



An
Coimisiún
Pleanála

Inspector's Report

PL-501294-DS-26

Development	Subdivision of an existing 6th floor apartment into 4 two bedroom apartments.
Location	33 Alexander Court, 11-14 Fenian Street, Dublin 2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1107/26.
Applicant(s)	Sherborough Enterprises Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Alexander Hall Owners Management Company CLG.
Observer(s)	None on file.
Date of Site Inspection	6 th July, 2026.
Inspector	Aiden O'Neill.

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1.0 Site Location and Description

- 1.1. The proposed development site, c. 0.038ha in area, is located on the 6th floor of an apartment block with ground floor restaurant (L'Enoteca di Napoli, at no. 14 Fenian Street) and ground floor/basement level car parking accessed via security barrier at 33 Alexander Court. The apartment block is located to the south-east of Fenian Street (R815), to the south-east of Trinity College, to the south of Pearse Street station, and to the north-west of Merrion Square.
- 1.2. The proposed development site is stated to currently comprise a four-bedroom apartment (5no. bedrooms are illustrated on the existing 6th floor plan), c. 382m² in area. There is also a spiral staircase which leads to a rooftop sunroom and terrace area.

2.0 Proposed Development

- 2.1. The proposed development will consist of the subdivision of an existing four bedroom (382 sqm) 6th floor apartment into 4no. 2-bed apartments.
- 2.2. The applicant's cover letter states that the proposed development omits the communal space – the rooftop sunroom and garden space - from the previous scheme permitted under ACP Ref. No. ABP-321097-24 (3898/24) owing to extenuating circumstances. Existing bike provision is to be supplemented with an additional 12no. spaces, with an additional bin to be provided if required.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council granted planning permission on 1st April, 2026 subject to 6no. standard conditions.

3.2. Conditions

Of the 6no. conditions, condition no. 3 states as follows:

3. The roof level terrace and sunroom shall be accessed for maintenance purposes only and shall not be used as private amenity space or as a terrace unless authorised by a prior grant of Planning permission.

Reason: In the interest of clarity and public safety

3.3. Planning Authority Reports

3.3.1. Planning Reports

The Deputy Planning Officer's report dated 27th February, 2026 notes the following:

- Planning permission was previously granted for the subdivision of the existing four bed apartment on the 6th floor into 4 two bed apartments under application 3898/24. This application has come in again as the applicant wants to omit the roof top common garden area from the scheme.
- It is noted that slight changes have been made to the layouts of the proposed apartments but they still meet the minimum floor area required for a 2 bed apartment as outlined in the Planning Design Standards for Apartments (2025) and have adequate openings to provide a good level of light. The conversion would be considered acceptable in principle.
- The property currently contains a sunroom, with access from the 6th floor via a spiral stairway, and open space/terrace at roof level of the building. It is unclear if this space is currently accessed and used by all the residents of the building or just the residents of the 6th floor.
- Further Information was requested on 3rd March, 2026 seeking clarification on the use, access and maintenance of the roof top terrace and sunroom, in particular to clarify whether the space is currently accessible to all residents within the building, and to provide a robust justification for the complete omission of the communal roof top open space from the proposal. A full, scaled basement plan clearly outlining where the proposed cycle parking will be located was also requested.
- In the response dated 12th March, 2026, applicant has stated that:
 - the roof top terrace and sunroom are only assessable via the top floor apartment, and do not benefit from planning permission.

- It is stated that the OMC (Owner Management Company) (appellant in this instance)'s preference is that any aspect to the roof is excluded from the scheme.
- The existing spiral stair will remain in place, unaltered and closed off behind a door. This stair will effectively become solely a maintenance route, which can provide safe, easy and unencumbered access to the roof.
- OMC has responsibility for the maintenance of the roof level and they have not previously enjoyed the benefit of the access via the sun room as it was within a private residence.
- The proposed sub-division of the top floor apartment into four separate units will result in the stair being accessible from a corridor outside these apartments and consequently will now present the most practical route of access to the roof via the defunct / fallow sunroom.
- Demolition of the sunroom is being avoided as this would involve works to the roof which the OMC has expressed opposition to. Therefore, we are respecting its position on the matter and leaving the room empty and unaltered.
- Given the stair will be accessible from a corridor outside the four apartments, there is no objection to the OMC to reinstate the sunroom terrace use and opening this to the other residents once the subdivision / works are complete'.
- A condition will be attached to this permission to ensure that residents at no time will have access to the roof terrace or sunroom unless a further grant of permission is sought to regularise the roof terrace.
- In relation to justification for the complete omission of the communal open space from the scheme, the applicant has stated that:
 - The scheme is essentially a refurbishment / infill scheme which maximises an underutilised area, increasing housing stock within a well serviced city centre location.

