



An
Coimisiún
Pleanála

Inspector's Report PL-501416-DN-26

Development	Demolition of structures, construction of dwelling with all associated site works
Location	Site to the rear on No. 50 Whitworth Road, Dublin 9, which also addresses Claude Road & the laneway to the rear, D09 K8H4
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2858/25
Applicant(s)	Damien Garvey & David Cochrane
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party Appeal
Appellant(s)	Patricia Brazil and Trevor Redmond
Observer(s)	John Quinn
Date of Site Inspection	29/08/26

Inspector

Donal Farrelly

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1.0 Site Location and Description

- 1.1. The appeal site is located circa 40m northeast of the commuter railway line and circa 60m northeast of the Royal Canal. The appeal site is located in predominantly a residential area with St. Georges Cemetery located circa 70m to the northeast of the appeal site.
- 1.2. The houses which front Whitworth Road back onto a rear laneway. Houses along Claude Road flank onto the laneway. The laneway provides access to the rear properties of Whitworth Road, Claude Road, and Wigan Road to the northwest. Garden shed development has occurred to the rear of a number of the Whitworth Road dwellings with access to these structures from the rear laneway. A rear garden infill dwelling was granted permission planning reference no. 3653/08 on the site opposite, which is also on the opposite side of the laneway to no. 1 Claude Road.
- 1.3. The appeal site is 0.0115 hectares and constitutes a back garden infill development to the rear of No. 50 Whitworth Road, Dublin 9. There is an existing rear vehicular access onto Claude Road with a roller shutter door. Another shed with a roller shutter door which can accommodate a vehicle opens onto the rear laneway. The proposed dwelling will front onto Claude Road and is located across a lane, from the side elevation of no. 34 Claude Road.

2.0 Proposed Development

- 2.1. The proposed development includes the demolition of the existing rear shed structures, and the construction of a 120m² three storey dwelling.
- 2.2. The floor plan details submitted by the applicant are for a three bedroom house with a second floor wrap around terrace, and a first floor east facing terrace. A car port is located adjacent to the boundary of the rear lane with a vehicular access onto Claude Road. This access replaces the existing vehicular access. Two separate garden amenity areas are proposed to the south of the dwelling.
- 2.3. The Commission should note that Condition no. 4 of the planning authority decision planning reference **WEB2858/25** requires that the appellant remove the second floor of the building, therefore permission was granted for a two storey dwelling. This

permission also reduces the overall height of the dwelling from 9m to 6m and removes the second floor terrace and wrap around balcony and bedroom and ensuite.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Planning permission was granted by Decision Order dated 30/04/2026 subject to 15 no. conditions. Condition no. 4 is of note and requests that the second floor level is omitted, and that the western staircase glazing shall be opaque glazing.
- 3.1.2. There has been no first party appeal regarding Condition no. 4.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planner dated 28/04/26 recommends a grant of permission subject to 14 no. conditions. Condition no. 4 is of note and requests that the second floor level is omitted, and that the western staircase glazing shall be opaque glazing.

3.2.2. Other Technical Reports

- Drainage Division. No objection subject to conditions regarding surface water drainage, and that a flood risk assessment is carried out.
- Transportation Planning. No objection subject to conditions regarding the vehicular entrance

3.3. Prescribed Bodies

National Transport Authority. No response received.

Irish Rail. No response received.

Uisce Eireann. No response received.

Transport Infrastructure Ireland. No objection subject to the Planning Authority having regard to the provisions of official policy for development proposals.

3.4. Third Party observations to the planning authority

A number of submissions were made to the Planning Authority. The issues and concerns raised in these submissions are similar to the issues raised in the appeal submission, which is summarised under section 7.1 of this report. Issues outlined in the submissions to the Planning Authority not included in the appeal submission include the following.

