



An
Coimisiún
Pleanála

Inspector's Report

PL-500769-DS-26

Development

The development comprises: (a) change of use of existing garage to a new one-bed infill dwelling;(b) alterations to the front elevation and pedestrian entrance; (c) addition of single-storey extensions to rear; (d) addition of new upper storey and excavation for lower-ground floor to create split-level dwelling; (e) all associated site works; (f) all ancillary works necessary to facilitate the development.

Location

Victoria Street to the rear of No. 31
South Circular Road, Portobello,
Dublin 8.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB5722/25

Applicant(s)

Derek Connolly & Antóin Doyle

Type of Application

Planning Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party

Appellant(s) Derek Connolly & Antóin Doyle.

Observer(s) (1) Neil Rooney.

Date of Site Inspection 27/03/26.

Inspector Anthony Abbott King

1.0 Site Location and Description

- 1.1. The appeal site comprises the rear curtilage of No. 31 South Circular Road including a single-storey garage with frontage onto Victoria Street.
- 1.2. No. 31 South Circular Road is a substantial period property located at the corner of South Circular Road and Victoria Street. The side elevation defines the east side of Victoria Street at the junction of Victoria Street and the South Circular Road.
- 1.3. The east side of Victoria Street principally comprises a two-storey streetscape of terraced period houses set back from the footpath behind railed front gardens.
- 1.4. No. 48 Victoria Street is an end of terrace 2-storey 2-bay period house with a small enclosed front garden area. The appeal site abuts the side boundary of the front garden of No. 48 Victoria Street.
- 1.5. No. 29 South Circular Road abuts no. 31 South Circular Road and shares a property boundary with the appeal site at the rear of the garden of no. 29 South Circular Road.
- 1.6. No. 31 South Circular Road abuts the appeal site to the south. No. 31 South Circular Road is sub-divided into 7 individual residential units.
- 1.7. The site area is given as 0.005 hectares.

2.0 Proposed Development

- 2.1. The proposed development comprises the following works:
 - (a) Change of use of existing garage to a new one-bed infill dwelling;
 - (b) Alterations to the front elevation and pedestrian entrance;
 - (c) Addition of single-storey extensions to rear;
 - (d) Addition of new upper storey and excavation for lower-ground floor to create split-level dwelling;
 - (e) All associated site works;
 - (f) All ancillary works necessary to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

Refuse planning permission for the following reason:

- 3.1.1. (1) *Having regard to the constrained size of the site and lack of adequate separation from neighbouring houses and rear gardens, it is considered that the proposal would result in overdevelopment of the site, with a substandard quality and quantity of private open space to the proposed new dwelling and an increase in overshadowing of the limited remaining amenity space to the seven existing residential units in No. 31, and the rear garden of No. 29, South Circular Road. The proposal would also result in an overbearing impact when viewed from, and in the context of, No. 48 Victoria Street, which is contrary to the zoning objective which is Z2 – ‘to protect and/or improve the amenities of residential conservation areas’. The proposal would therefore be seriously injurious to the residential amenities of future occupiers and to the residential and visual amenities of the surrounding area, contrary to the provisions of the current Dublin City Development Plan (2022-2028) and the statutory ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’ (2024), and to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The CEO of Dublin City Council reflects the recommendation of the planning case officer.

The planning assessment concluded that the infill site could not accommodate a dwelling house given the constrained size of the site and proximity of the development to adjoining residential properties within this residential conservation area.

The proposal would result in a depreciation of the residential and visual amenities of the surrounding area, including significant overshadowing and

overbearing impacts, on the adjoining properties inconsistent with the residential conservation zoning objective.

Furthermore, the proposed dwelling house would be deficient in private open space and internal floor area for potential occupiers.

3.2.2. Other Technical Reports

- Transport Planning Division

The Transport Planning Division of the planning authority *inter alia* states that the site is located within zone 1 of the Dublin City Development Plan 2022-2028 Map J. Appendix 5, Table 2 of the development plan, requires a maximum parking provision of 0.5 vehicles.

The re-purpose of the garage as a residential unit would provide for the reinstatement of an on-street parking space in front of the garage entrance allowing this space to be returned to use as pay-and-display parking space for which a permit could be applied.

Having regard to the site's accessible urban location and applicable parking standards, the loss of the on-site parking is considered acceptable in this instance. A condition should be attached requiring the reinstatement of appropriate on-street road markings and the removal of any redundant vehicular access.

Table 1, Appendix 5 of the development plan requires bicycle parking provision on site of 1 no. cycle parking space, which is proposed behind the pedestrian door. While it is acknowledged that the space is somewhat constrained, it appears that the required cycle parking provision can be comfortably accommodated within the courtyard area.

- Drainage Division have no objection to the proposal subject to condition.

3.3. Prescribed Bodies

There is one response from TII recoded on file. The TII response recommends that regard be given to relevant national roads policy.

3.4. Third Party Observations

There are 3 number third-party submissions on file, which are summarised below (one of the third-party submissions is from the observer on the appeal):

- The proposal represents an over development of a restricted backland site exceeding (75%) the indicative development plan maximum site coverage for a conservation area (45-50%), which *inter alia* would set a damaging precedent in terms of excessive built form, reduced permeability and an overly intensive use of a backland site.
- The proposal will have a significant adverse impact on the existing residential amenities of adjoining properties including unacceptable overbearing, enclosure and overshadowing impacts. There would be significant overshadowing impacts on no. 29 South Circular Road a family home (the 2-storey element of the proposal obstructs the westerly / south-westerly sun);
- The submitted shadow analysis is insufficient as it fails to quantify or adequately highlight the increased shadow impact during the crucial fair weather periods preceding and following the equinoxes when the sun angle is lower and shadowing would be more impactful.
- The proposal by reason of window openings on the shared property boundary would cause direct overlooking of neighbouring property. Furthermore the front gardens of properties in Victoria Street would be overlooked.
- The proposal would represent further backland intensification and erosion of the historic plot pattern incompatible with the Z2 residential conservation zoning objective.
- The proposal would set an undesirable precedent for similar substandard development of two-storey structures departing from the established architectural character of Victoria Street inconsistent with Policy BHA9 of the development plan where the prevailing scale for existing garage conversions and infill buildings is consistently single-storey.
- The existing property at no. 31 South Circular Road is subdivided into 7 high-density flats and has an existing deficiency in amenity open space provision. The planning authority is required to consider the cumulative impact of development on the overall site and its surroundings.
- Furthermore recent PVC replacement windows and door highlight serious concern in the matter of design sensitivity to the existing main building on site.

