



An
Coimisiún
Pleanála

Inspector's Report

PL-500558-DS-26

Development	Demolition of car showroom and construction of 19 dwellings in 3 blocks with associated works.
Location	44 Kenilworth Square South rear of nos.45-47 Kenilworth Square South, Rathgar,D06KV20 and along Garville Lane,D06XN67 Rathgar, Dublin 6 D06KV20
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB2682/25
Applicant(s)	Murphy and Gunn Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Tom Conroy Edward & Niamh O'Reilly
Observer(s)	Philip O'Reilly Brigitte de la Malene

Date of Site Inspection

26th March 2026

Inspector

Ciara McGuinness

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1.0 Site Location and Description

- 1.1. The subject site is located within Rathgar, approximately 3km to the south of Dublin City Centre. The site has been occupied by Murphy and Gunn car dealers since the 1960's. The site is bounded by Kenilworth Square (South) to the north, Rathgar Avenue to the west, and Garville Lane to the south. The site has a stated area of 0.32ha.
- 1.2. There are 3 no. existing buildings on site. The front of the site includes the single storey showroom and associate car parking, accessible from Rathgar Avenue and Kenilworth Square. The rear of the site accessed from Garville Lane, comprises extensive car parking and buildings used for vehicles servicing, repair and sales. At the south-eastern corner of the site lies a two-storey flat roofed commercial building and the remains of a stone mews structure.
- 1.3. It is noted that a previous development of 18 no. units, comprising 3 and 4 bed houses (without any apartment units) was refused permission by Dublin city Council. The proposed development has been designed to address the previous refusal reasons.

2.0 Proposed Development

- 2.1. The proposed development comprises of the demolition of the existing single storey car showroom and two-storey flat roofed commercial building and the construction of a residential development comprising 19 no. residential dwellings in 3 no. blocks in the form of houses, apartments and duplex apartments. In total the proposed development provides for 7 no. 2 beds, 8 no. 3 beds and 4 no. 4 beds.
- 2.2. The proposed development takes the following form:
 - Block 1 is a 3-storey building with 14 no. residential dwellings (7 no. 2-bed apartments with 7 no. 3-bed duplex apartments above). The building will front onto Rathgar Avenue and also provide turning units onto Kenilworth Square South and Garville Lane.
 - Block 2 is also 3-storeys in height and provides 4 no. 4-bed terraces each with private rear gardens. The building will front onto Garville Lane.

- Block 3 located at the southeastern corner of the site, is a standalone detached two storey 3 bed mews house, which incorporates the existing building to be retained on site.
- 2.3. A new area of public open space measuring 563sqm (equating to 17.5% of the site area) will be located in the centre of the site and will be overlooked by Blocks 1 and 2. All units have private amenity space in excess of the requirements set out in the Apartment Guidelines and Compact Settlement Guidelines.
- 2.4. Car parking is provided for 16 no. cars (at a rate of 0.8 cars per unit) either within the curtilage of the units in Block 1 and Block 3, and adjacent to Block 2. All units will have cycle parking within their curtilage, with a further 16 no. visitor cycle spaces provided.
- 2.5. The application is accompanied by the following;
- Planning Report
 - Appropriate Assessment Screening Report
 - Design and Access Statement
 - Housing Quality Assessment
 - Construction Waste and Demolition Justification Report
 - Landscape Report
 - Sunlight/Daylight Report
 - Traffic and Transport Assessment
 - Drainage Design Report
 - Sustainability Report
 - Site Lighting Report

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission on 2nd December 2025 subject to 14 no conditions. The attached conditions are standard in nature (construction, operation, technical, procedural, and financial). Conditions of note or specific to the appeal include the following:

Condition 5: (a) Prior to the commencement of development, details of the materials colours and textures of all external finishes, including photographic samples, shall be submitted to and agreed in writing by the Planning Authority. This shall include details of the boundary treatment along Rathgar Avenue and Kenilworth Square South. Railings and plinth wall shall be of high quality and in keeping with the character of the surrounding area.

(b) Details of the proposed finishes to the bin and bicycle storage along Rathgar Avenue shall be submitted and shall be of a high-quality material and design.

