



An
Coimisiún
Pleanála

Inspector's Report

PL-501125-DN-26

Development

Erection of 1 no. two storey 3 bedroom detached dwelling house (approx. 119m² gross internal area), & associated site works, to include demolition of existing single storey garage store (approx. 50m² gross area), wall & 'lean to' store (approx. 14.5m² gross area) on site (approx. 168m² / 0.0168ha site area) in existing rear garden

Location

29 Saint Brigid's Road Upper, Dublin 9,
D09E5R3

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB1124/26

Applicant(s)

Tom Brady

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

First party

Appellant(s)

Tom Brady

Observer(s)

None

Date of Site Inspection

16 May 2026

Inspector

Killian Harrington

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1.0 Site Location and Description

1.1 The subject site is located in the established residential area of Drumcondra, Dublin 9. The site comprises the rear garden of No. 29 Saint Brigid's Road Upper, a two storey red brick end of terrace dwelling on the eastern side of Saint Brigid's Road Upper. This terrace consists of similar period red brick 2 storey homes with distinctive short front gardens bounded by metal railings and long rear gardens. The subject site also has frontage onto Saint Patrick's Parade to the south and to the rear laneway that separates the site from the rear gardens of dwellings facing Saint Patrick's Road. There is a high boundary wall at the southern side of Saint Patrick's Parade which separates the road from the railway line.

2.0 Proposed Development

2.1 The proposed development consists of the following elements:

- Demolition of existing single-storey garage and lean to store in rear garden.
- Construction of a self-contained 2 storey 3 bedroom detached dwelling house (approx 119 sqm gross internal area) and associated landscaping and boundary treatment with pedestrian access from Saint Patrick's Parade to the south, separate to the main dwelling.
- The proposal is a car free development

3.0 Planning Authority Decision

3.1 Decision

Dublin City Council granted planning permission with 10 no. conditions. This includes the following transport-related condition (Condition no. 3):

The development shall comply with the following requirements of the Council's Transportation Planning Division:

a) Prior to commencement of development, the applicant shall submit revised drawings for the written agreement of the Planning Authority showing new building structures directly onto the boundary setback from the public realm (including

footpaths / open space/ road etc. Proposed structures shall not form part of the boundary wall with the public road.

b) The applicant/developer shall clearly advertise, across all sale / rent / lease platforms used, that the proposed development shall be zero-car parking on site and within the vicinity of the site prior to sale, renting or leasing.

c) The existing dished kerbing shall be removed and full upstand kerbing shall be constructed to the requirements of the Area Engineer, Roads Maintenance Division. This shall be carried out prior to occupation of the residential unit.

d) The applicant/developer shall contact the Area Traffic Engineer and Parking Enforcement Section regarding alterations to pay and display scheme/line markings, in order to extend the parking bays to include the vehicular entrances to be removed. All works shall be at the developer's expense including fees applicable for the removal of a Pay and Display permit parking bay. This shall be carried out prior to occupation of the residential unit.

e) The proposed new pedestrian entrance openings shall not have outward opening gates.

f) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

g) The developer shall be obligated to comply with the requirements set out in the Code of Practice.

Reason: In the interests of pedestrian and traffic safety

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report noted that the principle of an infill residential dwelling was acceptable under zoning objective Z1 (Sustainable Residential Neighbourhoods), with a land use zoning objective 'To protect, provide and improve residential amenities'.

In terms of residential standards, all proposed rooms meet internal minimum size requirements for a 3 bed dwelling sized 119 sqm GIA.

In terms of residential amenity, the submitted plans have set out that the proposed private open space of approx. 40 sqm would be available to both the existing and new house. This was considered to be acceptable and in accordance with the Compact Settlement Guidelines.

In terms of separation distances, it was noted that the SPPR 1 of the Compact Settlement Guidelines (2024) establish general principles for separation distances based on considerations of privacy and amenity, informed by the layout, design and site characteristics on a case by case basis. The first floor of the proposed house is set back from the ground floor ensuring that the separation distance between opposing habitable rooms is greater than 16 metres so there were no concerns.

In terms of potential impacts on neighbouring properties, the first floor has been set back from the adjoining boundary by at least a metre. The massing of the building has also been broken up by the insertion of a lightwell. It is unlikely that the proposed structure will have a serious negative impact on the neighbouring rear garden in terms of overbearance, overshadowing, privacy and overlooking.

There were no concerns about visual impact or the general scale and massing of the proposal and the brick finish was deemed appropriate and overall the materials and window design would make the development 'visually appealing'.

