof to existing rear extension, internal alterations including provision of new partitions, new opes, replacement of sanitary ware and kitchen fittings, and general refurbishment to include all associated conservation and ancillary site works for the reasons and considerations and subject to the conditions set out below:

Having regard to the Z2 zoning and the policies and objectives as set out in the Dublin City Development Plan 2022-2028 including Policies BHA2 and BHA9 and Sections 15.15.2.2 and 15.15.3.3, it is considered that all other works to the protected structure would not seriously injure the character or residential amenities of the surrounding area, would protect and enhance the protected structure and Conservation Area and would accord with the provisions of the Development Plan and with the proper planning and sustainable development of the area

Conditions

1. 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The proposed vehicular entrance shall be omitted

Reason: In the interest of clarity

3. (a) Prior to the commencement of the development, the applicant shall submit for the written approval of the planning authority:
- i. Details of all proposed finishes and materials for the new roof to the existing extension and 1:10 flashing details for junctions between the new roof and the historic structure
 - ii. Visual samples of the proposed cladding to the existing extension and shed
 - iii. Details of the proposed finishes where the blocking of external openings is proposed
 - iv. Specifications for the proposed windows and doors. The proposed window and doors shall be timber and/or steel (crittal or similar).
 - v. Specifications for the proposed hard landscaping.
 - vi. Revised drawings that show where new or enlarged openings are proposed, nib walls shall be retained and a methodology for the proposed structural works and interventions required to facilitate the proposed removal of the chimney breast.
- (b). All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage and monitored by a suitably experienced conservation expert. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair offsite shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement. Prior to the commencement of development, a Conservation Method Statement shall be submitted to and agreed in writing with the planning authority which shall provide for the following:

- i. Measures to identify if hitherto concealed original stone flags or quarry tiles exist beneath the concrete floor. Investigations shall be carried out as part of carefully considered opening-up works prior to the installation of the concrete floor, to ensure the retention, lifting, conservation and reintegration of concealed original stone flags or tiles, if any exist, following the installation of the floor.
- ii. Confirmation that historic floorboards shall be numbered, carefully lifted (6 at a time max), and stored securely within the protected structure, in line with best conservation practice), to accommodate the new floor insulation, prior to reinstatement.
- ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

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

- 4. All necessary measures should be taken by the applicant and contractor to prevent the spillage or deposit of clay, rubble or other debris on the public road network, repair any damage to the public road arising from carrying out works and avoid

conflict with between construction activities and pedestrian and vehicular movements on the surrounding public roads.

Reason: In the interest of amenities, public health and safety and environmental protection

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority

Reason: To prevent flooding and in the interests of sustainable drainage

6. Site development and building works shall be carried out between the hours of 7:00 am to 6:00pm Mondays to Fridays inclusive, between 8:00am to 2:00pm on Saturdays and not at all on Sundays and public holidays. Deviation from these

- 11.3 It is recommended to REFUSE PLANNING PERMISSION for the creation of new vehicular access, to an existing end of terrace two storey dwelling which is a protected structure for the reasons and considerations set out below.

Having regard to the proposed removal of a designated on-street parking space to accommodate a private off-street parking space, it is considered that the proposed vehicular access would be contrary to Policy SMT25, Section 8.5.7 and Section 4.1 of Appendix 5 of the Dublin City Development Plan 2022 - 2028, which aim to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity, and accessible parking

requirements. The proposed vehicular access would also, by reason of the loss of historic fabric and impact on the character and setting of the protected structure, fail to adhere to the minimum design standards set out in Appendix 5 of the Development Plan and would also be contrary to the Policy BHA2, Policy BHA9 and the Z2 zoning objectives for a Conservation 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.

Killian Harrington
Planning Inspector

24 February 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-500384-25
Proposed Development Summary	Protected structure: External alteration to existing opes at rear and first floor level replacement of all non-original windows and doors, alterations to roof and all associated site works and new vehicular access
Development Address	39 Oakley Road, Dublin 6
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
<p>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p>
	<p><input type="checkbox"/> No, No further action required.</p>
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
1. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of 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 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. 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: 24 February 2026