Condition 10: The landscape scheme accompanying the applications shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- 3.2.2. The Planners Report (dated 08/09/25) notes that the revised layout provides for a better mix of apartments, duplex units and houses, and allows for an increase in the number of units proposed, and also the provision of open space within the centre of the site. Given the site context and its location on a very prominent site, close to a number of Protected Structures and in a Z2 Residential Conservation Area, the Planning Authority welcomes the redevelopment of this site to provide for much needed housing. The applicant has addressed most concerns from the previous application. While the density is relatively low for an urban brownfield location, the site's context within a Z2 Residential Conservation Area and its proximity to

protected structures on Kenilworth Square South make a well-designed scheme acceptable. The height and massing of the scheme is in line with the surrounding area. There are some observations on file who have concerns about the pallet of materials. The Planning Authority would not see any objections to the pallet of materials proposed. The scheme is proposing high quality materials, with the use of brick broken up by bronze effect aluminium panels. It is felt that with a revised front boundary treatment to the road and additional landscaping to the front garden areas that this would soften the scheme. Further Information is requested in relation to the following items;

1. Submit an updated cycle parking plan
2. Submit a revised front boundary treatment on Rathgar Avenue
3. Submit revised proposals to enclose open space and for a small play area.
4. The PA has concerns in relation to the proximity of a number of balconies/windows on Block 1 at first and second floor level to the rear garden of properties along 46 and 46 Kenilworth Square in terms of overlooking. The applicant is requested to submit revised proposals to address these concerns. This could be achieved by a privacy panel/screen with angled slats to obscure views in one direction.
5. The applicant is requested to consider additional tree planting along the boundary with the rear gardens of number 45 and 46 Kenilworth Square.

The second Planners Report (dated 01/12/25) considers that the applicant has satisfactorily addressed all concerns set out above. A grant of permission is recommended.

3.2.3. Other Technical Reports

Drainage: No objections subject to conditions

Transportation Planning: Recommends Further Information. No objection following receipt of FI subject to attachment of conditions.

Environmental Health Officer: No objections subject to conditions

Parks, Biodiversity & Landscape Services: No objections subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

10. no third-party observation were received on the planning application. A number of observations acknowledge the improvements made to the scheme since the previous application. Concerns raised include; overlooking; impact on the Conservation Area; traffic and car parking issues; scale and massing; impact on residential amenity; and the use of inappropriate materials;

4.0 Planning History

3426/09: Planning permission granted at Murphy & Gunn car dealership for removal of the existing Murphy & Gunn internally illuminated fascia mounted sign and relocation of same along same fascia, removal of existing Toyota internally illuminated fascia mounted sign and relocation of same along same fascia, fitting of new Murphy & Gunn BMW Service fascia mounted sign with LED internally illuminated stainless steel mounting bar; provision of 1 no. new free standing double sided internally illuminated BMW pylon sign; relocation of the existing Toyota Lexus pylon sign ; fitting of 1 no. BMW flagpole and fitting of 2 no. wall mounted metal and acrylic panel signs to both sides of entrance door.

3490/12: Planning permission granted at Murphy & Gunn car dealership for 'alterations to signage facing onto Rathgar Avenue and Kenilworth Square South and other minor works etc

2174/24: Planning permission refused at Murphy & Gunn car dealership, 44 Kenilworth Square South, and to the rear of 45-47 Kenilworth Square South, Rathgar, for a development comprising of construction of a residential development of 18 units , including Private open space to all units comprising gardens, terraces and balconies, new internal vehicular access road to be accessed from Kenilworth Square South, Pedestrian access from Kenilworth Square South, Rathgar Avenue and Garville Lane, 13 no. surface car parking spaces to serve Blocks A, B and D and

Landscaping, boundary treatments, bin store, bicycle store and all associated site works and services.