- Appropriate separation distances and open space requirements unlikely to be met.
- Concerns regarding overlooking of adjacent properties. The proposed 3 storey building results in overlooking of adjacent properties.
- It is not an integrated development and is piecemeal.
- Concerns with pedestrian safety with regard to site access. There will be a reduction of car parking spaces on the street.
- No design statement submitted to explain the design.
- The terraces will create overlooking of neighbouring gardens and properties.
- There is a precedent for refusing backland development of this nature in the area.
- There is a risk of obstructing the existing laneway. A sewerage pipe is also located within the lane.
- There will be increased noise and dust from construction. Concerns regarding noise from the heat pump plant on the roof of the proposed dwelling.
- The drawings do not show the foundation footings. There are concerns regarding damage to the gable wall of no. 34 and garden walls from construction and vehicles.

4.0 Planning History

I consider the following planning history relevant to the appeal site.

Planning reference no. ACP **PL-500194-DN/WEB287025**. The proposed development will consist of the provision of one number off-street car parking space,

proposed new vehicular and pedestrian access gates off Claude Road, proposed alterations to the existing boundary wall and pedestrian access gates and all associated site works. Note this will result in the loss of one existing on-street parking space. Refused permission by ACP on 27/02/26 for the reason set out below. The Planning Authority also recommended a refusal as a result of the removal of parking.

Section 4.1 — 'On-Street Parking, Appendix 5 of the Dublin City Development Plan 2022- 2028 provides, inter alia, that there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car parking spaces. The proposed development includes a proposal to remove existing on-street parking space to facilitate the provision of a vehicular entrance to a single dwelling in a predominantly residential area where residents are largely reliant on on-street car parking spaces. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the development plan and would set an undesirable precedent for other similar developments in the area. Furthermore, the proposed development is contrary to Policy SMT 25 (Car Parking in Residential and Mixed-Use Developments) due to the impact on the residential amenity of adjoining properties due to the loss of on-street parking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Planning reference no. **WEB1411/17**. Permission for: a) demolition of existing chimney and single storey extension to rear, b) construction of new single storey extension to rear & side, c) introduction of new velux rooflight serving bathroom and ridge rooflight serving upper floor level bedroom accommodation, d) refurbishment works incorporating changes to elevational treatment, e) increase in height of existing eastern boundary wall to Claude Road, f) and all associated works. Permission granted on 10/11/17.

Site opposite the appeal site on Claude Road

Planning reference no. **3563/08**. The development will consist of demolition of existing single storey extension to side of Muckross House, relocation of existing

gates, and provision of proposed 2 storey - 3 bed detached dwelling at side of existing dwelling, with 1 no. car park space, accessed by proposed new gates and vehicular access to Claude Road and associated site works. Permission granted on 03/10/08.

Planning reference no. 2472/07. Permission is being sought for a two storey detached dwelling to the side of Muckcross House. Permission refused on 28/05/07.

5.0 Policy Context

5.1 Development Plan

The appeal site is located on Z1 zoned lands 'Sustainable Residential Neighbourhoods' as per the Dublin City Council Development Plan 2022-2028 (Development Plan). 'Residential' is permitted in principle on Z1 zoned lands. The adjacent property at no. 34 Claude Road is located on Z2 lands 'Residential Neighbourhoods (Conservation Areas)'.

S14.6 Transitional Zone Areas states 'The land-use zoning objectives and control standards show the boundaries between zones. While zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals, and to landscaping and screening proposals, in order to protect the amenities of residential properties'.

I consider the following objectives and policies of the Dublin City Development Plan 2022-2028 to be most relevant to the appeal.

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, re-

use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

Policy QHSN10 Urban Design. 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.

Objective QHSNO4 Densification of Suburbs. To support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.

Policy QHSN22 Adaptable and Flexible Housing. To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government's 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) and the Universal Design Guidelines for Homes in Ireland 2015.

Policy QHSN37 Houses and Apartments. To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

Policy SMT 25 On Street Parking. To manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements.

Appendix 5 Transport and Mobility outlines that development should demonstrate safe vehicular access and egress, and outlines details regarding car parking.

5.2 National/Regional Plans/Policies

National Planning Framework (First Revision).

