Inspector's Report
PL-501672-DR-26

Development	Demolition of 2 garages and construction of 8 semi-detached houses and all associated site works.
Location	Rear lands No. 33 & No. 35 Clonmore Road, Mount Merrion, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D26A/0295
Applicant(s)	Erinmount Developments Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Erinmount Developments Limited
Observer(s)	Richard & Veronica Hall Michael & Felicity Creedon Michael & Marion Davoren Mount Merrion Residents Association John and Carmel Kelly Sean and Clare Fitzgerald

John and Ingrid Cleere
Oleg Eremin
Niamh, Aoife and Cronan Ryan
Andrew and Lucy Rothery

Date of Site Inspection

Inspector Carol Smyth

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1.0 Site Location and Description

1.1. The subject site is located within the administrative boundary of Dun Laoghaire Rathdown County Council, in an established residential area at the end of a cul-de-sac on Clonmore Road, Mount Merrion. The subject site comprises part of the rear and side amenity areas of the parent properties No's 33 and 35 Clonmore Road. The site has an irregular shape and has a stated site area of 0.198 hectares. Clonmore Road is characterised by single storey semi-detached houses with hipped roofs, while the adjoining houses on South Avenue to the east and Thornhill Road to the south are two story semi-detached.

1.2. There is currently no direct access to the site. The applicant proposes to demolish the two garages, a glass house and a polytunnel as part of the subject application allowing for access to the proposed development.

2.0 Proposed Development

2.1. Planning permission is sought for the demolition of 2 no. garages (one each at Nos. 33 and 35 Clonmore Road), and a glass house and polytunnel both at No. 33 Clonmore Road, and the construction of 8 no. semi-detached part dormer part two storey three-bedroom dwellings (5 no. 130 sqm, each; 2 no. 140 sqm, each and 1 no. 158 sqm.) with a shared surface roadway to the side of No. 33, and all ancillary site development works (including drainage, landscaping, new boundary walls to Nos. 33 & 35) at a 0.198 ha. site formed by part of Nos. 33 and 35 Clonmore Road, Mount Merrion, Co. Dublin.

3.0 Planning Authority Decision

3.1. Decision

Dun Laoghaire-Rathdown County Council issued a notification of decision to refuse Permission on the 10th June 2025, due to the overdevelopment of the site, visual prominence, overbearing impact, loss of adjoining residential amenity, failure to

respond to the pattern and character of the area and failure to provide public open space. The reason for refusal is as follows:

1. Having regard to the location of the proposed development within an established residential area subject to Zoning Objective 'A' under the Dún Laoghaire Rathdown County Development Plan 2022 to 2028, which seeks to provide residential development and improve residential amenity while protecting existing residential amenities, it is considered that the proposed development of 8 no. dwellings, by reason of its layout, scale, height, massing, site coverage and proximity to adjoining properties on this confined backland and corner site, would constitute overdevelopment. The proposed development would result in an unacceptable level of visual prominence, overbearing impact and loss of residential amenity to adjoining properties, in particular Nos. 33 and 35 Clonmore Road, and would fail to respect the established pattern and character of development in the area. The proposal would also fail to provide meaningful and functional public open space and would not achieve a satisfactory standard of site layout or integration with the surrounding residential environment. The proposed development would therefore be contrary to Sections 12.3.7.5, 12.3.7.6, 12.3.7.7 and the relevant residential amenity and design provisions of the Dún Laoghaire Rathdown County Development Plan 2022 to 2028 and would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planners Report

Report dated 10th June 2026. Refusal recommended. Notes that the principle of residential development on the site is acceptable but considers that the proposal represents overdevelopment of the site in terms of its layout, scale, height, mass, site coverage and proximity to site boundaries. Further considers that the proposal results in undue visual prominence and would have an overbearing impact on the adjoining properties on Clonmore Road. In addition, the Planning Authority considered that the development fails to integrate with the pattern of the development in the area. The report further raises concerns regarding the provision of public open space and the limited quality of private open space.

3.2.2. Drainage Planning Report

Report dated 20th May 2026. Further information requested in relation to surface water drainage, SuDs features and clarification regarding taken in charge proposals.

3.2.3. Transportation Planning Report

Report dated 3rd June 2026. Further information requested seeking the submission of a detailed construction management plan and the submission of revised drawings demonstrating single in-curtilage car parking space per dwelling; the omission of grasscrete; boundary treatments that allows adequate visibility; revised swept path analysis and a shared surface layout in accordance with DMURS.