The application was refused permission for the following reasons;

1. Having regard to the siting and design of Blocks A and B in particular, and the proximity of Block D to rear gardens of a number of properties along Kenilworth Square South, it is considered that the proposed development would break an established building line established along Kenilworth Square South, would result in a poor design response to Rathgar Avenue, and would result in an overbearing form of development, resulting in overshadowing to a number of properties on Kenilworth Square South. The proposed development would be contrary to Policy BHA9 and Policy QHSN10 of the Dublin City Development Plan 2022-2028, as the design response fails to protect and integrate with the special interest and character of the surrounding area. The proposed development would seriously injure the amenities and depreciate the value of property in the vicinity, would be contrary to the Z2 zoning objective and contrary to the proper planning and sustainable development of the area.
2. Having regard to the design and layout of Blocks C and E, along the mews laneway, the proximity of balconies in block C to rear gardens of block B; the proximity of balconies in Block E to the rear gardens of Block D, and the lack of usable private amenity space for two of the mews dwellings in block E, it is considered that the proposed development would result in a poor standard of residential amenity for the future occupants of the houses, which would seriously injure the amenities and depreciate the value of property in the vicinity. The proposed development would be contrary to the Z2 zoning objective and contrary to the standards set out in Chapter 15 of the Dublin City Development Plan 2022-2028, and the standards set out for private amenity space in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. The proposed development would thereby be contrary to the proper planning and sustainable development of the area.

Adjoining Site

4169/24: Planning permission granted at number 45 Kenilworth Square for the reconfiguration and extension of the property from office use to a 3-bedroom dwelling. The development includes; Demolition of existing single storey commercial floorspace to side and rear of property; Construction of replacement single storey extension to side with side access to rear garden; Construction of a 2-storey extension to rear; Construction of new boundary walls to side and rear to separate the proposed dwelling from the adjoining commercial property; All associated site works and services.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. The National Planning Framework (NPF) – First Revision (April 2025)

The NPF First Revision was published in April 2025. The NPF is the Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040. In the period between 2022 and 2040 it is expected that there will be roughly an extra one million people living in Ireland. The target is for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

The NPF initially planned for population growth of 1.1 million people, and a total population of 5.85 million by 2040. Census 2022 recorded a population of 5.15 million in Ireland. The Economic and Social Research Institute (ESRI) has updated its national and regional population projections to account for Census 2022 and to take account of up to date economic, fertility, mortality and migration data. The updated projection is that the population of Ireland will increase to approximately 5.7 million by 2030 and to 6.1 million by 2040. Given the key role of international migration in shaping population growth in Ireland, the ESRI have also modelled a higher international migration scenario with a projected population of 6.3 million people by 2040 (baseline + 200,000). The ESRI projections form the basis for the revised NPF. This means that the NPF will now need to plan for a population of 6.1 million by 2040, an additional 250,000 people over that planned for in 2018.

The following is a sample of relevant NPOs:

National Policy Objective 4: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

National Planning Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.

National Policy Objective 42: To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.

National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

Section 28 Ministerial Planning Guidelines

5.1.2. Guidelines for Planning Authorities: Design Standards for New Apartments, 2025

It should be noted that the Design Standards for Apartments, Guidelines for Planning Authorities (2025) are applicable to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted

after the issuing of the Guidelines, that is from the 9th of July 2025. This applicant was submitted after this date.

The guidelines, hereafter referred to as the Apartment Guidelines, provide quantitative and qualitative standards for apartment development across a range of thresholds depending on the number of units proposed and the site's context. It also sets out SPPRs to be adhered to across a range of parameters including unit mix, car parking and minimum floor areas. Applicable standards for the proposed development include requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage and private open space areas), SPPR 4 (33% to be dual aspect units in more central and accessible urban locations), SPPR 5 (minimum 2.7m requirement for ground level floor to ceiling height).

5.1.3. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024**

The guidelines, hereafter referred to as the Compact Settlement Guidelines, set out a context to create higher density settlements to underpin sustainable development principles. The guidelines encourage the following approaches of relevance:

- Table 3.1 – ‘It is a policy and objective of these Guidelines that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centres of Dublin and Cork’.
- Realise opportunities for adaptation, reuse and intensification of existing buildings and for incremental brownfield and infill development.
- Deliver brownfield and infill development at scale at suitable strategic and sustainable development locations within the existing built-up footprint of the city and suburbs area or metropolitan towns.
- The quantum of car parking in new developments should be minimised to manage travel demand and to ensure that vehicular movement does not impede active modes of travel or have undue prominence within the public realm.
- SPPR 1 – Separation Distances – ‘minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level’.