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

Regional Spatial and Economic Strategy 2019-2031 (Eastern and Midland Regional Assembly)

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

5.3 National Guidance

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

5.4 Natural Heritage Designations

The appeal site is located circa 2.6km southwest of the South Dublin Bay and River Tolka Estuary SPA (004024)

Proposed Natural Heritage Areas

The appeal site is located circa 60m northeast of the Royal Canal (002103)

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

A third party appeal has been submitted by the resident of 1 Claude Road, Drumcondra. This submission is summarised as follows.

- The planning application to the rear of no. 50 Whitworth Road also addresses Claude Road and the laneway to the rear. Observations were submitted to the Planning Authority expressing concern at the lack of consultation by the applicants prior to the submission of the application.
- The scale, massing, and design would have a significant negative impact on the amenities of the appellants home and impact the character of the surrounding environs.
- The appellant requested to review modified drawings submitted by further information. The planning authority advised these documents could be viewed online. The planning authority further stated that only a further observation could be made if deemed to be Article 35. The appellant requested that the Planning Authority notify them of the submission and allow them to make further observations.
- The further information submitted by the applicant did not include appropriate revised plans.
- Permission was granted for an application which was not applied for by the applicant, and they decided not to submit revised plans. The process has not allowed the appellant to make further comments on the application.
- The planning conditions do not include reference to the revised window articulation on the upper floors of the eastern elevation. This was requested by further information.
- The development would overbear and overlook the appellant's habitable rooms and garden. The further information does not address this.
- The design seeks to maximise the use of the space on a confined site.

- The development would impact on the sunlight and overshadowing of appellant's property.
- Reference was made to 2964/04 for a mews development at 70 Whitworth Road. This development refrains from dominating its corner location and from overbearing and overlooking the existing house.
- The design would not fit with the character of Claude Road and would not be visually harmonious with the existing dwellings, including the flat roof and terraces of the proposed development. The materials and finishes proposed are not in harmony with the existing character of the area. There is significant use of metal elements in the design.
- Claude Road is zoned Z2 a residential conservation area and warrants protection.

7.2. Applicant Response

Response submitted by the applicant and is summarised below. This includes a revised elevation drawing outlining the 2 storey dwelling as per Condition no. 4 of the grant of permission.

- They are happy with the decision of the planning authority and conditions attached. This includes Condition 4 regarding the removal of the second floor.
- The appeal is inaccurate and would not detract from the character of the area and conforms to the zoning objective. The issues raised have already been dealt with by the Planning Authority.
- No obligation to consult with the third party appellant regarding the further information request.
- The revised 2 storey dwelling measures 98m² and the design exceeds the minimum standards.
- There is an 18m separation distance between the appeal site and the appellant site. SPPR 1 of the 2024 Guidelines is not applicable. The design is not overbearing and there is no overlooking or overshadowing.
- Design and scale are appropriate.

7.3. **Planning Authority Response**

Letter received from the Planning Authority outlining that in the event of a grant of permission conditions be included.

7.4. **Observations**

Letters of objection received regarding the obstruction and access to the laneway and impact on residential amenity. The letter outlines that it has not been demonstrated that the development can be constructed without unacceptable impacts.

7.5. **Further Responses**

Further response from the third party appellant regarding the letter received by ACP from the applicant. The issues raised are similar to those within the initial appeal letter.

8.0 **Assessment**

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

- Introduction
- Principle of development and planning history
- Design, Layout and height
- Setbacks and overlooking
- Other matters

8.2. **Introduction**

8.3. The Commission should note that Condition no. 4 of the Planning Authority decision planning reference **WEB2858/25** requires that the appellant remove the second floor

of the building, therefore permission was granted for a two storey dwelling. This permission also reduces the overall height of the dwelling from 9m to 6m and removes the second floor wrap around terrace, bedroom and ensuite. The condition also requires that the western staircase incorporate opaque glazing. There is no first party planning appeal therefore my assessment is regarding the decision of the Planning Authority which includes the 2 storey building as per Condition no. 4.