- The existing built fabric in the vicinity is of considerable age and fragility. The applicant has not demonstrated the viability of proposed works without adverse impacts on adjoining structures and boundary walls given the proposal will introduce additional height and excavation works on a tightly constrained backland site.
- The loss of the existing garage removes potential ancillary or utility space. The existing leasehold of the garage would restrict it to single storey height.
- The proposed infill dwelling would be substandard in terms of internal floor area and the provision of amenities, including bike and bin storage.
- The development does not include parking provision raising legitimate concern in terms of traffic management and parking congestion.

4.0 Planning History

4.1. There is no relevant planning history on site.

5.0 Policy Context

5.1. Development Plan

The following policy objectives *inter alia* of the Dublin City Development Plan 2022-2028 are relevant:

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 (Map E) is Z2 (Residential Conservation): *To protect and/or improve the amenities of residential conservation areas.*

The proposed development is a permissible use.

- **Residential conservation area designation**

The rationale for residential conservation area designation is that the overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals, which would affect structures both protected and non-protected in such areas. The objective is to protect conservation areas from unsuitable

new developments or works that would have a negative impact on the amenity or architectural quality of the area.

Chapter 11, (Built Heritage & Archaeology) is relevant including Policy BHA9, which *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and 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:

- *Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- *Re-instatement of missing architectural detail or important features.*
- *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns*
- *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.....*
- **Urban Consolidation**

Chapter 5 (Quality Housing and Sustainable Neighbourhoods), is relevant including:

Policy QHSN6 (Urban Consolidation) is relevant. The policy promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for infill development, backland development, mews development, re-use / adaption of existing building stock, and use of upper floors subject to the provision of good quality accommodation.

Policy QHSN10 (Urban Density) is relevant. The policy promotes residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need

for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

- **New House Development / Infill Development**

Chapter 15 (Development Standards), Section 15.5.2 (Infill Development) is relevant and states:

Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form. Infill sites are an integral part of the city's development due to the historic layout of streets and buildings.

Section 15.13.3 (infill / Side Garden Housing Developments) is relevant and states:

The planning authority will favourably consider the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements. In certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land is developed. The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:

- *The character of the street.*
- *Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.*
- *Accommodation standards for occupiers.*
- *Development plan standards for existing and proposed dwellings.*
- *Impact on the residential amenities of adjoining sites.*
- *Open space standards and refuse standards for both existing and proposed dwellings.*
- *The provision of a safe means of access to and egress from the site.*

- *The provision of landscaping and boundary treatments which are in keeping with other properties in the area.*
- *The maintenance of the front and side building lines, where appropriate.*
- *Level of visual harmony, including external finishes and colours.*
- *Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas and the Council will support innovation in design.*
- *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.*
- *Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.....*

Section 15.11 (House Development) provides standards *inter alia* for floor area, daylight / sunlight, private open space and separation distances between buildings.

In relation to Section 5.11.3 (Private Open Space) the following is relevant:

Private open space for houses is usually provided by way of private gardens to the rear of a house. A minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. Generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city. In relation to proposals for house(s) within the inner city, a standard of 5– 8 sq. m. of private open space per bedspace will normally be applied.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

- The Department of Environment, Heritage and Local Government Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- Department of Environment Heritage and Local Government 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and the accompanying Design Manual (2009).

- The Department of Housing, Local Government and Heritage ‘The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities’, (15 January, 2024).

6.0 EIA Screening

6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of this 1st party appeal are summarised below:

- The appellant claims that the proposed infill house in this inner-city location represents a highly appropriate form of development and fully complies with good planning practice and with national, regional and local planning policy. The proposal has been designed with careful regard to the residential area zoning objective (Z2).
- The proposal is informed by the specific characteristics of the site, the surrounding built context and the appropriate planning policy framework following a careful and iterative design process.
- It is claimed that the proposal, and as amended on appeal, delivers a modest yet high quality, well-designed addition to the city’s housing stock and makes an effective and sustainable contribution towards meeting identified housing need while satisfying objectives for residential infill development representing an overall improvement in the visual amenity of the street.