3.2.4. Parks Planning Report

Report dated 18th May 2026. Concerns raised regarding the extent of tree removal and the lack of public open space provision. Further information requested seeking the submission of an updated Arboricultural Survey. In addition, an Ecological walkover and memo for protected species including bat and bird surveys.

3.2.5. Environmental Health Officer

Report dated 22nd May 2026. Further information requested seeking the submission of a Construction Environmental Management Plan and a Resource &Waste Management Plan.

3.2.6. Environmental Enforcement Report

Report dated 5th May 2026. Further information requested seeking the submission of a Construction Environmental Management Plan and a Resource &Waste Management Plan.

3.3. **Prescribed Bodies**

3.3.1. Uisce Éireann

3.3.2. Observations received 28th May 2026. Further information requested seeking the submission of a Pre-Connection Enquiry (PCE) and a Confirmation of Feasibility (COF).

3.4. Third Party Observations

In total thirty submissions were received in relation to the planning application.

The issues raised in relation to the planning application included design, impacts on residential amenity, access, biodiversity and parks. The issues raised also form third party observations and are addressed below in Sections 7 and 8.

4.0 Planning History

4.1.1. There is no recent relevant planning history relating to the subject site.

4.1.2. Adjacent Planning History

- **D21A/0538 – No. 39 Clonmore Road.**

  Planning Permission granted for a demolition of the existing single storey garage and the construction of a new, 2-bedroom, single storey detached dwelling at the side of the existing semi-detached bungalow. I note that the dwelling is currently under construction.

5.0 Policy Context

5.1. National Planning Policy and Guidance

5.1.1. Sustainable Residential Development and Compact Settlement Guidelines (2024)

Referred to hereafter as the Compact Settlement Guidelines, sets out a context to create higher density settlements to underpin sustainable development principles. This document sets out four Specific Planning Policy Requirements (SPPR) which take precedence over any contradictory standards in Development Plans.

SPPR 1 – Separation Distances. This sets out that a separation distance of at least 16 metres shall be maintained between opposing above-ground windows serving habitable rooms.

SPPR 2 – Minimum Private Open Space Standards for Houses. This sets a minimum standard of 40 sqm for a 3- bedroom house.

SPPR 3 – Car Parking. This sets a maximum rate of 1. spaces per dwelling in locations such as this one.

SPPR 4 – Cycle Parking and Storage. This sets minimum quantitative and qualitative standards for cycle parking

5.1.2. **Quality Housing for Sustainable Communities, DoEHLG 2007**

Quality Housing for Sustainable Communities is a best practice handbook for identifying good quality residential amenity to deliver homes and sustainable communities. The guidelines were not published under Section 28 of the Planning and Development Act 2000, as amended. The guidelines are intended to provide guidance and recommendations to achieve a minimum standard of residential amenity.

5.2. **Development Plan**

5.2.1. The site is governed by the policy and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting existing residential amenities. Residential development is permitted in principle under this zoning objective.

5.2.2. Chapter 4: Neighbourhood – People, Homes and Place sets out policies and objectives on housing in Section 4.3: Homes.

5.2.3. Policy Objective PHP18: Residential Density It is a Policy Objective to:

- *Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.*
- *Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.*

5.2.4. Policy Objective PHP19: Existing Housing Stock - Adaptation

It is a Policy Objective to:

- *Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF*
- *Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.*

5.2.5. Policy Objective PHP20: Protection of Existing Residential Amenity.

It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

5.2.6. Policy Objective PHP42: Building Design & Height

It is a Policy Objective to:

- *Encourage high quality design of all new development.*
- *Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF)*

5.2.7. Chapter 12 gives detailed guidance on Development Management.

Section 12.3.4.2 refers to standards set out in *Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), and Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011).*

Section 12.3.7 deals with additional accommodation in built-up areas.

Section 12.3.7.5 Corner/Side Garden Site sets out detailed standards for corner site development which refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built up areas.