8.4. **Principle of development and planning history**

- 8.5. I note that the appeal site is adjacent to Z2 residential conservation lands, but is located on Z1 lands. Having regard to the Z1 site zoning and that residential is permitted in principle on the zoned lands I am satisfied that the proposed rear garden development is in accordance with the Z1 zoning objective of the Development Plan.
- 8.6. I am therefore satisfied that the principle of development is acceptable. The design and layout will be assessed under the relevant sections below having regard to s14.6 Transitional Zone Areas of the Development Plan as the site is located adjacent to Z2 zoned lands.
- 8.7. A previous refusal was issued by An Coimisiun Pleanala and the Planning Authority for the appeal site planning reference no. **PL-500194-DN/WEB287025** regarding the loss of on street parking. This application did not include the construction of a rear garden dwelling.
- 8.8. I note the application submitted to the planning authority under planning reference no. **WEB2858/28** includes for the provision of a car port as part of the proposed dwelling which will utilise the existing vehicular entrance off Claude Road. I am satisfied that this will not result in the loss of any on street parking and would be in accordance with Policy SMT25 of the Development Plan. A second vehicular parking space with an entrance is identified on the site layout plan for reference purposes and outlines that this will be submitted as part of a future planning application.
- 8.9. I note that the site opposite the appeal site and on the opposite side of the laneway adjacent to no. 1 Claude Road was previously granted planning permission for a rear 3 storey dwelling. I therefore consider that the 2 storey infill house subject of this appeal reflects the existing pattern of development in the area considering this previous infill development.

8.10. I consider that the appeal site constitutes an infill rear garden site in an urban area and that it conforms with Policy QHSN6 and Objective QHSNO4 of the Development Plan in this regard.

8.11. Design, layout and height

8.12. As outlined above the overall design permitted by the Planning Authority is different from that originally submitted by the applicant to the Planning Authority as a consequence of Condition 4. This condition reduces the 3 storey dwelling to two storeys and requires the removal of the second floor terrace, bedroom and ensuite. Condition no. 4 also requires that the western staircase glazing be opaque glazing.

8.13. I note the appeal which is from the resident of no. 1 Claude Road. This is the dwelling opposite the site to the north of the laneway. The letter outlines that the windows on the upper floors of the front elevation were not implemented in the further information design request and not addressed in the planning conditions. It also outlines that the scale, massing and design will impact on the surrounding residential amenities and impact the character of Claude Road.

8.14. I have considered the 6m proposed height as a result of the requirements of Condition no. 4 of the planning permission. Having regard to s14.6 Transitional Zone Areas of the Development Plan, I am of the opinion that 2 storeys is an acceptable height for the proposed dwelling considering the character of the existing street, pattern of development in the area, and proximity of the appeal site to a residential conservation area. I am therefore satisfied in terms of the requirements of Condition 4 regarding the removal of the second floor of the dwelling and I do not consider a two storey dwelling on the appeal site to result in any overbearance on adjacent properties.

8.15. The house has been assessed against the 2007 Quality Housing for Sustainable Communities. I am satisfied that the two storey two bedroom internal layout conforms to the 2007 Guidelines and to Policy QHSN37 of the Development Plan.

8.16. The Compact Settlement Guidelines 2024 specifies 30m² rear amenity area for a 2 bedroom unit. Two garden areas are proposed with a total area of 21.4m². The east facing first floor terrace is 6.6m². I acknowledge that the total 28m² is below the 30m² requirement. However, I am satisfied that the amenity areas are acceptable in this instance as three different areas are provided which includes an east facing first

floor terrace. I am satisfied that this will not impact on the residential amenity of the future residents of the appeal dwelling.