- There is generous existing communal open space provided on the first floor circa 775sqm. which is four times the requirement to serve the existing apartments within the entire development, which would only require a provision 180sqm if built today.
- More leniency is given to the provision of communal space for refurbishment schemes that contribute to the housing stock in Dublin City.
- Taking this into account and combined with the level of communal space already located with the development, the building's central location and distance from Merrion Square Park (5min walk), the Deputy Planning Officer considered that the omission of the terrace in this instance is justified and is acceptable from a planning viewpoint.
- A full scaled basement plan is also provided showing 12 new cycle spaces.

The Deputy Planning Officer's report is the basis for the Planning Authority's decision to grant planning permission.

3.3.2. Other Technical Reports

The Report of the Drainage Division dated 27th January, 2026 states no objection.

The Reports of the Transportation Planning Division dated 24th February, 2026 states no objection subject to conditions.

3.4. Prescribed Bodies

- Transport Infrastructure Ireland (TII)'s submission dated 6th February, 2026 recommends the attachment of a Section 49 Levy if relevant to the development.

3.5. Third Party Observations

There is 1no. third party submission dated 23rd February, 2026 from the Owners' Management Company ("OMC") of Alexander Court (Alexander Hall Owners Management Company CLG), which makes the following points:

- The application proposes the subdivision of the existing sixth-floor penthouse apartment into four residential units, increasing the total number of apartments within Alexander Court from 33 to 36.
- The most significant change from the previously permitted scheme is the omission of the proposed seventh-floor roof garden that formed part of the overall amenity provision. No balconies or winter gardens are proposed for the new units. No alternative private or communal open space is provided in substitution for the omitted roof garden.
- There are inconsistencies in the drawings raising concerns about the accuracy and completeness of the application.
- The roof area currently contains structures that do not appear to benefit from planning permission.
- The proposed works involve significant construction activity at upper levels requiring access via shared lifts, corridors and escape routes used daily by residents and visitors. No detailed Construction Management Plan has been submitted.
- There are unaddressed matters concerning deliverability and long-term management integration.

4.0 Planning History

4.1 The recent planning history is as follows:

ABP-321097-24 (3898/24): Permission was upheld on appeal on 13th February, 2025 for the subdivision of a four bedroom apartment into 4 two bedroom apartments; change of use of the 7th floor sun room and private garden space to communal spaces to serve these apartments; and internal works to facilitate the above. In relation to private open space, the Inspector's Report states that *the two apartments facing the street appear to have 'Winter Garden' areas of open space though it is not clear from the details submitted. In any rate, while it would appear there is no individual areas of private open space proposed for the apartments, a generous 100sq.m. roof garden is proposed solely for the use of these four apartments.* In referring to section 3.39 of the Apartment Guidelines in respect of building

refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality, the Inspector noted that *having regard to the generous roof garden proposed I consider that this accommodates the open space requirements of the apartments subject to detailed design proposals being agreed prior to the commencement of development.*

2989/19: Planning permission granted on 21st August, 2019 for the revision of the opening hours of the café at ground floor level.

2724/05: Planning permission granted on 2nd August, 2025 for the erection of an external seating area with a timber deck, low planter wall to boundary at the demise line, and an overhead fixed glazed canopy to the shop front at "Hungers Mother" Cafe.

0414/01: Planning permission granted on 12th April, 2001 for modifications to the existing permissions (3132/98 and 2948/98): a three bedroomed and two no. two bedroomed apartments, (respectively) to four bedroomed apartments at sixth floor level.

3132/98: Planning permission granted on 11th January, 1999 for modifications to previously approved Apartment Development and Hotel Garage (Planning Ref. No. 0175/97) namely the provision of one three bedroom apartment in place of two two-bedroom apartments at sixth floor level.

2948/98: Planning permission granted on 22nd January, 1999 to erect two additional two-bedroom apartments at sixth floor level over previously approved apartment development and hotel garage - Planning ref no: 0175/97.

PL29S.103329 (0175/97): Planning permission upheld on appeal on 28th November, 1997 to erect an apartment development with Hotel garage at no's. 11-14 Fenian Street and 12-16 Denzille Lane, Dublin 2. The development consists of 35 apartments; 11 one bedroom units and 24 two bedroom units on 1st to 6th floor levels over ground floor retail showrooms. Carparking for apartment and hotels are located in the basement, ground and first floor levels. Access and egress to car parking at Fenian Street.