- The proposal provides for a compact upper addition above the existing garage, which is less than the height of a full storey, as the ground floor level is set partially below street level.
- It is claimed the upper addition responds successfully to the stepped side elevation of no. 31 South Circular Road and the taller scale of no. 48 Victoria Street, which has a parapet level 3m above the infill development.
- The upper addition represents a contemporary yet sensitive response to the specific site context whereby new development is clearly legible as such while remaining in harmony with the existing built form consistent with Policy BH9 of the Dublin City Development plan 2022-2028 and the Architectural Heritage Protection Guidelines for Planning Authorities.
- Furthermore, the appellant subsequent to the notification of a refusal of planning permission by the planning authority has revised the proposal to set back the upper storey 1m from the boundary of no. 48 Victoria Street as part of this appeal in order to further address any perceived impacts on adjoining properties. The revised design reduces the overall footprint of the first floor by 3 sqm.
- It is claimed that the additional setback from the boundary with no. 48 Victoria Street would successfully mitigate overbearing effects and also reduce impact on the upper storey of no. 29 South Circular Road by providing a wider visual connection to the street.
- In the matter of residential standards, it is claimed that the infill dwelling is efficiently planned with minimal internal circulation with a strong emphasis on useable and habitable accommodation. The split-level creates a clear functional separation between living and sleeping areas.
- The revised design providing for a 1m set back of the first floor from the boundary with no. 48 Victoria Street, would result in an overall dwelling floor area of 41.5 sqm., which it is claimed is appropriate for a well-designed compact dwelling in an inner-city context and does not in itself indicate substandard development.
- The Quality Housing for Sustainable Communities Guidelines (2007) do not provide standards for studio dwellings, which it is claimed is a housing typology

that has become more established since their publication. Therefore, it is claimed it is reasonable to have regard to the Design Standards for Apartments (2025), which specify 32 sqm. for a studio dwelling.

- The appellant has included an alternative ground floor layout, which it is claimed demonstrates the inherent adaptability of the design and its capacity to accommodate different internal arrangements without alteration of the external form providing a high standard of residential accommodation.
- In the matter of private open space, the proposal provides 11 sqm. of private open space to the side and the rear of the new dwelling. It is claimed that this space constitutes high quality open space designed with direct access from the footpath in order to maximise its usability consistent with Section 15.11.3 of the development plan (5-8 sqm private open space per bedspace).
- The development plan also states that these standards can be relaxed on a qualitative basis. It is claimed the rear courtyard can comfortably accommodate a table and chairs and / or planting and would provide high quality, functional private open space appropriate to its setting consistent with development plan standards and SPPR 2 of the Compact Settlement Guidelines (2024), which makes provision for site specific relaxations in terms of the 20 sqm. private open space minimum standard for one-bedroom dwellings.
- It is further claimed that it is appropriate to have regard to development plan private open space standards as they are tailored to inner-city sites, the application of numerical Compact Settlement Guidelines (2024) standards in inner-city locations would effectively sterilise appropriate infill sites.
- The appellant cites a number of recently approved infill development proposals on sites in Portobello in terms of the quantum of open space provision proposed.
- It is claimed that the site's inner city location and immediate proximity to high quality public open space is a key material consideration and confirms that the proposal in combination with the existing main house does not represent overdevelopment of the site.

- The appellant *inter alia* cites an authorised development 800m from the appeal site (Richmond Hill PL Ref: 2107/21), which has a smaller residual open space than no. 31 South Circular Road.
- In the matter of overlooking, the appellant claims that the infill dwelling is carefully designed to avoid any overlooking. It is confirmed that there is no additional glazing or window openings behind the elevational vertical fins and that all first-floor windows face Victoria Street.
- In the matter of overshadowing, the proposed additional set back would mitigate adverse overshadowing impacts on neighbouring properties including increasing daylight to no. 29, South Circular Road. It is claimed that the proposal does not exacerbate material overshadowing beyond that associated with extension and infill development within urban environments. A revised comparable shadow analysis is contained within the appeal submission.
- In the matter of car parking, an additional parking space would be provided along the Victoria Street frontage by the elimination of the garage, which is supported by the Transport Planning Division of the planning authority.
- Bicycle parking would be provided adjacent to the dwelling entrance in a combination of wall-hung and floor mounted provision.

7.2. Planning Authority Response

- The planning authority request that the Commission uphold their decision to refuse planning permission for the proposed development. In the instance of a grant of planning permission the planning authority requests the attachment of conditions.

7.3. Observations

There is one observation on file. The observation is from the resident of the adjoining property at no. 29 South Circular Road and is summarised as follows below:

- The submitted shadow analysis admits that the overshadowing of the observer's garden begins at 15.00 hours during summer months. It is claimed that the impact is not immaterial as the west light provides the only direct sunlight in the

afternoon as the subject garden is already overshadowed by a 7.8m southern gable wall.

- The rear garden is the play area for the children of the observer and accommodates a trampoline (photo included with submission), which will have a reduced amenity value given the permanent shadow that will be cast by the proposed development.
- It is claimed that the proposed two-storey massing (4.85m) will obstruct the low-angle sun path that currently reaches the kitchen and dining / living area of the observer. The loss of afternoon light will be particularly severe during the Spring and Autumn months when the sun is low in the sky.
- The proposed elevational fins will look directly over the children's play area. The reliance on "slated screen" is a clear admission of an overlooking issue.
- It is claimed the 1m setback from no. 48 Victoria Street would provide no mitigation to the adverse impact of the proposal on no. 29 South Circular Road, as the structure remains at the original height and distance to the observers property boundary.
- The proposed 11 sqm private open space provision to the infill house is insufficient and would provide a substandard level of amenity inconsistent with infill development standards. Furthermore, the existing main house accommodates 7 units with only 19 sqm. of private open space available to occupiers.
- The proposal represents overdevelopment and is an attempt to maximise rental capacity on site. The proposal as amended still represents an excessive site coverage of 74% far beyond the 45-50% indicative limit for this Residential Conservation Area.
- It is claimed that inserting a two-storey structure within a consistently low rise row of subsidiary single-storey buildings and garages would adversely impact the rhythm of the streetscape inconsistent with the residential conservation area zoning objective (Z2).

8.0 Assessment

8.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant planning policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning / principle of development
- Compact growth / urban consolidation
- The Sustainable Residential Development and Compact Settlement Guidelines (2024)
- Infill development
- Plot ratio / site coverage
- Open space
- House design & internal standards
- Potential impact on adjoining properties
- Potential impact Residential Conservation Area
- Other matters

8.2. The appeal statement is accompanied by a modification comprising a suggested reduction in the massing of the first floor element of the proposal, which would be reduced by 3 sqm (internal floor area).