- 8.17. I note the application drawings outline the finishes to the proposed dwelling but does not include the exact details. I am of the opinion that a suite of all external materials to be used for the proposed dwelling shall be agreed with the planning authority prior to the commencement of development. I note that the east facing windows are larger in scale compared with the existing historic dwellings located along Claude Street. However, I consider the glazing to be more contemporary in nature and appropriate for the proposed dwelling.
- 8.18. I also note that the contextual sections outline the location of plant on the roof of the dwelling, but planning condition no.6 requires that plant cannot be located on the roof of the dwelling. I am satisfied that this condition addresses this issue.
- 8.19. Having regard to the above I am satisfied that the conditioned dwelling height of two storeys is appropriate for the appeal site. I consider this to be reflective of the existing building height of adjacent buildings and I am satisfied that it will not result in an adverse impact on residential amenities of adjacent properties or result in a visual impact on the receiving environment in terms of overbearance.
- 8.20. **Setbacks and overlooking**
- 8.21. The appeal outlines concern regarding the setback distance of the proposed dwelling. Policy SPPR1 Separation Distance of the 2024 Compact Settlement Guidelines outlines a minimum 16m separation distance between above ground level opposing habitable room windows serving the rear or side of houses or apartments. This minimum separation distance does not apply between the appeal site and no. 1 Claude Street as this comprises front facing windows on opposite sides of the public street.
- 8.22. I note the northern elevation of the appeal dwelling. 1 no. kitchen first floor window overlooks the laneway to the north and the gable end of no. 34 Claude Street. I noted on my site visit that there is no gable end window at no. 34. I am therefore satisfied that the kitchen window will not result in the overlooking of adjoining properties and will not result in an adverse impact on adjacent residential amenity. I note that the position of the window on the second floor would not impact on the adjacent residential amenity as it also faces the gable end of no. 34, however I

consider the proposed overall 9m height of the dwelling not to be appropriate for the receiving environment.

- 8.23. With regard to the southern elevation. The second storey south facing terrace will directly overlook the rear garden of no. 50 Whitworth Road and is located 15.6m from the first floor rear elevation of no. 50. I do not consider this to satisfy the 16m setback requirements of the 2024 Compact Settlement Guidelines, and I also consider that it will have a significant impact on the residential amenity of no 50. I therefore consider that the south facing terrace and wrap around balcony not to be appropriate for the appeal dwelling. Condition no. 4 requires the removal of this terrace and balcony.
- 8.24. I note that the only west facing window on the proposed dwelling is the first floor stairwell which overlooks the rear garden of the neighbouring property. I am satisfied that obscure glazing can address this, as per Condition no. 4. I am satisfied that the east facing windows which overlook Claude Street do not directly overlook rear or side gardens of adjacent properties and are therefore acceptable.
- 8.25. I have considered the details of the appeal and submissions to the Planning Authority. I am of the opinion that the three storey dwelling would have an impact on the residential amenity of adjacent dwellings. However, I consider that the reduced 2 storey height required under Condition no. 4 and the use of obscure glazing for the stairwell would overcome the issue with respect to overlooking and setback requirements. I am also satisfied that the reduced building height of 6m would reduce the impact of overshadowing of adjacent properties.
- 8.26. **Other matters**
- 8.27. The appellant outlines a number of issues regarding lack of consultation and the inability to submit an additional observation at the further information stage of the planning process. I note Article 35 of the Planning and Development Regulations 2001 (as amended) is regarding significant additional further information, and that the further information in this instance was not considered significant. The appellant references Condition no. 4 of the permission and states that the applicant was granted planning permission for a design for which they did not apply for. This is regarding the omission of the second floor and provision of opaque glazing on the western elevation for the stairwell.

- 8.28. Although the applicant did not fully address the further information request, I am satisfied that the planning conditions require an appropriate revised design to be agreed with the Planning Authority prior to the commencement of development. I am of the opinion that the planning conditions are reasonable and appropriate in this regard and I do not consider that the further information requested in this instance to constitute significant further information under Article 35 of the Regulations.
- 8.29. I note condition no 9 (d) of the permission requires the completion of a flood risk assessment. The appeal site is not located in an area of flood risk and therefore I do not consider this condition necessary. In the event of a grant of permission this condition can be removed.
- 8.30. In the submissions to the Planning Authority concerns were raised regarding impact on adjacent walls and the laneway, and foundations. I consider matters of building control or enforcement to be within the remit of the Planning Authority.
- 8.31. I note the applicant has been granted a social housing exemption certificate under s97 of the Planning and Development Act 2000 (as amended). Considering the provision of 1 no. house I do not consider a Part V condition necessary in this instance.