Section 12.3.7.6 Backland Development sets out detailed standards for backland development as follows:

- *Generally, be single storey in height to avoid overlooking.*
- *Appropriate scale relative to the existing dwelling and of high quality of design.*

- *Adequate vehicular access of a lane width of 3.7 metres must be provided to the proposed dwelling (3.1 metres at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.*
- *A wider entrance may be required to a backland development to or from a narrow laneway. Existing dwelling and proposed dwellings shall have minimum individual private open spaces - exclusive of parking - of 48 sq.m. each for one/ two bedroom units, or 60 sq.m. plus for three/ four or more bedroom units.*
- *Proposed single storey 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.*
- *Proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 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.*

Section 12.3.7.7 Infill sets out that new infill development shall respect the height and massing of existing residential units.

Section 12.4 Transport sets standards for car and cycle parking and access.

Section 12.4.5.1 Parking Zones (ii) Parking Zone 2, refers to areas such as the subject site. The Development Plan sets out that within parking zone 2 maximum standards shall apply for all uses except for residential where the standard is required.

Section 12.4.5.2 Application of Standards, sets out that in certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required. Small infill residential schemes (up to 0.25 hectares) or brownfield/refurbishment residential schemes in zones 1 and 2 along with some

locations in zone 3 (in neighbourhood or district centres) may be likely to fulfil these criteria.

Table 12.5 Car Parking Zones and Standards sets out a standard of 2 no. car parking spaces for a 3-bedroom house in Zone 2.

Section 12.8 Open Space and Recreation, sets standards for open space and separation distances. Table 12.8 Public Open Space Requirements for Residential Development, sets a standard of 15% of the site area for residential development in the existing built-up area. The Development Plan sets out that on overall sites of less than 0.25 ha, the Council may also consider levying a contribution in lieu of public open space.

Section 12.8.3.3 Private Open Space requires 60sqm of Private open space per 3-bedroom dwelling. The Development Plan allows for a relaxation in the quantum of private open space in instances where an innovative design response is provided on site, particularly for infill and corner side garden sites.

5.3. Natural Heritage Designations

5.3.1. The site is situated approximately 2.5 km to the southwest of South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC.

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

This is a first party appeal against the Planning Authority's decision to refuse permission for 8 no. semi-detached two storey house on a backland site to the rear of No's 33 and 35 Clonmore Road, Mount Merrion. The following provides a summary of the grounds of appeal:

- The proposed development is modest in scale on a fully serviced site and is consistent with the overriding planning policy for compact growth in the metropolitan area.
- The basis of the reason for refusal is that the proposed development is inappropriate relative to the adjoining properties on Clonmore Road.
- The separation distances between the proposed development and the properties on South Avenue and Thornhill Road exceed 30 metres which negates any injurious residential or visual amenity impacts.
- The proposed development does not constitute overdevelopment of the site. Access is easily achievable and the proposal complies with the development management standards that protect residential amenity including private open space and separation distances.
- The development is consistent with the scale of development granted in the area.
- The roof of the dwellings has been designed as a half-hipped roof profile to reduce the bulk, profile and mass and are marginally higher the existing adjoining houses on Clonmore Road.
- Substantial rear gardens are maintained for the existing adjoining dwellings on Clonmore Road well in excess of Development Plan standards and there are no overlooking issues.
- The height scale and mass of the development is consistent with the pattern of development in the area.
- Does not accept that the development has a visual impact on the surrounding property.

- The amenity space at Deerpark is a short walk from the development. The applicant is willing to accept a condition to commute the public open space provision to a development contribution.
- The site layout maximises residential yield in accordance with planning policy on density at 40.4 dph and complies with minimum private open space standards.
- The modest height difference and the visibility of the gable from houses A and C will not materially impact on the residential and visual amenity of the adjoining properties.
- An Coimisiún Pleanála should dismiss the grounds for refusal and permit the proposal.
- Notes that a number of the councils internal departments requested further information much of which can be addressed by condition but considers it appropriate to address the issues raised by the Transportation Planning Department and the Parks Department.
- <u>Response to the Parks Department</u>
    - There are no trees on the site of any Arboricultural value.
    - A report has been submitted by apb Treecare Ltd., including a Tree Constraints Plan, an update Tree Survey and Arboricultural report.
    - The documentation submitted by apb Treecare states that the majority of existing trees were found to be of poor quality and the recommended course of action is to remove all trees and replace with more suitable semi-mature trees.
- <u>Response to the Transportation Department</u>
    - A revised Transport Statement and revised swept path analysis has been submitted.
    - The front garden design has been revised to include a grass area and 1 no. car parking space per dwelling and grasscrete omitted.
    - Visitor bicycle parking has been relocated.