The application included a parking survey of Saint Patrick's Parade adjacent the site demonstrating available spaces should they be required. Transportation Planning had some concerns about impact on public realm of the dwelling's gable wall and the potential need to restrict general parking in the area among other issues and recommended either a further information request or that conditions be attached (The report subsequently recommended that conditions be attached based on Transport comments).

3.2.2. Other Technical Reports

- Drainage Division: no objection subject to conditions

- Transport Planning: no objection subject to conditions

3.3. Prescribed Bodies

Irish Rail – no objection subject to conditions

3.4. Third Party Observations

None

4.0 Planning History

4.1 Subject site

There is no relevant planning history

4.2 Adjacent sites

- 35, Saint Columba's Road Upper, Dublin 9

Reg. Ref. WEB2080/24 – Planning permission granted for amendments to the previously granted planning permission (DCC Planning Ref: WEB1158/24) for the erection of 1 No single storey 2 bedroom semi-detached dwelling house (75.5m² gross area), & associated site works, to include demolition of existing single storey 'lean to' store (8.4m² gross area) on site (110m² 0.011ha site area), amendments to include changes to internal layout to previously approved ground floor accommodation & to include additional upper storey accommodation to facilitate bedroom and en suite bathroom, with increased area of 29.9m² approx. net internal gross area, on site (110m² 0.011ha site area) in existing rear garden

- Reg. Ref. WEB1158/24 – Planning permission granted for erection of 1 No single storey 2 bedroom semi detached dwelling house (75.5m² gross area), & associated site works, to include demolition of existing single storey 'lean to' store (8.4m² gross area) on site (110m² 0.011ha site area) in existing rear garden.

5.0 Policy Context

5.1 Development Plan

Dublin City Development Plan 2022-2028

The subject site is located on lands zoned Z1 (Sustainable Residential Neighbourhoods), with a land use zoning objective '*To protect, provide and improve residential amenities*'. As such, residential development may be permitted where the planning authority is satisfied that the development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

Policy QHSN6 Urban Consolidation

To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, reuse/ adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

Policy QHSN10 Urban Density

To promote 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.

Policy SMT25 On-Street Parking

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

Section 15.5.2 Infill Development

This section sets out requirements for infill development in general.

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.

Infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

As such Dublin City Council will require infill development:

- To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
- To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.
- Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.
- Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.

Section 15.13.4 Backland Housing

Consideration of access and servicing and the interrelationship between overlooking, privacy, aspect and daylight / sunlight are paramount to the success and acceptability of new development in backland conditions.

Developments with street presence are generally governed by clear set out rules established by the urban order of an existing streetscape. Backland development, however, requires more innovation and reinterpretation to enable comprehensive development of these spaces.

Applications for backland housing should consider the following:

- Compliance with relevant residential design standards in relation to unit size, room size, private open space etc.
- Provision of adequate separation distances to ensure privacy is maintained and overlooking is minimised.
- That safe and secure access for car parking and service and maintenance vehicles is provided.
- The scale, form and massing of the existing properties and interrelationship with the proposed backland development.
- The impacts on the either the amenity of the existing properties in terms of daylight, sunlight, visual impact etc. or on the amenity obtained with the unit itself.
- The materials and finishes proposed with regard to existing character of the area.
- A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

All applications for infill developments will be assessed on a case by case basis. In certain instances, Dublin City Council may permit relaxation of some standards to promote densification and urban consolidation in specific areas. The applicant must demonstrate high quality urban design and a comprehensive understanding of the site and the specific constraints to justify the proposal.

Appendix 18 - Ancillary Residential Accommodation

Section 1.3

Section 1.3 of Appendix 18 outlines that new building structures directly onto the boundary with the public realm (including footpaths / open space/ road etc. is not acceptable and it will be required that the development is set within the existing boundary of the site and shall not form the boundary wall.'

Appendix 5 - Transport and Mobility: Technical Requirements

Section 4 Car Parking Standards.

The subject site falls within Zone 2 of Map J 'Existing and Future Strategic Transport and Parking Areas'. The maximum permissible quantum of car parking per residential unit is 1, as set out in Table 2 (Maximum Car Parking Standards for Various Land Uses) of Appendix 5. The proposal does not propose any car parking.

Section 4 states that "proposals for off-street parking in the front gardens of single dwellings in predominantly residential areas will not be permitted where residents are largely reliant on on-street car parking and there is a strong demand for such parking".