8.3. The suggested changes would provide a reduction in the first floor foot print and allow for a 1m separation distance between the infill house at first floor level and the boundary with the adjoining property to the south at no. 48 Victoria Street.

8.4. I conclude that the modification is not material to the development as advertised given that the proposed revision would result in a marginal reduction in the building footprint and massing. Therefore, I advise that the modification can be considered by the Commission.

8.5. However, firstly I shall assess the development the subject of the planning authority decision and subsequently consideration shall be given to modifications at appeal stage.

8.6. Zoning / principle of development

The site is zoned Z2 (Residential Conservation) in the Dublin City Development Plan 2022-2028: *To protect and/or improve the amenities of residential conservation areas.* Residential development is acceptable in principle and may be permitted where the proposed development is compatible with the overall policies and objectives of the development plan.

8.7. Compact Growth / Urban Consolidation

The appellant claims that the proposed infill house in this inner-city location represents a highly appropriate form of development and that the proposal fully complies with good planning practice and with national, regional and local planning policy.

8.8. National compact growth policy objectives support in principle the densification of urban and suburban sites, in particular, lands accessible by walking, cycling and public transport. The subject development site is located in a central urban location within the canal ring that defines Dublin city centre.

8.9. The policy framework provided by the Dublin City Development Plan 2022-2028 supports the infill development of brownfield, vacant and underutilised sites.

8.10. Policy QHSN6 (Urban Consolidation) of the Plan promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for infill development, backland development, mews development, re-use / adaption of the existing building stock and, the use of upper floors subject to the provision of good quality accommodation.

8.11. I consider that the national, regional and local urban consolidation policy framework would support infill house development in this central location subject to satisfying development management standards and the protection and / or improvement of the amenities of the residential conservation area.

8.12. The Sustainable Residential Development and Compact Settlement Guidelines

The appellant claims that the proposal, and as amended on appeal, delivers a modest yet high quality, well-designed addition to the city's housing stock and makes an effective and sustainable contribution towards meeting identified housing need.

8.13. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set national planning policy and guidance in relation to the planning and development *inter alia* for urban settlements with a focus on sustainable residential development and the creation of compact settlement.

8.14. The Guidelines expand on higher-level policies providing guidance including development standards for housing. Chapter 5 (Development Standards for Housing) provides *inter alia* guidance for separation distance, private open space, public open space, car parking, bicycle parking and storage and daylight standards. The following assessment is informed by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

8.15. Infill Development

Section 15.5.2 (Infill Development) of the Dublin City Development Plan 2022-2028 provides criteria to guide infill development on potential development sites between or to the rear of existing buildings (i.e. gap sites) within existing established urban areas.

8.16. The appeal site principally comprises a garage structure and residual space to the rear of an existing substantial dwelling house. The appeal site enjoys road frontage onto Victoria Street.

8.17. I consider that the appeal site would satisfy the definition of an infill site. However, I note the constrained nature of the site as highlighted by the planning authority and the proximity of the proposed development to adjoining residential properties.

8.18. Finally, the planning case officer assessed the development under mews criteria. I do not consider that the appeal site is a mews lane location and that the criteria regulating infill development are the relevant assessment criteria.

8.19. The policy framework of the Dublin City development Plan 2022-2028 favourably considers the development of infill housing on appropriate sites. In general, infill

housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements.

8.20. The criteria provided in Section 15.13.3 of the Dublin City Development Plan 2022-2028 for infill house development are interrogated below.

8.21. Plot ratio and site coverage

8.22. Appendix 3, Table 2 of the Dublin City Development Plan 2022-2028 states a plot ratio of between 2.5-3.0 and a site coverage of 60-90% for the central area of Dublin. However, although the development site is centrally located the proposed infill development is within a residential conservation area where more restrictive site standards apply.

8.23. Table 2 provides an indicative plot ratio of between 1.5-2.0 and site coverage of 45-50% within a conservation zone. These are the applicable standards that relate to the appeal site.

8.24. The floor area of the building(s) to be retained within the site is given as 25.50 sqm. The gross floor space of proposed works is 19 sqm. The floor area of the infill house is given as 44.5 sqm.

8.25. The site area is given as 0.005 hectares on the application form (50 sqm). The plot ratio calculation is < 1 given a site area of 50 sqm and a building floor area of 44.5 sqm, which is within the maxima criteria for the conservation zone (1.5-2.0).

8.26. However, the site coverage given as 74 percent by the applicant significantly exceeds the maxima allowable within a conservation zone (45-50%).

8.27. Finally, the appellant has reduced the floor area by way of modification by 3 sqm. Therefore, the modified floor area of the infill house would be 41.5 sqm.

8.28. I note the site coverage subsequent to modification by the appellant would still significantly exceed the maxima allowable within a conservation zone (45-50%).

8.29. However, I also note that the site area accommodates an existing structure, the footprint of which covers a significant section of the overall site (34 sqm). The existing site coverage is therefore greater than 50%.

Exceptional circumstances given urban location

- 8.30. The appellant claims that the overall proposal for the site does not constitute overdevelopment. The appellant acknowledges that the site coverage is greater than the indicative maxima for residential conservation areas.
- 8.31. However, it is claimed the site coverage is appropriate for the surrounding context and site size. Furthermore national policy promotes increased residential densities in proximity to the city centre (see Section 8.2 of the submitted Planning & Design Report, dated October 2025).
- 8.32. I note that the existing site coverage is approximately 68%.
- 8.33. I note the urban transition location and residential conservation area designation of the appeal site and the inner suburban pattern of development in the environs of the South Circular Road.
- 8.34. However, the receiving environment is characterised by streetscapes of period houses on linear plots comprising small front gardens or enclosed private landings and back gardens in instances with ancillary structures at the rear of the plot.
- 8.35. I consider that the plot ratio is appropriate. However, I consider that the site coverage is excessive given the existing inner suburban character and pattern of development in the immediate area, which is a residential conservation zone.
- 8.36. Appendix 3 provides that higher plot ratios and site coverage may be achieved in certain listed circumstances. I concur with the planning case officer that none of the listed criteria apply to the appeal site.