- Gate piers at the entrance to the scheme have been lowered to a height to 1.1 metres

- A revised and modified proposal has been submitted for the Commission consideration. Modifications include:
  - Modified roof profile reducing the overall height of the dwellings.
  - Increased setbacks between gable elevation of House C and No. 33 Clonmore Road.
  - Reduction in floor area of House H.
  - Front garden design revised to provide one third grass
  - Grasscrete omitted.
  - Gate piers lowered in height to 1.1 metres
  - Visitor bike stands relocated.
- A revised assessment sunlight of sunlight provision at No 35 Clonmore Road has been submitted which indicates that it will receive a minimum of 50% for 2 hrs on the 21st of March.

7.2. Planning Authority Response

7.2.1. The grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority would justify a change in attitude to the proposed development.

7.3. Observations

7.3.1. In total 10 no. third party observations were received from residents in the vicinity of the site. The issues raised are summarised as follows

- Requests that the Commission uphold the PA's decision to refuse permission.
- Concerns regarding car parking provision, impacts on street parking and traffic congestion on Clonmore Road.
- Concerns that no visitor parking has been provided.

- Notes that the development site is located within parking zone 2 and not parking zone 1. Variation No. 1 which changes the car parking designation for the site has not been adopted.
- Concerns regarding separation distances, overlooking, overshadowing and overbearance on adjoining property.
- Strain of surface and wastewater drainage and risk of localised flooding.
- Considers the density to be inappropriate and results overdevelopment of the site.
- Considers that the national density guidelines do not override site specific protection of residential amenity.
- The proposal will appear visually incongruous and will have a negative visual impact upon the character of the area.
- Concerns regarding waste management collection.
- Concerns regarding construction phase impacts.
- Concerns regarding ecological impacts.
- Concerns regarding the removal of all trees from the site and lack of the provision of public open space which would negatively impact on the residential quality of the scheme.
- Concerns that the proposed replacement trees will not survive given restricted nature of the site layout.
- Concerns regarding the impact of the development on trees in adjoining lands.
- Considers the development to be contrary to Development Plan policy.
- There has been no reduction in the number of houses and the proposal as submitted with the grounds of appeal represent overdevelopment.
- Considers the site layout to be poor-quality.
- Concerns regarding the impacts of the development on the residents of South Avenue and Thornhill Road in terms of loss of amenity.

- Notes that the development site is at a higher ground level than the existing properties on Thornhill Road which adds to the visual impact and sense of overbearance.
- Notes that the existing dwelling in the area are situated on large plots and considers that the proposed development is shoehorned into the site and does not respect the established character of the area.
- Does not consider the planning precedent referred to by the applicant as relevant.
- The grounds of appeal do not address the issues raised by the Drainage Department in relation to surface water.
- Notes that the grounds of appeal only address the Transportation Department and Parks Department concerns. The grounds of appeal do not address the issues raised by other internal departments who sought further information. Contends that these issues cannot be addressed by condition.
- The applicant has not obtained or submitted a Confirmation of Feasibility from Uisce Éireann. The developer should be required to prove capacity for water and wastewater.
- Absence of Ecological Impact Assessment, Flora/Fauna Study, Bat Survey was undertaken of the site or the garages proposed to be demolished. It is therefore impossible for ACP to quantify the biodiversity loss or ensure compliance with the Wildlife Acts and the EU habitats Directive.
- Notes that complete sets of the modified scheme and technical documents submitted with the grounds of appeal were not available for public inspection during the statutory period. The Commission should clarify whether every listed enclosure was received.

7.4. Further Responses

None.

8.0 **Assessment**

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

- Principle of Development
- Reason for Refusal
- Other Matters
    - Transportation
    - Arboriculture
    - Drainage
    - Biodiversity
    - Procedural Issues
    - Precedent

8.1.2. The First Party appeal against the Planning Authority's decision to refuse permission, requests that An Coimisiún Pleanála review the proposal as submitted to the Planning Authority, under DLRDCC Reg. Ref. D26A/0295, in the first instance. The First Party contends that the proposal complies with the policy and objectives of the Development Plan. The First Party has also submitted a modified design proposal to be considered by An Coimisiún Pleanála, should the Commission consider the original planning application proposal to be unacceptable. I will therefore assess both proposals in the sections below.