- Policy and Objective 5.1 - Public Open Space – ‘In some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan’....’In such circumstances, the planning authority may seek a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within an application site’.
- SPPR 3 - Car Parking – ‘In city centres and urban neighbourhoods of the five cities’....’car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling’.
- Section 5.2.5 - Bicycle Parking and Storage - ‘In areas of high and medium accessibility, planning authorities must ensure that new residential developments have high quality cycle parking and cycle storage facilities for both residents and visitors’.
- SPPR 4 - Cycle Parking and Storage – ‘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’.
- Section 5.3.7 – Daylight – This section proposes that planning authorities weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban development.

5.2. Regional Planning Policy

5.2.1. Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019

The RSES supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region. It advocates sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development.

The following RPOs (as summarised) are of relevance:

RPO 4.3 supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within Dublin City and suburbs and ensure that future development areas are co-ordinated with infrastructure.

RPO 5.5: Residential development shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner.

5.3. Dublin City Development Plan

The subject site is zoned Z2 Residential Neighbourhoods (Conservation Areas) in the Dublin City Development Plan 2022 - 2028 with the objective 'To protect and/or improve the amenities of residential conservation areas'.

The Z2 Residential Conservation Areas does not have a statutory basis in the same manner as protected structures or Architectural Conservation Areas, however they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application.

Policy BHA9, in relation to protecting the special interest and character of conservation areas, states:

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 include contemporary architecture of exceptional design quality, which is in harmony with the conservation area.

Section 15.15.2.2 sets out requirements for application for development in conservation areas. These include:

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.*

Other relevant policies of the City Development Plan include;

- CSO7 Promote Delivery of Residential Development and Compact Growth
- SC8 Development of the Inner Suburbs
- SC10 Urban Density
- SC11 Compact Growth
- QHSN6 Urban Consolidation
- QHSN10 Urban Density
- QHSNO4 Densification of Suburbs
- QHSN37 Houses and Apartments
- GI28 New Residential Development

5.4. **Natural Heritage Designations**

South Dublin Bay SAC – c.4.7km to the east of the site

South Dublin Bay pNHA – c.4.7km to the east of the site

South Dublin Bay and River Tolka Estuary SPA - c.4.7km to the east of the site

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, therefore, 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

Two third appeals have been made against the decision of Dublin City Council to grant permission for the proposed development. The appeals are submitted by Edward and Niamh O'Reilly of 47 Kenilworth Square which is a protected structure (RPS 4141) and by Tom Conroy (& Charlotte Kelly & Fionn Conroy) of 46 Kenilworth Square. The appeals are summarised as follows;

Edward and Niamh O'Reilly

- Northwest facing balconies on the third storey of Block 2 would be as close as 6m from the rear garden of 47 Kenilworth Square resulting in a severe loss of privacy.
- Balconies of 15 no. units would have a view of the rear garden of 47 Kenilworth Square. Balconies could be a source of anti-social behaviour.
- Brick lattice screening would not fully prevent overlooking and would reduce ambient light to the balconies.
- There is conflicting information shown in relation to the boundaries having regard to the submitted drawings and documents.
- The application documents do not contain sections or elevations showing the existing or proposed interface boundaries with their property.
- The walls of their property form the curtilage of a protected structure.

Tom Conroy

- While the application is an improvement on what was previously proposed, it does not meet the high quality of architecture and place making that must be a priority in a development proposal of such a key corner site.