5.0 Policy Context

5.1. Development Plan

The provisions of the Dublin City Development Plan 2022-2028 refer.

The proposed development site is zoned Z5 with a land use objective 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.'

Section 14.7.5 of the Plan states that in the interests of promoting a mixed-use city, it may not be appropriate to allow mono office use on Z5 zoned lands, particularly on large scale development sites, or to allow an overconcentration of hotel uses in a particular area. Therefore, where significant city centre sites are being redeveloped, an element of residential and other uses as appropriate should be provided to complement the predominant office use in the interests of encouraging sustainable, mixed-use development.

Policy objective seeks to have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2020), 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009), Housing Options for our Aging Population 2019, the Design Manual for Quality Housing (2022), the Design Manual for Urban Roads and Streets (DMURS) (2019), the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Affordable Housing Act 2021 including Part 2 Section 6 with regard to community land trusts and/or other appropriate mechanisms in the provision of dwellings.

Policy objective QHSN6 seeks to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaptation of existing housing stock and use of upper floors subject to the provision of good quality accommodation.

Policy objective QHSN10 seeks 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.

Chapter 15, section 15.2.3 in relation to Planning Application Documentation – Planning Thresholds notes that planning applications should be supported by the necessary analysis and documentation to demonstrate the proposed design and rationale for a scheme. Table 15-1 sets out that all residential developments require a Housing Quality Assessment, and any development of 2 or more residential units requires a surface water management plan.

Chapter 15, section 15.7.1 in relation to the re-use of Existing Buildings states that where a development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible.

Chapter 15, section 15.9.8 in relation to communal amenity space states that on refurbishment or infill sites of up to 0.25 ha, the communal amenity requirements may be relaxed on a case by case basis. It is also stated that development proposals must demonstrate that communal open space will be soft and/or hard landscaped with appropriate plant species and landscaping materials such as those with good resistance to accidental damage and low maintenance characteristics; and has appropriate arrangements for maintenance and management such as a conveniently accessed garden maintenance and storage area with water and drainage connections.

Policy objective CA6 in relation to the Retrofitting and Reuse of Existing Buildings seeks to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible.

Chapter 15, section 15.9 Development Standards Apartment Units states that The Sustainable Urban Housing: Design Standards for New Apartments (December 2020) or any other future amendment thereof is the standard for apartment units in Dublin City.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

Design Standards for Apartments, Guidelines for Planning Authorities, 2025 note that the recommended minimum areas for public communal amenity space are set out in

Appendix 1. The requirement for two-bed (4 person) units is 7m² and 9m² for 3-bed units. The same provision is required for private amenity space.

The Guidelines state that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space and private open space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

A Draft National Planning Statement on Planning Design Standards for Apartments, 2026 was issued for consultation in June, 2026.

5.3. Natural Heritage Designations

The proposed development site is c. 0.7km to the west of the Grand Canal pNHA (Site Code: 002104); 2.6km to the west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210) and the South Dublin Bay pNHA (Site Code: 000210).

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 Third Party appeal sets out the following grounds:

- Failure to properly assess a material change from the previously permitted scheme (ABP-321097-24).
 - The previously permitted scheme included:
 - A roof garden at seventh-floor level.

- Removal and replacement of existing roof structures.
- Dedicated amenity provision serving the additional apartments.
- The current proposal:
 - Retains the same increase in residential units.
 - Omits the roof garden entirely.
 - Removes the principal amenity mitigation relied upon in the previous permissions.
- The Inspector explicitly relied on the roof garden to compensate for the absence of private open space.
- Inadequate provision of private and/or communal amenity space.
 - The proposed apartments do not provide private amenity space; does not include the previously proposed roof garden; and relies on existing communal amenity space.
 - The Planning Authority accepted this on the basis of the existing communal amenity space and proximity to public open space.
 - These factors were not considered sufficient in the previously permitted apartment scheme, and no equivalent amenity scheme is being provided. The proposal therefore results in a substandard residential amenity.
- Failure to impose an adequate and enforceable Construction Management Plan condition.
 - No Construction Management Plan prior to the commencement of development is conditioned.
 - Alternative construction access strategies are available which could materially reduce impacts on existing residents, e.g. existing escape stair connection from basement/car park level common areas could facilitate a more segregated construction access approach.
 - Generic conditions on working hours and debris management are inadequate.
- Failure to properly address unauthorised development at roof level.

- The existing sunroom and terrace are unauthorised.
- The Planning Authority has not required their removal or retention.
- A condition has been attached limiting their use to maintenance only.
- Inadequate assessment of impacts on existing residential amenity and safety.
- Reliance on untested and inaccurate assertions within the Further Information response.
 - The references to engagement with the appellant are disputed.
- The Commission is requested to refuse permission or provide stronger conditions.