8.2. **Principle of Development**

8.2.1. The subject development has a stated overall area of 0.198 hectares and is situated on a backland site comprising part of the rear gardens of No's 33 and 35 Clonmore Road in an existing low density residential suburban area. Permission is sought for

the demolition of existing garages, a glass house and a polytunnel and in order to construct 8 no. semi-detached dwellings and provide access to the site.

8.2.2. In terms of the demolition of the existing garages, glass house and polytunnel, I note that they are ancillary to the main dwellings at No's 33 and 35 Clonmore Road. The buildings are not protected structures or located in an architectural conservation area, furthermore I do not consider the structures to be of architectural merit. I am satisfied that the demolition will not impact upon adjoining property.

8.2.3. The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting existing residential amenities. Residential development is permitted in principle under this zoning objective. I am therefore satisfied that the principle of residential development on the site is therefore acceptable.

8.3. **Reason for Refusal**

8.3.1. The Planning Authority considered that the proposal dues to its layout, scale, height, massing, site coverage and proximity to adjoining properties represented overdevelopment of the site resulting in unacceptable visual and overbearing impacts which would have a negative impact on neighbouring residential amenity and the character of the area. The Planning Authority also considered that the development failed to provide meaningful public open space. The proposed development was therefore considered contrary to Section 12.3.7.5, 12.3.7.6 and 12.3.7.7 of the Development Plan which sets out design, access, privacy and amenity requirements for corner/side garden sites, backland sites and infill sites, requiring development to respect the scale of existing residential development, the character of the area and residential amenity and was refused on this basis.

8.3.2. The subject development is situated on a backland site which has a stated overall area of 0.198 ha, located at the end of a cul de sac, to the rear of No's 33 and 35 Clonmore Road. The scheme as submitted to the Planning Authority comprises a 4 no. pairs of 2 storey 3-bedroom houses with floor areas ranging from 130sqm to 158sqm with private open space provided to the rear. The dwellings have a mix of roof profiles comprising gable ended pitched roofs and part hipped roofs. The houses have a maximum height of 7.89 metres. In terms of façade articulation, the

dwellings comprise two storey bay windows on the front façade. Access to the development from the street is via a driveway located between No's 33 and 35 Clonmore Road and is approximately 3.7 metres in width. The proposed dwelling dwellings front directly onto the access road.

8.3.3. The grounds of appeal contend that the proposed development is modest in scale on a fully serviced site and is consistent with the overriding planning policy for compact growth in the metropolitan area and does not constitute overdevelopment of the site. It is further contended that the proposed development does not negatively impact upon the residential amenity of adjoining properties and that the scale of development is consistent with the character of the area. I will therefore assess the development in terms of the reason for refusal under the following headings namely overdevelopment, impact on the character of the area, impact on residential amenities and open space

8.3.4. Overdevelopment

The First Party further contends that the proposed density is appropriate, and that the proposal does not represent overdevelopment of the site. The First Party grounds of appeal include a modified scheme, should the Commission consider the original planning application proposal to be unacceptable. The modified scheme reduces the height of the proposed dwellings by between 1.840 metres and 2.05 metres and also reduces the floor area of House H from 158sqm to 130sqm. Alterations are also proposed to the car parking area for each house in terms of soft landscaping and the location of cycle parking and bin storage.

The Planning Authority considered that in terms of the *inter alia* site coverage, layout and height that the proposal represented overdevelopment. I further note Third Party observations regarding overdevelopment of the site. Tools such as site coverage and can be used as part of a suite of measures including plot ratio and density to ensure appropriately scaled development. I note that the Development Plan does not provide development standards in relation to site coverage or plot ratio. Notwithstanding, in terms of the scheme as submitted to the Planning Authority, I calculate that the proposed site coverage is approximately 30% and the plot ratio is approximately 0.55. I consider the proposed plot ratio and site coverage to be low. Notwithstanding, having regard to the pattern of development in the area,

which generally comprises two storey semi-detached dwellings on large plots, I consider the proposed plot ratio and site coverage to be acceptable in this instance.

Density informs the scale of any scheme and has a direct correlation with height, mass and residential amenity. Section 12.3.3.2 of the Development Plan sets out as a general principle the objective is to optimise the density of urban development in response to type of site, location, and accessibility to public transport. In this regard I note Section 4.3.1 - Delivering and Improving Homes of the Development Plan, encourages residential densification through infill housing, provided that such development does not significantly diminish the amenity of neighbouring properties.