- The use of indents, insets and bronze finish panels are an attempt to give relief and rhythm to what could be a monolith block, but the results feel laboured and fussy.
- There are too many materials that seems to be there for effect. There is a lack of specific detail of finishes. The proposed variety of materials does not integrate within to the local conservation area.
- The houses in Block 2 overlook the adjacent Kenilworth Square south houses. It is queried whether the terraces could be angled more to face westerly.
- The design of Block 2 is very 'busy', overbearing and with dated architectural massing and details. The block is too high and is a poor entrance to the mews.
- Materials proposed have no sympathy with the surroundings. The colour of the bricks and aluminium cladding are discordant with the rest of the street
- The 2-storey mews house is dwarfed by the Block 2 houses.
- The appellant welcomes the additional landscaping to the rear of No. 45/46 Kenilworth Square however concerns are raised about the potential loss of sunlight/daylight as a result of the height of the proposed planting. Concerns are also raised about the upkeep and management of the public areas and landscaping.
- The appellant queries whether a condition can be attached to ensure the development is 'build to sell' and not 'build to rent'.
- The Construction Waste and Demolition Report is welcomed, however there are no specific details with regards to a survey of former petroleum pollution or a methodology for a solution to this.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows;

- The subject site addressed 3 separate roads, each of which have a different character. Therefore, given the variety in the area, the proposed materials

provide a predominantly light palette, which compliments the wider range of materials and colours of the area.

- It is noted that Molloy and Associates, grade 1 Conservation Architects, were involved in the development of this scheme and their Architectural Heritage Impact Assessment (AHIA) has confirmed that *'The proposal has made considerable effort to integrate seamlessly with its established urban environment, in generating a compatibly scaled, largely three storey scheme across three blocks'*
- In relation to materials the AHIA states that *'A palette of compatible masonry and metal materials have also been considered, with dark brick mixed with light buff brick, and framed with bronze and steel. On the whole efforts at enriching this prominently positioned urban development have succeeded in providing a scheme of visual quality.'*
- The submitted Design Statement, AHIA and Verified Views demonstrate that consideration of the existing surroundings is at the heart of this design.
- All balconies have enclosures which measure between c.1.1m(block 2) and c1.5m(block 1) in height, which prevents any undue overlooking from these balconies.
- The proposed development is in compliance with SPPR1 of the Compact Settlement Guidelines.
- 45 Kenilworth Square has 2 no. windows on the gable/side wall. These windows serve a stairwell and hall on the first floor and are not considered habitable rooms.
- Between Block 1 and No. 46 Kenilworth Square there is a distance of over 20m to the boundary wall of this property, and over 27m to the single storey extension to the rear. Between Block 1 and no. 47 the distance is in excess of 35m.
- Block 2 will have pleached trees between no's 45, 46 and 47 which will be maintained to a maximum height of 4m by the management company.

- Block 2 is directly opposing no's 45 and 46. However the distance between opposing first floor windows is in excess of 36m.
- Block 3 is opposing no.47 and is over 34m from the nearest point to no. 47.
- There is no greater risk of anti-social behaviour on balconies than from any of the existing gardens surrounding the houses.
- Inputs and drawings from project architects Corgan IE Ltd, and project landscape architects SRLA, are also submitted to clarify any inconsistencies in the application documentation.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

Observations were received from Philip O'Reilly and Brigitte de la Malene. The issues raised in the observations are similar to those raised in the appeals and submissions and primarily relate to the height and scale of the proposed development, design inconsistency, overlooking and traffic.

6.5. **Further Responses**

Further responses were received from the following:

- Tom Conroy
- Edward and Niamh O'Reilly
- Philip O'Reilly

The main issues raised in the above further responses are covered in the Grounds of Appeal, in the submissions to the Planning Authority and in the previous observation submissions.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows;

- Design and Layout
- Overlooking
- Boundaries
- Other Issues

7.2. Design and Layout

7.2.1. The third parties contend that the proposed development does not meet the high quality of architecture or place making that must be a priority in the development of such a key corner site. As outlined in Section 5.3 above, the site is within a 'Z2 - Residential Neighbourhoods Conservation Area' and while this zoning does not have a statutory basis in the same manner as protected structures or Architectural Conservation Areas, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application. The appeals are made by the owners/occupants of 46 and 47 Kenilworth Square South. It is noted from No. 47 onwards, the row of houses along Kenilworth Square South are listed on the Record of Protected Structures (RPS). No. 45 Kenilworth Square South is within the applicant's ownership. Permission was recently granted to extend and convert the property from commercial to residential use under Reg. Ref. 4169/24.