Supporting examples of similar infill development

- 8.37. The appellant cites a number of approved infill developments to support the argument that the proposed development does not constitute over development of the appeal site, including No. 13 Emorville Avenue, Ovoca Road, Portobello, Dublin 8 (ABP Ref: PL29S.306142 / DCC Ref: 4050/19) and No. 26 Richmond Hill (DCC Ref: 2107/21).
- 8.38. I note that the cited applications are also located within residential conservation zones. However, I do not consider that they are relevant to the proposed development given

that the cited applications were assessed under the provisions of the previous development plan (2016-2021).

- 8.39. Finally, the appeal statement cites no. 8 Whitefriars, Aungier Street, Dublin 2 (WEB5079/25), which is a recently granted apartment scheme, on zoned 5 lands (to consolidate and facilitate the development of the central area) located closer to the city core.
- 8.40. I do not consider this development relevant to the development under appeal for an infill dwelling house on the basis of the typology and the relevant zoning and more central location of the cited example.
- 8.41. I acknowledge that a site coverage of 60-90% is indicatively acceptable for the central area of Dublin. However, I consider that the proposed site coverage (74%) is significantly greater than the development plan maxima for a conservation zone (45-50%), which would indicate overdevelopment of the site given its residential conservation zoning.
- 8.42. Open Space
- SPPR2 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024) requires a minimum open space provision of 20 sqm for a 1-bedroom new house.
- 8.43. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities makes provision for site specific relaxations in terms of the 20 sqm. private open space minimum standard for one-bedroom dwellings. The appellant claims that the inner city location and immediate proximity to high quality public open space is a key material consideration.
- 8.44. SPPR2 *inter alia* states for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.
- 8.45. Furthermore, the appellant claims that the proposed open space provision constitutes high quality open space designed with direct access from the footpath in order to maximise its usability consistent with Section 15.11.3 of the Dublin City Development plan 2022-2028.

- 8.46. Finally, the appellant cites a number of examples of approved extensions where open space provision was reduced below development plan standard (DCC Ref: WEB2825/24; DCC Re: 4269/24 & DCC Ref: WEB1847/22).
- 8.47. I do not consider the examples furnished applicable to the application under appeal for an infill dwelling house, as they relate to building extension.
- 8.48. I acknowledge that Section 5.3.2 (Private Open space for Houses) of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) *inter alia* requires a more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space, which should be applied to new house development.
- 8.49. I consider that the proposed development represents an urban infill development on a small site where the relaxation of the private open space standards maybe appropriate, as provided for under the Guidelines.
- 8.50. The Guidelines require that open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas, including patios. Furthermore, the open space must be directly accessible from the unit it serves and a principal area of open space should be directly accessible from a living space.
- 8.51. The proposed private open space provision consists of approximately 11 sqm of open area as clarified in the appeal statement comprising a combined street entrance threshold area and a patio of approximately 6 sqm (2.7m x 2.15m).
- 8.52. I accept the appellant's qualitative assessment that the space is functional and can accommodate a table and chairs, as illustrated within the appeal statement.
- 8.53. The open area is located behind an entrance gate within an enclosed courtyard. I consider that the designated area constitutes private space proximate to the living / kitchen of the infill house.
- 8.54. I note that the open space is not directly accessible to the internal living room given the change in levels between the sunken internal area and the outdoor area. However, I accept the amenity area can be reasonably accessed via the entrance door and a half flight of internal steps.

- 8.55. The open area is located to the north of the infill dwelling house. It has a linear form with an east-west axis.
- 8.56. I consider the orientation of the private open space is unacceptable given the level of overshadowing within the space generally and within the patio area specifically, as clearly indicated on the submitted shadow analysis and revised shadow analysis.
- 8.57. Finally, the open space requirement of the Dublin City Development plan 2022-2028, Section 5.11.3 (Private Open Space) is a minimum open space standard of 10 sqm. per bed space. However, a less restrictive standard is applied to inner city housing of 5-8 sqm per bedspace.
- 8.58. I consider that the lower quantitative standard is applicable in the instance of the appeal site given its location inside the canal ring within the urban core. The applicant proposes two bedspaces, which would require a minimum 10 sqm of private open space.
- 8.59. I note that the entrance threshold would accommodate bin storage. The Transport Planning Division of the Planning Authority accept the storage of refuse bins within the courtyard albeit noting the constrained configuration. The Division prohibit the storage of refuse on street.
- 8.60. I consider that the storage of refuse bins within the entrance threshold area of the courtyard would reduce the amenity value of the area immediate to the pedestrian entrance.
- 8.61. I consider that the patio area measuring approximately 6 sqm is the applicable private open space area in terms of amenity function. Therefore, I conclude that the proposed infill house would be deficient in the provision of a minimum standard of 10 sqm of private open space given the competing requirements for the use of the entrance threshold area including bicycle parking (see other matters below).
- 8.62. In conclusion, I note the central location of the infill development and the configuration / orientation of the private open space provision, I consider that the proposed private amenity area would not satisfy minimum development plan quantitative standards or qualitative standards in terms of access to sunlight given its northern orientation and excessive level of overshadowing.