Section 4.1 states that public on-street parking is necessary for the day-to-day functioning of the city. Dublin City Council will preserve available on-street parking, where appropriate. However, the space currently occupied by on-street parking may be needed in the future for strategic transportation projects or active travel infrastructure. There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces or where there is a demand for public parking serving other uses in the area. Where new residential developments result in the removal of on-street parking spaces or where no parking is provided for new residential developments, residents of these dwellings will not automatically be entitled to a parking permit. In this instance, the issuing of a parking permit will be based on the current capacity of the permit parking scheme in question

Section 4.3 states: Proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.

5.2. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024)

SPPR 3 – Car Parking

It is a specific planning policy requirement of these Guidelines that:

(i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) 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.

(ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.

(iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling

Drumcondra is also defined as an urban village in close proximity to Drumcondra Rail station and high frequency bus routes and therefore would generally fall under the 'City – Urban Neighbourhoods' category in Table 3.1 (Areas and Density Ranges Dublin and Cork City and Suburbs) of these Guidelines. In accordance with SPPR 3, car parking should be 'minimised, substantially reduced or wholly eliminated' within the areas defined as city centre and urban neighbourhoods. It is therefore considered that zero car parking would be acceptable at this location.

5.3. Natural Heritage Designations

The subject site is c.0.1 km north of the Royal Canal proposed NHA, c.2 km west of North Dublin Bay proposed NHA, South Dublin Bay and River Tolka Estuary SPA and c. 6km west of North Dublin Bay proposed NHA, North Dublin Bay SAC and North Bull Island SPA. The site is also c. 7km northwest of South Dublin Bay SAC and South Dublin Bay proposed NHA.

6.0 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.

7.0 The Appeal

7.1 Grounds of Appeal

The first party appeal raises the following grounds:

- Part (a) of Condition 3 states the following – *‘Prior to commencement of development, the applicant shall submit revised drawings for the written agreement of the Planning Authority showing new building structures directly onto the boundary setback from the public realm (including footpaths / open space/ road etc. Proposed structures shall not form part of the boundary wall with the public road.’*

The use of Appendix 18 (Ancillary Residential Accommodation) as guidance for side extensions is inappropriate as this is a permission for a dwelling. The shed to be demolished is already built up to the side boundary and te

proposal is replacing this. The proposal is respecting the Victorian terraced housing typology in the area where gables form the boundary.

- Part (b) of Condition 3 states the following – *‘The applicant/developer shall clearly advertise, across all sale / rent / lease platforms used, that the proposed development shall be zero-car parking on site and within the vicinity of the site prior to sale, renting or leasing’.*

There is adequate parking along Saint Patrick’s Parade and Saint Brigid’s Road Upper. The removal of the existing vehicular entrance to the site actually increases the space available for parking by 5.5 metres. The Development Plan and national guidelines only seek to minimise parking, they do not preclude the option of paid public parking or resident parking disc to residents. It merely refers to a ‘maximum’ of 1 parking space per dwelling in Appendix 5. The recently permitted infill dwelling at 35, Saint Columba’s Road Upper, Dublin 9 (Reg. Ref. WEB2080/24) does not have this wider restriction in its condition.

7.2. Applicant Response

n/a

7.3. Planning Authority Response

None

7.4. Observations

None

7.5. Further Responses

n/a

8.0 Assessment

- 8.1 This is a first-party appeal against parts (a) and (b) of Condition 3 attached to the planning permission granted by Dublin City Council. The full condition wording is set out at Section 3.1 of this Report. Having regard to the nature of the appeal and

the conditions, it is considered that the determination by An Coimisiún Pleanála of the application, as if it had been made to it in the first instance, would not be warranted. Therefore, in my opinion, the Commission may determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000 (as amended), and I intend to limit my consideration to the matters raised in relation to the terms of that condition.

- 8.2 Having examined the application details, and all other documentation on file including the submission received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be assessed are as follows: (1) boundary works and (2) parking issues

Boundary Works

- 8.3 Condition 3 part (a) states the following:

'Prior to commencement of development, the applicant shall submit revised drawings for the written agreement of the Planning Authority showing new building structures directly onto the boundary setback from the public realm (including footpaths / open space/ road etc. Proposed structures shall not form part of the boundary wall with the public road.'

- 8.4 I note that this stipulation originated from the Transportation Planning comments. The only reference to this in the Dublin City Development Plan is found in Section 1.3 of Appendix 18 (Ancillary Residential Accommodation), which sets design criteria for domestic extensions to existing residential properties. As the subject proposal relates to a new dwelling on an infill site, this would not apply in this instance. Whilst it can be viewed as being a structure within an existing curtilage, the proposal involves the creation of a dwelling similar to any other dwelling in this residential area. The proposed gable wall does not over-sail the public road and is within the site boundary.