7.2.2. Policy BHA9 (Conservation Areas) seeks to protect the special interest and character of all Dublin's Conservation Areas including those under Z2 zoning objectives. The policy states, inter alia, that '*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...*'. A number of enhancement measures are set

out in the Policy which include *'Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.'*

- 7.2.3. Similarly, Section 15.4.2 of the Development Plan requires that the architectural quality of development should positively contribute to the urban design and streetscape through the use of high-quality materials and appropriate building form and should respect and enhance its context. The key principles include respecting the relationship of the development to the established architectural form, scale and pattern of the surrounding townscape and taking account of the existing rhythms, degree of uniformity, elevational composition and palette of materials and finishes. Infill development (Section 15.5.2) should complement the existing streetscape, respect/enhance the context and be well integrated with its surroundings to ensure a more coherent cityscape.
- 7.2.4. I consider the proposed development, is a significant improvement over the existing car sales premises and associated forecourt area which contribute little to the area. It is my view that the applicant has adequately demonstrated their awareness of the sensitivity of the site as outlined within the submitted Design Statement and Architectural Heritage Impact Assessment. I find the documents to be comprehensive and accurate in their assessment of the proposed development. I also note that the applicant has had extensive engagement with the Planning Authority through the previous application and through preplanning consultations. I am satisfied that the scale and massing of the proposed development (2-3 storeys) is consistent with the surrounding context. The layout provides for 3 no. distinct blocks providing a mix of apartments, duplex units and houses, along with a central area of open space. The proposed development successfully creates frontages onto 3 no. different streets/roads, providing animation to the streetscape. I also consider that the proposed development positively contributes to the character and distinctiveness of the Conservation Area and seeks to protect and enhance the character of the Conservation Area, through the distinct palette of materials proposed and through the sympathetic scale and massing of the proposed development.
- 7.2.5. It is acknowledged by both third parties and the Planning Authority that the scheme represents a significant improvement on what was previously proposed. However,

third parties remain of the opinion that the design is outdated and 'busy', and the palette of materials are incompatible with the surrounding development.

7.2.6. The applicant's documentation has outlined that there is no coherent architectural style within the immediate context of the site, with a diverse range of building typologies, periods, scales and materials, reflecting the incremental development of the area. The scheme proposes a varied palette of multi-tonal brickwork, bronze-effect aluminium finishes, and precast stone detailing. The bronze effect cladding on Block 1 and Block 2 is specifically referenced by the third parties as being 'fussy' and discordant with the existing streetscape. I am of the opinion that the bronze effect cladding effectively breaks up the blocks and acts as a feature of interest to the façade. In my view the contemporary design and suite of materials and finishes proposed does not represent a negative impact, and I consider the contemporary design to be acceptable and appropriate for this prominent corner site.

7.2.7. I have examined all the documentation before me and I acknowledge that the proposal will result in a change in outlook as the site changes from low rise, brownfield, underutilised lands to a site accommodating residential development. However, I consider that the proposal has been designed to be sensitive to the existing character of the surrounding area and will make a positive contribution to the streetscape.

7.3. **Overlooking**

7.3.1. The issue of overlooking has been raised by the third parties. The applicant has argued that the proposed development is in compliance with SPPR 1 of the Compact Settlement Guidelines which requires a minimum separation distance of 16 metres between directly opposing rear or side windows above ground floor level and is therefore acceptable.

7.3.2. The applicant has indicated a c.7m setback from the rear of block 1, to the side gable of no. 45 Kenilworth Square South, which is also in the applicant's ownership. There are 2 no. number of windows on the gable elevation of this building, however these windows serve a stairwell and hall on the first floor and are not considered habitable rooms. Block 1 would be set back c.19 meters from the boundary wall with no. 46 Kenilworth Square. There are a number of windows on the gable of no. 46, however these windows would be c. 27m away from the rear elevation of Block 1. It

is not considered that Block 1 would result in significant overlooking of the appellant's properties.