8.63. House design and internal standards

- 8.64. The criteria provided in Section 15.5.2 (Infill Development) of the Dublin City Development plan 2022-2028 to guide infill development include accommodation standards for occupiers.
- 8.65. Section 15.11.1(Floor Areas) of the development plan requires that houses shall comply with the principles and standards outlined in Section 5.3: 'Internal Layout and Space Provision' contained in the DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) .
- 8.66. The appellant by modification of the original house design to provide a setback to no. 48 Victoria Street has reduced the overall internal floor area by 3 sqm.
- 8.67. The appellant claims the Quality Housing for Sustainable Communities Guidelines (2007) do not provide standards for studio dwellings, which it is claimed is a housing typology that has become more established since their publication. Therefore, it is claimed it is reasonable to have regard to the Design Standards for Apartments (2025), which specify 32 sqm for a studio dwelling.
- 8.68. I consider that the Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) provide the applicable regulatory housing standards *inter alia* as the appellant has applied for an infill dwelling as advertised on the public notices.
- 8.69. The Guidelines do not provide floor area standards for two-storey one-bedroom houses. However, I consider the floor area standards for a one-bedroom single-storey dwelling would provide equivalence.
- 8.70. The Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007), Table 5.1(Space Provision & Room Sizes for Typical Dwellings) requires a minimum floor area of 44 sq. for a one-bedroom single storey dwelling.
- 8.71. I consider that the development as submitted to the planning authority would satisfy minimum floor area standards (44.5 sqm).

- 8.72. However, the infill house as modified on appeal would comprise a floor area of approximately 41.5 sqm. Therefore the infill house as modified would not satisfy minimum floor area standards for a one-bedroom dwelling (44 sqm).
- 8.73. Furthermore, the aggregate living room floor area of the infill house requires a minimum floor area of 23 sqm. The proposed Livingroom / kitchen area is given as 21 sqm, which would not satisfy the minimum floor area standard for aggregate living space.
- 8.74. Finally, the bedroom of the infill house has a given floor area on the submitted application documentation of 13 sqm. The Guidelines require an aggregate bedroom floor area of 11 sqm. I consider that the bedroom would on balance satisfy floor area standards.
- 8.75. The application as modified on appeal would provide a bedroom floor area of 10 sqm given the reduction in the first floor footprint by 3 sqm. I also note that not all of the floor area of the bedroom is functional floor space as the bedroom volume would also accommodate the rise of the internal staircase, which would open directly into the bedroom.
- 8.76. Therefore, the bedroom area as modified on appeal would not satisfy the minimum floor area standard for a bedroom.
- 8.77. I conclude on balance that the proposed infill house would in general satisfy minimum internal floor area standard for a one-bedroom house.
- 8.78. However, the development as suggested on appeal to be modified would not satisfy internal floor area standards for the principal accommodation spaces within the house and would therefore provide a substandard level of residential amenity for potential occupiers.
- 8.79. Impact on adjoining residential properties

The infill site shares a property boundary with nos. 31 and 29 South Circular Road and with no. 48 Victoria Street.

No. 31 South Circular Road

- 8.80. The first floor element would have a separation distance of approximately 12m with principal rear elevation of the main house. I consider the separation distance acceptable given that there are no opposing windows.
- 8.81. No. 31 South Circular Road is located to the north of the appeal site and the appeal site comprises the rear curtilage of the main house within the historic linear plot. No. 31 South Circular Road is a substantial residential property and it is subdivided into 7 residential units.
- 8.82. The truncated rear curtilage of no. 31 South Circular Road (approximately 20 sqm) comprises the private open space for the subject units. I note that the appeal site is in separate ownership to the main house and that the appeal site principally comprises the footprint of the garage and residual space, which has limited existing amenity value.
- 8.83. I note that bicycle and bin storage is provided in the front garden of no. 31 South Circular Road.
- 8.84. There is a lower annexe structure to the rear of no. 31 South Circular Road, which extends south along the Victoria Street frontage. The footprint of the annexe also extends across the rear elevation of no. 31 South Circular Road to an approximate mid-way point.
- 8.85. The linear open area formed by the east elevation of the annexe and the shared property boundary between nos. 31 and 29 South Circular Road forms the truncated rear amenity space of no. 31 South Circular Road. I note the residual space has a north-south axis.
- 8.86. The planning case officer expresses concern in the matter of overshadowing of the restricted rear amenity space to no. 31 South Circular Road serving multiple residential units given the location of the infill development 2.8m south of the property boundary.
- 8.87. The shadow analysis (submitted as part of the Planning & Design report dated October 2025) indicates that the infill house would overshadow the roof of the annexe structure to the rear of no. 31 South Circular Road rather than the open space per se (for example at 12.00 on the 21st December).

- 8.88. I note a marginal increase in overshadowing in December. However additional overshadowing is not evident in spring, summer and autumn. There is no additional discernible overshadowing on the equinox.
- 8.89. I consider that the proposed development would not have a significant impact on no. 31 South Circular Road in terms of existing residential and visual amenities.

No. 29 South Circular Road

- 8.90. The observer is the resident of no. 29 South Circular Road. It is claimed *inter alia* that rear garden is the play area for the children of the observer, which will have a reduced amenity value given the permanent shadow that will be cast by the proposed development especially in summer months after 15.00 hrs.
- 8.91. Furthermore, it is claimed that the massing of the proposal to the southwest of the rear curtilage of no. 29 South Circular Road will block direct sunlight into the living accommodation of the house.
- 8.92. No. 29 South Circular Road is located to the east of the appeal site. There is an existing high boundary wall separating the appeal site from the end section of the rear garden of no. 29 South Circular Road.

Ground floor element

- 8.93. The proposed infill house at ground floor level would abut the shared property boundary with no. 29 South Circular Road. The proposal would accommodate the ground floor below grade (870mm), which would indicate a finished ground floor roof height marginally lower than the existing property boundary wall.
- 8.94. I do not consider that the proposed ground floor element of the infill development would result in significant overbearing and overshadowing impacts.