The Development Plan sets out a minimum default density of 35 dph for new residential developments across its administrative area (excluding lands on zoning Objectives 'GB', 'G' and 'B'), while noting that this density may not be appropriate in all instances but should be applied particularly in relation to 'greenfield' sites or larger 'A' zoned areas. Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs, of the Compact Settlement Guidelines, provides a density range of 40-80 dph within 'City - Suburban/Urban Extension' locations such as the subject site.

The proposed development provides a backland development of 8 no. houses on a 0.198 hectares site and has a density of 40.4 dph. I am satisfied that the density accords with the minimum density of 35 dph as set out in the Development Plan and the density range of 40-80 dph as set out in the Compact Settlement Guidelines. Having regard to the urban morphology of the area, I consider that the proposed density is acceptable, and I am therefore satisfied that the proposal does not represent the overdevelopment of the site.

8.3.5. Impact on the Character of the Area

The Planning Authority raised concerns regarding the height, scale, layout of the development and considered that the development would appear visually prominent and would negatively impact upon the character of the area. Third Party observations raise concerns regarding the impact of the proposal on the character of the area. Third Party observations also highlight the difference in site levels between the subject site and the houses on Thornhill Road and South Avenue which adds to the visual prominence of the development. The First Party contends that the

proposal is consistent with the character, scale and form of the area. It is further contended that the modified proposal integrates well with the urban context.

The character of the area on Clonmore Road comprises single storey semi-detached houses, while Thornhill Road and South Avenue to the rear of the subject site comprises two storey semi-detached houses. The scheme as submitted to the Planning Authority comprises 2 storey semi-detached houses with variations to roof profiles comprising half hipped gable and gable ended pitched roof profiles. Having visited the site I note that a single dwelling being currently being constructed to the rear/side garden of No 39 Clonmore Road. Section 12.3.7.5 Corner/Side Garden Sites, 12.3.7.6 Backland Sites and 12.3.7.7 Infill of the Development Plan requires that new development respects the height and massing of existing residential units. Having visited the site and having regard to the drawings as submitted to the Planning Authority I consider that the scheme as submitted to the Planning Authority would be visible from the streetscape as it is 1.5 metres higher than the adjoining houses on Clonmore Road to the front of the site and would be appear visually obtrusive when viewed from the public realm on Clonmore Road. I note that any visual impacts to the rear of the site would be localised to the rear gardens of the existing dwellings on Thornhill Road and South Avenue. In this regard I refer the Commission to Section 8.3.6 below where I have assessed the development and modified scheme in terms of impacts on adjoining residential amenity and concluded that there would be no undue impacts on adjoining property.

The modified scheme reduces the overall height of the proposed dwellings by between 1.84 metres and 2.04 metres by lowering the roof structures. In this regard I note that the proposed structures are lower than the existing houses on Clonmore Road. I consider that the proposed reduction in height of the development serves to reduce the overall scale and mass of the proposal and improves the overall design quality of the development in terms of façade articulation.

Having regard to the reduction in scale and mass as provided for in the modified proposal and given that the proposal is set back from the existing houses on Clonmore Road, Thornhill Road and South Avenue I do not consider that the development would be significantly visible from the public realm. I am therefore satisfied that the modified proposal, which represents a contemporary design approach is of a scale, height and design which is appropriate to the suburban

location and context. I consider that the modified proposal responds well to the character of the area. I do not consider that the proposal would have a negative visual impact on the character of the area or would appear visually incongruous and is therefore not contrary to 12.3.7.5 Corner/Side Garden Sites, 12.3.7.6 Backland Sites and 12.3.7.7 Infill of the Development Plan and addresses the reason for refusal in this regard.

8.3.6. Impact on Adjoining Residential Amenity

Third Party observations raise concerns regarding the impact of the proposal in terms of overlooking, overshadowing and overbearance on surrounding properties. The grounds of appeal contend that the development is sufficiently setback from the surrounding houses, will not overlook adjoining property given the separation distances and will not overshadow or negatively impact upon daylight and sunlight and will not have overbearing impacts on any adjoining property.