- 8.5 In light of Policies QHSN 6 and QHSN 10 (set out in Section 5.0 of this report), it is important to assess infill development against the criteria set out in both Sections 15.5.2 and 15.13.4. I am satisfied that there is no objective or criteria in Section 15

that would require such a setback for an infill dwelling and that the Development Plan seeks the proposal to be in keeping with surrounding properties.

- 8.6 The recently permitted infill dwelling at 35, Saint Columba's Road Upper, Dublin 9 (Reg. Ref. WEB2080/24) has the near-identical site layout and infill dwelling proposal as that in this current appeal. Both have long rear gardens that form the boundary to Saint Patrick's Parade to the south. The dwelling at the rear garden of no. 35 was designed to form the southern boundary wall like the subject proposal for no. 29. This dwelling is currently nearing completion and does not impact on the amenity of the public realm. The planner's report for that permission did not treat this development as ancillary development with respect to the boundary and assessed against the criteria in Section 15 (Development Standards) in the Development Plan.
- 8.7 The Development Plan places an importance on infill residential development and consolidation in urban areas in addition to the need to integrate that development with the surrounding area, matching form and density. Section 15.5.2 states that *'infill sites are an integral part of the city's development due to the historic layout of streets and buildings.'*
- 8.8 Within the context of Drumcondra area as inner city suburb and the dominance of terraced housing, the southern wall forming the boundary onto Saint Patrick's Parade in the subject proposal is in keeping with the surrounding townscape environment where building on the boundary has been historically commonplace and is necessary to achieve appropriate densities. It is worth noting that section 15.5.2 also states: *'within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features'*.
- 8.9 I am satisfied that the proposed design onto Saint Patrick's Parade complies with Policies QHSN 6 and QHSN 10 of the Development Plan and the criteria for infill development in Section 15. Therefore I am satisfied that part (a) of Condition 3 should be removed.

Parking issues

- 8.10 Part (b) of Condition 3 states the following:

'The applicant/developer shall clearly advertise, across all sale / rent / lease platforms used, that the proposed development shall be zero-car parking on site and within the vicinity of the site prior to sale, renting or leasing'.

- 8.11 The subject site falls within Zone 2 of Map J 'Existing and Future Strategic Transport and Parking Areas'. The maximum permissible quantum of car parking per residential unit is 1, as set out in Table 2 (Maximum Car Parking Standards for Various Land Uses) of Appendix 5. The compact settlement guidelines (2024) seek to minimise all parking in urban areas (SPPR 3). The proposal involves the creation of a new dwelling, which is car-free and also involves the sealing of a vehicular entrance along Saint Patrick's Parade.
- 8.12 I note that a similar but less restrictive condition was initially attached to the permission of 35 Saint Columba's Road Upper applying to the site only and exclusively for sale purposes. Condition 5 part (c) of Reg. Ref WEB1158/24 stated that *'the applicant must communicate as part of subsequent property sales and marketing processes to owners / buyers that the proposed development is Car free. Reason: In the interest of sustainable transportation, road safety and orderly development.'* However, this condition was subsequently removed from the amended permission Reg. Ref. WEB2080/24.
- 8.13 I consider that, as the planning permission is already for a car-free development it would not be necessary to have a planning condition that requires inclusion of that restriction in a sales advertisement or brochure. The wording of the condition to include the wider vicinity around the site and lease/rental arrangements raises particular concerns around the reasonableness and effectiveness of these elements. Whilst the condition wording could be amended, I find no practical reason for its application in this instance and I would recommend its removal.
- 8.14 It is noted that the subject application for no. 29 included a parking survey demonstrating adequate capacity of the pay-and-display and resident disc parking bays on Saint Patrick's Parade at various days and times. The proposed infill dwelling also increases the capacity for on-street parking by c. 5 metres as it closes up an existing vehicular entrance. Following a site inspection, I found no issues relating to availability of on-street parking on that street or the surrounding streets including Saint Brigid's Road Upper.

- 8.15 Section 4.1 of Appendix 5 of the Development Plan (Transport and Mobility Technical Requirements) states that public on-street parking is necessary for the day-to-day functioning of the city. Dublin City Council will preserve available on-street parking, where appropriate. As the proposal is car-free and complies with the parking zone criteria in Table 2 of Appendix 5, the use of on-street parking in the surrounding streets should be made available to the occupants. On street parking is a function that is protected by sustainable transport policies in the Development Plan, in particular Policy SMT25.
- 8.16 I am therefore satisfied that in addition to part (a) of Condition 3 being remove, part (b) of Condition 3 should also be removed.