7.2. Applicant Response in the case of a 3rd Party Appeal

- None on file.

7.3. Planning Authority Response

- None on file.

7.4. Observations

- None on file.

8.0 Assessment

8.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that main issues which require consideration in this appeal are those raised in the grounds of appeal.

8.2. The main appeal issues are, therefore, as follows:

- Compliance with the Plan.
- Unauthorised Development
- Other

8.3. Compliance with the Plan

- 8.3.1 The proposed development will consist of the subdivision of an existing four bedroom (382 sqm) 6th floor apartment into 4no. 2-bed apartments, resulting in an increase in the number of existing apartments from 33no. to 36no., as stated.
- 8.3.2 A grant of permission was upheld on appeal (ACP Ref. No. ABP-321097-24 (3898/24)) for a similar development of the subdivision of a four-bedroom apartment into 4 two-bedroom apartments.
- 8.3.3 As noted in the appeal, a key difference with the current proposal relative to the recently permitted development is that the permitted change of use of the 7th floor sunroom and private garden space/terrace to communal spaces to serve the permitted 4no. 2- bed apartments is no longer included.
- 8.3.4 The justification provided by the applicant at RFI stage is that the roof top terrace and sunroom are only accessible via the top floor apartment, and do not benefit from planning permission, and that there is generous existing communal open space provided on the first floor (shown on the second floor on the drawings) of circa 775sqm. which is four times the requirement to serve the existing apartments within the entire development, which would only require a provision 180sqm if built today, based on the current Guidelines.
- 8.3.5 It is also stated that the OMC (Owner Management Company) (appellant in this instance)'s preference is that any access to the roof is excluded from the scheme, although such engagement is disputed by the appellant.
- 8.3.6 However, as referenced in the appeal, it is noted in the Inspector's Report for ACP Ref. No. ABP-321097-24 (3898/24) that the generous roof garden proposed in that application accommodated the private open space requirements of the apartments, and this was a key factor in accepting the proposal. Specifically, and in referring to the provisions of the Apartment Guidelines, the Inspector stated that:
- having regard to the generous roof garden proposed I consider that this accommodates the open space requirements of the apartments subject to detailed design proposals being agreed prior to the commencement of development.*
- 8.3.7 Similar to the Inspector on ACP Ref. No. ABP-321097-24 (3898/24) , I also acknowledge the provisions of the Design Standards for Apartments, Guidelines for Planning Authorities, 2025 which note that for building refurbishment schemes on sites

of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space requirements may be relaxed in part or whole, on a case-by-case basis, however, this is subject to overall design quality.

- 8.3.8 In this instance, the applicant relies on the existing communal space located at second floor level, identified as 775sqm (785sqm in the 'Existing Second Floor Plan drawing accompanying ACP Ref. No. ABP-321097-24 (3898/24)'). Having inspected the site, it is considered that this space is not of great quality, and includes an unusable raised area with vent related to the basement car park that reduces the overall footprint and attractiveness of the space. The external bridged walkway access from the 2nd floor to this space also traverses over a ground level area of rubbish. However, I do note that the communal open space is maintained.
- 8.3.9 As stated in the appeal, it is also noted that the red and blue line boundaries on the Site Location and Proposed Site Layout Plan drawings for the application do not extend to this communal space area.
- 8.3.10 It is also noted that the rooftop sunroom and terrace is in situ, and they are of better quality than the external communal amenity space. The proposal to only use the space for maintenance purposes also appears to me to underutilise this space.
- 8.3.11 Notwithstanding the concerns raised in relation to the quality of the existing communal open space, it is noted that the Deputy Planning Officer considered that the omission of the rooftop sunroom and terrace as communal amenity space to serve the proposed 4no. apartments is justified and acceptable having regard to the level of communal space already located with the development, the building's central location, and its distance from Merrion Square Park, stated to be a 5min walk away. It is certainly a walk of less than 200m).
- 8.3.12 In addition, it is also noted that the area of only one of the proposed apartments (Unit 2) has been provided. Otherwise, no details or area schedule has been provided to be able to confirm if the proposed apartments comply with the standards set out in the Apartment Guidelines 2025. In this regard, it is noted that the internal layouts for the apartments also differ to those permitted under ACP Ref. No. ABP-321097-24 (3898/24).

8.3.13 However, it is again noted that the Deputy Planning Officer was satisfied that, while slight changes have been made to the layouts of the proposed apartments, they still meet the minimum floor area required for a 2-bed apartment as outlined in the Apartment Guidelines 2025.