The Planning Authority considered that the proposal would have an adverse impact on adjoining residential amenity in terms of overbearance given the height and poor separation distances to site boundaries. In this regard I note that Section 12.3.7.6 Backland Sites of the Development Plan requires that proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres. The Development Plan further states that 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. Section 12.8.3.3 Private Open Space of the Development Plan further states that 60 sqm of private open space is required for a three bedroom unit and that a relaxation in the quantum of private open space may be considered in certain circumstances. I further note that SPPR 1 – Separation Distances of the Compact Settlement Guidelines sets out that a separation distance of at least 16 metres shall be maintained between opposing above-ground windows serving habitable rooms, while SPPR 2 – Minimum Private Open Space Standards for Houses sets a minimum standard of 40 sqm for a 3-bedroom house.

In this regard I note that the two storey rear building line of the proposed scheme as submitted to the Planning Authority is positioned circa 8.1 metres from the rear

mutual boundary with the properties on Thornhill Road and circa 7.4 metres from the mutual rear boundary of the properties on South Avenue. Both the scheme as submitted to the Planning Authority and the modified scheme achieve separation distances in excess of 30 metres from the opposing first floor windows of the existing two storey houses on Thornhill Road and South Avenue. The private open space provision for the proposed houses ranges from 45sqm to 100sqm in terms of quantum. I further note that the proposed dwellings comprise single storey flat roof projections at ground floor level labelled 'family area' on the submitted plans. These single storey rear elements are closer to the site boundaries than main rear building line referred to above, however given the scale and height of the single storey elements I am satisfied that there would be no resulting adverse impacts on adjoining residential amenity. The proposed dwellings are not located directly to the rear of the existing dwellings No. 33 and 35 Clonmore Road and there are no opposing first floor windows to the adjoining houses on Clonmore Road. I am satisfied that the private open space provision to the host properties, No's 33 and 35 Clonmore road exceeds Development Plan standards. Overall, I am satisfied that the rear private open space and separation distances of the development accords with the provisions of the Development Plan and the Compact Settlement Guidelines and no overlooking issues will occur.

The Planning Authority considered that the proposed development would have an overbearing impact on the adjoining properties on Clonmore Road. To address the reason for refusal in terms of overbearance the modified scheme has reduced the footprint of House H and increased the setback of the gable of House C from the side garden boundary wall at No. 33 Clonmore Road. I am satisfied that the modified scheme will not appear overbearing in relation to the existing properties on Clonmore Road

I note Third Party observations regarding overbearing impacts on the properties on Thornhill Road and South Avenue. Given the separation distances proposed between the proposed dwellings and the shared site boundaries with adjoining properties and also noting that the modified scheme reduces the height of the development by 1.8 metres to 2.04 metres I am satisfied that the proposal would not be overbearing when viewed from the adjacent properties, and, in any event, the I note that there are no protected views from adjacent properties towards the site. I

consider that the internal layout of the proposed dwellings and the overall site layout strategy demonstrate that due regard was had to the receiving environment

As no daylight and sunlight study was submitted, the Planning Authority considered that the applicant failed to demonstrate that proposal would not negatively impact on adjoining property. In this regard I highlight for the Commission that the First Party has submitted shadow analysis drawings with the planning application and the grounds of appeal. The shadow analysis submitted indicates that No. 35 Clonmore Road is the property most impacted upon by the proposed development in terms of sunlight and 52% of the rear garden of will receive 2 hrs sunlight on the 21st March in accordance with the BRE guidelines. I am therefore satisfied that the proposal will not unduly overshadow adjoining property.

Overall, I am satisfied that the layout, height and separation distances of the development accords with the requirements of the Development Plan and the Compact Settlement Guidelines and I do not consider that the proposal would unduly overlook or overshadow or appear overbearing in relation to adjoining properties and I am satisfied that the modified proposal addresses the reason for refusal in relation to overbearance and impacts on residential amenity.

8.3.7. Public Open Space

The Planning Authority considered that the proposed development failed to provide meaningful public open space and refused the development in this regard. Third Party Observation also raise concerns regarding the provision of public open space. Section 12.8.3.1 of the Development Plan requires 15% of the site area should be provided for public open space.

Having regard to the size of the site, I do not consider that it is feasible to provide a meaningful area of public open space for the development. Furthermore, I note that as set out in the grounds of appeal that Deerpark, an area of public open space is located within 500 metres of the site.

Section 12.8.3.1 Open Space Quantity for Residential Development, of the Development Plan allows for a contribution in lieu of public open space for sites less than 0.25ha. Having regard to the site area at 0.198 ha. should the Commission be mindful to grant permission, I recommend that a condition is attached requiring a development contribution in lieu of public open space.