- 7.3.3. The rear boundary wall of no. 45 and 46 Kenilworth Square currently backs onto the car parking lot for the garage. These houses will now back onto the proposed open space for the scheme which is considered a significant improvement when compared to the previous application for the site. Block 2 is c.31m from the rear elevation of no. 45 and c.26m from the rear elevation of no. 46. I consider that this setback is adequate and would not result in any significant overlooking.
- 7.3.4. The western and southern boundary of no. 47 Kenilworth Square adjoins the proposed development site. The proposed communal open space will adjoin the western boundary wall of no. 47, while Block 3 will be located directly opposite no. 47. Block 1 will have views across the proposed open space in the direction of the rear garden of no.47, however the western boundary wall is over 35m from Block 1. This is a significant setback, and I do not consider that the proposal would result in any significant overlooking in this regard. Block 3 is in excess of 7m from the rear boundary wall and in excess of 35m to the main property associated with no. 47. I note there is a single storey flat roof ancillary domestic structure to the rear garden boundary wall of No. 47, however the existing adjoining boundary wall is 3.18m in height and provides significant screening from the proposed development.
- 7.3.5. Specific concerns were also raised by third parties in relation to overlooking from balconies. It was also contended that balconies could be a source of anti-social behaviour. In response to the Planning Authority's further information request the applicant has submitted a Balcony Privacy Screening Analysis prepared by Corgan Architects. The submission demonstrates the view of a person measuring c. 1.78m when standing from the balconies of units 13, 14, and 17. The view would be of the gable end of number 45 Kenilworth Square and will not provide any overlooking of the rear gardens associated with 45 or 46 Kenilworth Square. It is also noted that people are more likely to be sitting when on their balcony, and therefore the view would be further reduced. The assessment concludes that raising the height of the balconies is not considered necessary, as no significant overlooking risk exists. Additionally, the increased height will negatively impact the residential amenity of the balconies for the residents of the proposed units. I am satisfied that the proposal has adequately considered overlooking from balconies and I am satisfied that adequate

mitigation arises through design and separation distances. I note the private amenity space is a requirement for residential developments, and this requirement has been adequately met through the provision of balconies. I do not consider balconies to be at any greater risk of antisocial behaviour than other types of amenity space.

- 7.3.6. This is an urban location, and a certain degree of overlooking is to be anticipated at such a location. As outlined above the separation distances are far in exceedance of the required standards. The site is brownfield in nature, underutilised and has been largely detracting from the streetscape for many years. Its appropriate redevelopment is to be welcomed and is in line with national policy with regards the appropriate redevelopment of such sites. I am satisfied that there is adequate separation between the proposed development and existing properties.

7.4. **Boundaries**

- 7.4.1. The appellant considers that the submitted information is inadequate in relation to the boundary interface and that the detail that has been submitted is conflicting. The response to the grounds of appeal acknowledges that there was an inconsistency between certain landscape section drawings and boundary related information submitted. A detailed section and elevation have now been submitted with the response which accurately depicts the existing boundary wall, their height and their relationship to the proposed development. The applicant has clarified that there are no alterations proposed to the existing boundary walls between the proposed development site and no's 46 and 47 Kenilworth Square. It is noted that a permitted concrete boundary wall has been approved for no. 45 Kenilworth Square under a separate application referred to above in Section 4 of this report. I am satisfied that the existing walls are of sufficient height to provide adequate privacy and security. The additional planting proposed will further assist in ensuring adequate privacy.
- 7.4.2. In response to the Planning Authority's request for further information, the applicant is proposing pleached *Crataegus monogyna* (common Hawthorn) to the rear boundary of no.45 and 46. The applicant noted that this species was selected for its dense foliage, suitability for pleaching and native character, which together would provide effective screening and privacy while maintaining ecological value and visual harmony with the surrounding landscape. I note that the third party has raised

concerns regarding the maintenance and management of such landscaping and potential loss of light from such foliage. The applicant has confirmed that a development management company will be in place for the development and will be responsible for the ongoing maintenance of the landscaped areas. I consider that the regular upkeep of the landscaping will ensure that adverse visual or overshadowing impacts on the adjoining properties will not be experienced.

7.5. **Other Issues**

Tenure Type

The appellant has requested that the development is 'build to sell' and not 'build to rent'. The applicant has confirmed that the proposed development is not 'build to rent' and has not been advertised as such. I also note that a standard condition will be attached to restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers as per the guidance of the Regulation of Commercial Institutional Investment in Housing Guidelines.