8.4 Unauthorised Development

8.4.1 Both the applicant and appellant note that the rooftop sunroom and terrace are unauthorised.

8.4.2 I note that no enforcement action has been taken by the Planning Authority in relation to it.

8.4.3 I also note that the previous permission, which is a live permission, ABP-321097-24 (3898/24), sought a change of use of the 7th floor sun room and private garden space to communal spaces to serve these apartments.

8.4.4 Notwithstanding concerns as to its underutilisation, I am satisfied that condition no. 3 attached by the Planning Authority addresses the future use of the sunroom and terrace.

8.4.5 In the event that the Commission is minded to grant planning permission, it is recommended that a condition is attached restricting the use of the roof level terrace and sunroom for maintenance purposes only and no other use is permitted unless authorised by a prior grant of planning permission in the interest of clarity.

8.5 Other

8.5.1 The appellant's concerns that there is no condition requiring a Construction Management Plan to be submitted for agreement prior to the commencement of development are noted.

8.5.2 I would agree that a condition of this nature should be attached, in the event that the Commission is minded to grant planning permission.

8.6 Having regard to the foregoing assessment, I recommend that the Commission uphold the decision of the Planning Authority to grant permission.

9.0 AA Screening

- 9.1. I have considered the subdivision of an existing 6th floor apartment into 4 two bedroom apartments at 33 Alexander Court, 11-14 Fenian Street, Dublin 2 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The proposed development site is c. 2.6km to the west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), and the South Dublin Bay SAC (Site Code: 000210).
- 9.3 The proposed development will consist of the subdivision of an existing 6th floor apartment into 4 two bedroom apartments at 33 Alexander Court, 11-14 Fenian Street, Dublin 2.
- 9.4 No nature conservation concerns were raised in the planning appeal.
- 9.5 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), and the South Dublin Bay SAC (Site Code: 000210) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections

- 9.6 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.
- 9.7 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.
- 9.8 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 proposed development site is located in the Fenian Street area of Dublin City. The nearest relevant water body is Grand Canal Main Line (Liffey and Dublin Bay), code IE_09_AWB_GCMLE, c. 0.556km to the south-east, the status of which is 'Not At Risk'.
- 10.2 The proposed development will consist of the subdivision of an existing 6th floor apartment into 4 two bedroom apartments at 33 Alexander Court, 11-14 Fenian Street, Dublin 2.
- 10.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development of the will consist of the subdivision of an existing 6th floor apartment into 4 two bedroom apartments at 33 Alexander Court, 11-14 Fenian Street, Dublin 2 and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4 The reason for this conclusion is as follows:
- The nature and scale of the development proposed.
 - Distance from the nearest relevant water body, and the lack of hydrological connections.

10.5 Conclusion

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

11.0 Recommendation

11.1. I recommend that permission for the proposed development is granted for the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development; to the provisions of the Design Standards for Apartments, Guidelines for Planning Authorities, 2025; to Policy objective QHSN6, Policy objective QHSN10 and Policy objective CA6 of the Dublin City Development Plan 2022-2028I and to the site's Z5 zoning objective, it is considered that, subject to compliance with conditions, the proposed development would not be injurious to the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 13th March, 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use of the roof level terrace and sunroom shall be restricted to maintenance purposes only and no other use is permitted unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity.

3. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

4. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

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.

Aiden O'Neill
Planning Inspector

16th July, 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501294-DS-26
Proposed Development Summary	Subdivision of an existing 6th floor apartment into 4 two bedroom apartments.
Development Address	33 Alexander Court, 11-14 Fenian Street, Dublin 2.
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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?	

☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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) (i) of Part 2 of Schedule 2. Threshold is 500 dwelling units.
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 ☐	
No ☒	

Inspector: _____

Date: **16th July, 2026**

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501294-DS-26
Proposed Development Summary	Subdivision of an existing 6th floor apartment into 4 two bedroom apartments.
Development Address	33 Alexander Court, 11-14 Fenian Street, Dublin 2.
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).	The site comprises an existing apartment development within an existing built up area characterised by residential development. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions, pollutants or nuisance due to the nature of the proposed residential use. The development requires minimal demolition works. 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).	The proposed development is located at the top floor of an existing apartment development in an established residential area. The site is not located within, or immediately adjoining, any protected areas, or other areas of heritage or cultural interest. The development is located in a serviced urban area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.
Types and characteristics of potential impacts	Having regard to the modest nature of the proposed development, its location removed from sensitive

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	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. There are no significant cumulative considerations having regard to other existing and/or permitted projects.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: 16th July, 2026

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)