First floor element

- 8.95. The first floor element of the infill house would be located to the west of the rear garden of no. 29 South Circular Road and would be set back 1.5m from the shared property boundary.
- 8.96. There are no window openings in the east, north and south elevations of the first floor element of the infill house and therefore no direct or indirect overlooking would result.

Enclosure / overbearing impacts

- 8.97. The first floor volume of the infill house as modified by appeal would comprise an approximate floor area of 20 sqm (4.45m x 4.45m) and would exhibit a height to finished roof level of approximately 2m above the height of the existing boundary wall.
- 8.98. No. 29 South Circular Road is defined on its the southern boundary by the high gable elevation of no. 48 Victoria Street.
- 8.99. Notwithstanding the set back of the first floor element of the infill house, I consider that the rear section of the garden at no. 29 South Circular Road would experience a heightened perceived enclosure resulting from existing massing to the south boundary and proposed proximate massing to the west boundary.
- 8.100. I acknowledge that the chamfered south-eastern curved corner of the first floor element of the infill house would create a separation gap (1.4m) between the north (side) elevation of no. 48 Victoria Street and the first floor volume of the infill house, as modified.
- 8.101. Notwithstanding the gap and modest footprint of the first floor element and standard floor to ceiling height of the internal bedroom accommodation, it is considered that the rear section of the garden of the adjoining house at no. 29 South Circular Road would experience a perception of enclosure given the open aspect to the west presently enjoyed.
- 8.102. However, I consider that the set back of the first floor element of the infill house by 1.5m from the shared property boundary would mitigate overbearing impacts.
- 8.103. I conclude that perceived enclosure impacts on their own would not warrant a refusal of planning permission.

Overshadowing

- 8.104. The planning case officer expressed concern in the matter of the shadow analysis submitted with the application, which demonstrated additional overshadowing of the rear garden of no. 29 South Circular Road during afternoons in December and at the time of the spring and autumn equinoxes.
- 8.105. I note that additional overshadowing would occur on the 21st December at 14.00 and 16.00 and on the 21st June at 18.00. There would be marginal additional

overshadowing at 15.00 on the equinox (shadow analysis submitted as part of the Planning & Design Report dated October 2025).

- 8.106. The appellant claims that the proposed additional set back (1m) would mitigate adverse overshadowing impacts on neighbouring properties including increasing daylight to no. 29 South Circular Road.
- 8.107. I accept the appellants statement that during the period April to August inclusive that shadowing arising from the proposed upper storey does not extend into the garden of no. 29 South Circular Road until after 15.00 hours.
- 8.108. However, I consider that the proposed infill development would have significant overshadowing impacts on the rear curtilage of no. 29 South Circular Road after 15.00 hours April to August) given the location of the development to the west of no. 29 South Circular Road.
- 8.109. I consider that the additional overshadowing would have adverse in combination effects given the existing restrictions imposed by the high south gable boundary with no. 48 Victoria Street (circa. 8m in height).
- 8.110. The revised shadow analysis submitted with the appeal statement does not address the 21st December or the 21st June after 15.00.
- 8.111. I conclude that the proposed development and as modified would result in significant overshadowing impacts in terms of west light penetration to the rear of no. 29 South Circular Road restricting evening light (especially after 15.00hrs April-August), which would significantly impact existing residential amenity.

No. 48 Victoria Street

- 8.112. The adjoining property at no. 48 Victoria Street is located to the south of the proposed infill house. Therefore no overshadowing impacts would result.
- 8.113. There is an existing high side boundary wall between the front garden of no. 48 Victoria Street and the appeal site. The planning case officer was of the opinion that the upper element of the infill house would have overbearing impacts on the curtilage and front façade of no. 48 Victoria Street. I concur with the planning case officer.
- 8.114. However, the suggested appeal modification would set-back the first floor element of the infill house by 1m from the existing side boundary wall. I consider that this

suggested setback would mitigate the overbearing impact of the development on the front curtilage of no. 48 Victoria street.

8.115. Furthermore, the separation gap (1.4m) between the front facade of no. 48 Victoria Street and the curved south-east corner of the first floor element of the infill house would significantly mitigate overbearing impacts on the front facade of the house.

8.116. Notwithstanding the change in the physical context to the northwest of no. 48 Victoria Street on adjoining lands, I consider on balance that there would be no significant adverse visual and amenity impacts on no. 48 Victoria Street arising from the modified development proposal as submitted as part of this appeal.

8.117. In conclusion, the impacts of the proposal as modified on appeal on no. 31 South Circular Road and no. 48 Victoria Street are considered acceptable.

8.118. However, the infill house would have unacceptable overshadowing impacts on the amenity space to the rear of no. 29 South Circular Road in terms of west light penetration to the rear of the property, which would be inconsistent with the residential conservation area zoning objective.

8.119. Impact on the residential conservation area

Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 protects the special interest and character of all Dublin's conservation areas including *inter alia* requiring development within or affecting a residential conservation area to contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting.

8.120. The appellant claims that the house design is informed by the specific characteristics of the site, the surrounding built context and the appropriate planning policy framework following a careful and iterative design process.

8.121. The first floor element would follow the building line established by the side elevation of no. 31 South Circular Road.