9.0 AA Screening

- 9.1. I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located to the rear of No. 50 Whitworth Road, Dublin 9 approximately 2.6km southwest of the South Dublin Bay and River Tolka Estuary SPA (004024).

The permission is for an infill rear garden residential dwelling.

No nature conservation concerns were raised in the planning appeal.

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

The reason for this conclusion is as follows:

- The works and scale of the development.

- Location and distance from the nearest European site and lack of hydrological connections.

I conclude, on the basis of objective information, that the 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. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.2. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

- 11.1. I recommend to the Commission that permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- The provisions of the Dublin City Development Plan 2022-2028 including Policy QHSN6, Policy QHSN10, and Objective QHSNO4.
- The nature, scale, and location of the proposed development on a backland garden site on residential zoned land identified within a Transitional Zone Area as per s14.6 of the Development Plan, and the existing pattern of development in the area.

It is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity or visual amenity of the area. Therefore, the proposed development would 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, 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 development shall be revised as follows: -
 - a) The proposed second floor level (including 1no. en-suite bedroom and external terrace and wrap around balcony) shall be omitted entirely.
 - b) Glazing on the rear (western) elevation shown to serve the central stairwell shall be finished with opaque glazing and permanently maintained as such.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority

Reason: In the interests of orderly development, to clarify the scope of permission and to protect existing amenities.

3. Details and samples of all external materials to be agreed with the Planning Authority prior to the commencement of development.

Reason: In the interest of clarity.

4. No flat roof shall be used as a balcony or terrace, unless authorised by a prior grant of planning permission.

Reason: To protect the residential amenities of adjoining properties

5. No additional development shall take place above roof parapet level, including external plant, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area

6. The development hereby permitted shall only be occupied as a single dwelling and for no other purpose, without a prior grant of planning permission for a change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

7. The proposed development shall comply with the following requirements of the Planning Authority:

a) The new vehicular entrance shall be a maximum of 2.5m in width to align with the existing garage entrance fronting onto Claude Road and to ensure there is no loss to on-street car parking along Claude Road. Development shall not commence until revised plans, drawings and particulars showing the above amendment has been submitted to, and agreed in writing by the Planning Authority.

b) Footpath and kerb to be dishd and a new entrance provided to the satisfaction of the Planning Authority.

c) 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.

Reason: In the interests of pedestrian and traffic safety

8. The developer shall comply with the following requirements of the Planning Authority:

a) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).

b) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system.

c) Prior to the commencement of development, the developer shall submit to the planning authority for written agreement, detailed drawings and proposals which include Sustainable Drainage Systems in the management of water.

d) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drainage is not permitted in public areas, or areas intended to be taken in charge.

e) Proposed new parking area / driveway shall incorporate Sustainable Drainage Systems in the management of surface water so that there is no increase in surface water run-off from the development to the drainage network as per the Dublin City Development Plan 2022-2028.

Reason: To ensure the protection of public drainage infrastructure, and the satisfactory management of surface water runoff and flood risk as a result of the development

9. The naming and numbering of the dwelling unit shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling.

Reason: In the interest of orderly street numbering

10. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and written approval has been issued by the Planning Authority. Any such approval may be subject to conditions pertaining to the particular circumstances being set by the Planning Authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

11. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

12. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

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

Reason: It is a requirement of the Planning and Development Act 2000, as

amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

14. The developer shall pay to the planning authority a financial contribution in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Donal Farrelly
Planning Inspector

03/09/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501416-DN-26
Proposed Development Summary	Demolition of existing structures and construction of dwelling.
Development Address	Site to the rear on No. 50 Whitworth Road, Dublin 9.
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	State the Class here

be requested. Discuss with ADP.	
☒ 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) Construction of more than 500 dwelling units. The proposal is for 1 no dwelling.

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 ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501416-DN-26
Proposed Development Summary	Demolition of existing structures and construction of dwelling.
Development Address	Site to the rear on No. 50 Whitworth Road, Dublin 9.
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 development has a modest footprint, comes forward as a standalone infill 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	The development is removed from sensitive natural habitats, and designated sites and landscapes of identified significance in the Development Plan.

of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	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.
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.

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)