Hazardous Material

The appellant has welcomed the submission of the Construction Waste and Demolition Report but has raised concerns that no specific details on either 'a survey of former petroleum pollution or a methodology for a solution to this' have been provided. The applicant has noted that Section 8.7.3 of the report addresses the need for identification and assessment of the potential for residual ground contamination to be undertaken prior to the start of any excavation works. I recommend standard conditions requiring a Construction Management Plan and a Resource Waste Management Plan to be submitted and agreed with the Planning Authority. These plans will set out a commitment to best practice in terms of demolition/construction management. These plans will also be the subject of consistent monitoring to ensure that any potentially adverse risks are adequately managed throughout the construction works.

8.0 **Appropriate Assessment**

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 a fully serviced urban area and is not immediate to a European Site. The nearest European Sites are located 4.7km to the east of the site.

The proposed development comprises the construction of a residential development as set out in Section 2 of this report.

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 of a European Site.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account determination by LPA

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.

9.0 Water Framework Directive

The subject site is located c.730m from the River Poddle.

The proposed development comprises the demolition of existing buildings on site, construction of 19 no. dwelling units.

No water deterioration concerns were raised during the planning application or appeal.

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.

The reason for this conclusion is as follows:

- The nature of the development in an urban environment
- Location-distance from nearest water bodies and lack of hydrological connections

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend that permission be granted for the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, including the Z2 land use zoning objective for the area, and having regard to the scale, form, and design of the proposed residential development, and to the pattern of development in the area including protected structures, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an acceptable form of residential development, and would not seriously injure the character and amenities of the area or of property in the vicinity. The proposed development would, therefore, accord with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 5th day of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the 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. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

4. Prior to the commencement of development the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

5. Proposals for a street/development name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

6. The applicant shall submit a Car Park Management Plan and details of car parking design, layout and management to the planning authority for agreement in writing prior to the commencement of development.

Reason: In the interest of sustainable transport and safety.

7. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interests of amenity, ecology and sustainable development

8. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;

- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

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

10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition

Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

12. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of

duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

14. The developer shall pay to the planning authority a financial contribution of €5000 euro per unit as a contribution lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or

on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Ciara McGuinness
8th April 2026

Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	PL-500558-DS
Proposed Development Summary	Demolition of car showroom and construction of 19 dwellings in 3 blocks with associated works.
Development Address	44 Kenilworth Square South rear of nos.45-47 Kenilworth Square South, Rathgar, D06KV20 and along Garville Lane, D06XN67 Rathgar, Dublin 6 D06KV20
	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 <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" 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 type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 b) (i) Construction of more than 500 dwelling units.</p> <p>Class 10 b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a builtup area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)</p> <p>The proposed development includes 19 residential units and has an area of 0.32ha and is therefore subthreshold.</p>

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Appendix 2 – Form 2 - EIA Preliminary Examination

Case Reference	PL-500558-DS
Proposed Development Summary	Demolition of car showroom and construction of 19 dwellings in 3 blocks with associated works.
Development Address	44 Kenilworth Square South rear of nos.45-47 Kenilworth Square South, Rathgar,D06KV20 and along Garville Lane,D06XN67 Rathgar, Dublin 6 D06KV20
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The site is an urban infill site in Dublin city. The proposal seeks to demolish the majority of the existing buildings on site. The existing structures, including the car showroom and associated buildings, contribute little to the streetscape and do not enhance the visual or urban character of the area. Given the size of the proposed development, no significant waste, emissions or pollutants would arise during the demolition, construction or operational phase due to the nature of the proposed development. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster. It presents no risks to human health.</p>
<p>Location of development</p> <p>(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).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site is located in Z2 residential neighbourhood conservation area with the objective to protect and or improve the amenities of residential conservation areas. Residential development is acceptable in principle in this zoning. The subject site is not located within or adjoining any environmentally sensitive sites or protected sites of ecological importance. The site is located within a conservation, however there are no protected structures located within the site. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p>

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The application site is an urban site and is not located in or immediately adjacent to any European site. The site is located within a serviced urban area, and the site would be connected to public surface and foul sewers. I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required. ✓
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)