8.122. I note the first floor element would be 3m lower in overall height to the parapet height of no. 48 Victoria Street. However, I acknowledge that the first floor element would be positioned forward of the established building line on Victoria Street

- 8.123. I also note that the massing of the infill house subsequent to modification at first floor level would comprise a modest footprint of approximately 20 sqm (4.45m x 4.45m). Furthermore, the south-east corner of the first floor volume would be chamfered (curved wall) in order to increase the separation distance between the infill house and the front facade of no. 48 Victoria Street.
- 8.124. The Z2 zoning objective is to protect conservation areas from unsuitable developments or works that would have a negative impact on the amenity or architectural quality of the area rather than prohibiting new development.
- 8.125. I consider that the massing as modified and the elevation finish of the proposed contemporary infill house exhibiting a flat green sedum roof, brick elevations with granite detailing at ground floor level and 'timber fins' at first floor level with fenestration (timber / aluminium) to Victoria Street would in general respect the setting and character of the residential conservation area within which it would be located being visually consistent with requirements of Policy BHA9 (development in conservation areas).
- 8.126. However, the rationale for a conservation zone is to protect the overall quality of an area in design and layout terms. This requires special care in dealing with development proposals ensuring a sensitive approach to new development in residential conservation areas.
- 8.127. While the infill building volume would reflect the low plot ratio (< 1) consistent with the conservation zone indicative requirement (1.5-2.0), the overall proposed development would significantly exceed the indicative site coverage within a conservation zone (45-50%).
- 8.128. I conclude that the proposed infill development by reason of significantly exceeding maxima site coverage criteria, failure to satisfy minimum internal dwelling house floor area standards subsequent to modification, failure to satisfy private open space standards and adverse impacts on the adjoining residential amenity of no. 29 South Circular Road in terms of overshadowing would cumulatively indicate a negative recommendation.

8.129. Other Matters

Third parties have *inter alia* expressed concerns in regard to traffic management / parking congestion and construction methodology.

Parking

8.130. Table 2 (Car Parking) of Appendix 5 of the development plan requires 0.5 spaces per dwelling in Zone 1.

8.131. The Transport Planning Division of the planning authority states that the re-purpose of the garage as a residential unit would provide for the reinstatement of an on-street parking space in front of the garage entrance would allow this space to be returned to use as pay-and-display. The Report notes that a permit could be applied for by the occupant.

8.132. I consider that an infill dwelling house in this central urban location would be acceptable without dedicated vehicular parking.

8.133. In the matter of bicycle parking, it would be provided within the site wall hung behind the pedestrian entrance. I consider that the proposed bicycle parking configuration within the open space area (courtyard) would satisfy Table 1 (Bicycle Parking) of Appendix 5 of the development plan in terms of bicycle parking requirements for an infill dwelling house.

Construction methodology

8.134. In the matter of construction methodology, given the concerns of third parties with reference to the fragility of the existing built fabric within and bounding the appeal site, I note that the application is accompanied by a preliminary structural engineers report, prepared by Niamh O'Reilly Structural Engineer dated 20th October, 2025.

8.135. The Report confirms that the applicant proposes to construct the new building within the existing garage's external wall and boundary walls shared with neighbouring properties.

8.136. I note that the findings of the Report are that the new building can be constructed through a careful and planned sequence of works without causing disturbance to the

existing walls or neighbouring buildings, including the excavation of the proposed ground floor level below the existing slab level (870mm).

8.137. Finally, I note that the applicant has not submitted a construction management plan.

9.0 AA Screening

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 not immediate or within close proximity to a European Site. The proposed development comprises the construction of a dwellinghouse within a mature urban setting, utilising the existing structure on site, connected to piped services.

No significant nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site given the small-scale nature of the development.

I conclude 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 site is proximate to a visible watercourse (Grand Canal).

The proposed development comprises the construction of an infill dwellinghouse in a mature urban location connected to piped services.

No water deterioration concerns were raised in the planning appeal.

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 the small scale and nature of the development.

I conclude based on objective information, the proposed development will not result in a risk of deterioration of 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 refusal of planning permission for the reasons and considerations outlined below.

12.0 Reasons and Considerations

Having regard to the residential conservation zoning objective (Z2) and the Dublin City Development Plan 2022-2028 requirement for an indicative site coverage of 45-50% within a conservation zone, the established pattern of development in the area characterised by streetscapes of period houses on linear plots with front and rear curtilage and notwithstanding the central location of the site proximate to the urban core, it is considered that the proposal would result in overdevelopment of a constrained site located within a residential conservation area, given a site coverage of 74%, would provide a substandard quantity and quality of private open space inconsistent with Section 5.11.3 (Private Open Space) of the Dublin City Development Plan 2022-2028 and would result in substandard residential development for future occupiers inconsistent with the guidance criteria provided in Section 15.5.2 (Infill Development) of the Dublin City Development Plan 2022-2028.

Furthermore, the development and as modified on appeal would result in increased overshadowing of the adjoining rear amenity area of the dwellinghouse to the east at No. 29 South Circular Road inconsistent with the residential conservation zoning objective which seeks – ‘to protect and/or improve the amenities of residential conservation areas’. The proposal would therefore be inconsistent with the policy framework for infill development of the Dublin City Development Plan 2022-2028 and with the proper planning and sustainable development of the area.

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

Anthony Abbott King
Planning Inspector

16 April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500769-DS-26
Proposed Development Summary	Infill dwelling including change of use of existing structure, first-floor addition and excavation of new ground floor level.
Development Address	Existing garage on Victoria Street to the rear of no. 31 South Circular Road, Portobello, Dublin 8.
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> 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, 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	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold Below 500 unit threshold
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500769-DS-26
Proposed Development Summary	Infill dwelling including change of use of existing structure, first-floor addition and excavation of new ground floor level.
Development Address	Existing garage on Victoria Street to the rear of no. 31 South Circular Road, Portobello, Dublin 8.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development has a modest footprint, would retain existing structure(s), comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The development is for a single infill dwellinghouse within an urban location connected to piped services.

<p>Types and characteristics of potential impacts</p> <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).</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> <p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)