9.0 AA Screening

- 9.1. I have considered the proposed dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established urban and residential area c. 2km west of South Dublin Bay and River Tolka Estuary SPA and c. 6km west of North Dublin Bay SAC and North Bull Island SPA. The site is also c. 7km northwest of South Dublin Bay SAC.
- 9.2. The overall proposed development is the demolition of a shed and construction of a two-storey dwelling and associated works. The elements under consideration in this appeal consist of two parts of Condition 3 relating to the structure not forming part of the boundary wall and the applicant being required to include no parking on site or in the vicinity on all sale/lease platforms. No nature conservation issues were raised in this appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of works
 - Location in an established residential area
 - Lack of connections to nearest European sites

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

10.0 Water Framework Directive

10.1. The subject site is located at 29 Saint Brigid's Road Upper, Dublin 9, approximately 100 metres north of the Royal Canal. The overall proposed development is the demolition of a shed and construction of a two-storey dwelling and associated works. The elements under consideration in this appeal consist of two parts of Condition 3 relating to the structure not forming part of the boundary wall and the applicant being required to include no parking on site or in the vicinity on all sale/lease platforms. No water deterioration concerns were raised in the planning appeal.

10.2 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 waterbodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works
- Location-distance from nearest water bodies and/or lack of hydrological connections

10.3 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in

reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance, would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act, 2000 (As Amended) to

- (a) REMOVE Condition No.3(a) and the reason therefor and;
- (b) REMOVE Condition No. 3(b) and the reason therefor.

12.0 Reasons and Considerations

12.1. Having regard to residential land use zoning of the site, the infill nature of the development, the prevailing form and pattern of development and the availability of on-street parking in the area, it is considered that the proposed development would be in keeping with the residential character of the area and would protect public amenity and not cause any traffic hazard in the area. The Planning Authority's Condition 3(a) requiring the submission of revised drawings showing a setback from the public realm is therefore, not warranted. The Planning Authority's Condition 3(b) requirement to advertise zero-car parking on site and in the vicinity of the site is therefore not warranted.

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

Killian Harrington

Planning Inspector

28 May 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501125-DN-26
Proposed Development Summary	<p><u>Overall Development:</u></p> <p>Permission for demolition of shed, construction of a two-storey dwelling and all associated site works</p> <p><u>Elements under consideration in this appeal:</u></p> <p>Condition 3(a)</p> <p>Prior to commencement of development, the applicant shall submit revised drawings for the written agreement of the Planning Authority showing new building structures directly onto the boundary setback from the public realm (including footpaths / open space/ road etc. Proposed structures shall not form part of the boundary wall with the public road.</p> <p>Condition 3(b)</p> <p>The applicant/developer shall clearly advertise, across all sale / rent / lease platforms used, that the proposed development shall be zero-car parking on site and within the vicinity of the site prior to sale, renting or leasing.</p>
Development Address	29 Saint Brigid's Road Upper Dublin 9
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
<p>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) 	<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, No further action required.</p>

2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<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	
1. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b) of Part 2 (dwelling units) Proposed development is a single dwelling substantially below the 500 dwelling unit threshold in Class 10(b)
2. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	

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

Inspector: _____

Date: 28 May 2026

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	PL-501125-DN-26
Proposed Development Summary	<p><u>Overall Development:</u></p> <p>Permission for demolition of shed, construction of a two-storey dwelling and all associated site works</p> <p><u>Elements under consideration in this appeal:</u></p> <p>Condition 3(a)</p> <p>Prior to commencement of development, the applicant shall submit revised drawings for the written agreement of the Planning Authority showing new building structures directly onto the boundary setback from the public realm (including footpaths / open space/ road etc. Proposed structures shall not form part of the boundary wall with the public road.</p> <p>Condition 3(b)</p> <p>The applicant/developer shall clearly advertise, across all sale / rent / lease platforms used, that the proposed development shall be zero-car parking on site and within the vicinity of the site prior to sale, renting or leasing.</p>
Development Address	29 Saint Brigid's Road Upper Dublin 9
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 development of 1 no. dwelling has a modest footprint, comes forward as a standalone project, requires only minor demolition works, 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.</p>
Location of development	Briefly comment on the location of the development, having regard to the criteria listed

<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>The development is situated in an established urban area on serviced lands in Dublin city and is not in close proximity to designated sites and landscapes of identified significance in the County Development Plan.</p>
<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 urban 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>
<p>Conclusion</p>	
<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>

Inspector: _____ **Date:** 28 May 2026

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

(only where Schedule 7A information or EIAR required)