To conclude this section, I consider that the modified proposal addresses the reason for refusal. I am satisfied that the proposed development does not represent overdevelopment of the site, would not be visually prominent nor would it negatively impact upon the character of the area or impact upon adjoining residential amenity in terms of overlooking, overshadowing or overbearance. I am therefore satisfied that the proposal accords Sections 12.3.7.5 Corner/Side Garden Sites, 12.3.7.6 Backland Sites and 12.3.7.7 Infill of the Development Plan and the proper planning and sustainable development of the area.

8.4. **Other Matters**

8.4.1. Transportation

Third Party observation raise concerns regarding car parking, access, congestion and wate collection. The Council's Transportation Planning Department report raised concerns regarding the development and required revised drawings indicating a single in-curtilage car parking space per dwelling; the omission of grasscrete; boundary treatments that allows adequate visibility; revised swept path analysis and a shared surface layout in accordance with DMURS. The submission of a detailed construction management plan was also required. The report sought to address the concerns raised by way of a further information request.

To address the concerns raised by the Transportation Planning Department the First Party has submitted an updated Transport Statement and revised swept path analysis which indicates that the proposed development is unlikely to have a detrimental impact on local road network in terms of congestion or safety. In addition, I note that the front garden design has been revised to include a grass area and 1 no. car parking space per dwelling and visitor bicycle parking has been relocated to the front of the site close to the entrance. Furthermore, the gate piers at the entrance to the scheme have been lowered to a height to 1.1 metres.

Third Party observations raise concerns regarding the provision of a single car parking space per dwelling. In this regard I note that the subject site is located within Parking Zone 2 as set out in the Development Plan which provides a standard of 2 spaces per unit for the development. Section 12.4.5.2 Application of Standards, of the Development Plan sets out that in certain instances, in Zones 1 and 2 the

Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required. Small infill residential schemes (up to 0.25 hectares) or brownfield/refurbishment residential schemes in zones 1 and 2 along with some locations in zone 3 (in neighbourhood or district centres) may be likely to fulfil these criteria. Under SPPR 3 Car Parking of the Compact Settlement Guidelines a maximum rate of 1 space per dwelling is specified for the site. The amended scheme provides a total 1 no. car parking space per dwelling which accords with the provisions of the Guidelines.

Having regard to the size and location of the site which accessible to public transport and the requirements of the Council's Transportation Planning department I am satisfied that the reduction in the provision of car parking is acceptable in this instance and I have no evidence before me to indicate that the proposed development would impact on the adjoining streets in terms of car parking, result in traffic congestion or impede waste collection. Should the Commission be mindful to grant permission, I recommend that a compliance condition should be attached requiring access and parking arrangements as per the requirements of the Transportation Planning Division.

8.4.2. Arboriculture

Third Party observations raise concerns regarding tree removal on the site and impacts on adjoining trees on neighbouring lands. The Councils Parks Department also raised concerns regarding tree removal and required an updated Arboricultural Survey.

The grounds of appeal includes a revised Arboricultural Survey I note that documentation on file as submitted with the grounds of appeal which indicates that the vast majority of the trees on the site are semi-mature and a mixture of both broad leaf and conifer trees which are either classed as 'fair' or 'poor' quality. The submitted Arboricultural Impact Assessment outlines that in order to facilitate the development all trees on the site will need to be removed. The submitted Assessment further states that all of the trees onsite display characteristics which would render them unsuitable for long term retention. The Assessment states that

the tree removals can be offset by incorporating additional, more suitable tree planting into the landscape plan.

I note that there are no site-specific objectives in the Development Plan to retain trees on the application site nor are there such site-specific objectives relating to the trees on adjacent lands in the immediate vicinity of the site boundaries, nor, it appears, are there any Tree Preservation Orders pertaining to the trees on the site or trees immediately adjacent the shared boundaries. Furthermore, I have no evidence before me that neighbouring trees would be adversely impacted. I am therefore satisfied that the removal of the trees on the site is required to accommodate the development.

Should the Commission be mindful to grant permission, I recommend that a compliance condition should be attached requiring a landscape plan and planting schedule to be submitted to the Planning Authority.

8.4.3. Drainage

Third Party observations raise concerns regarding servicing for the site and flood risk. I note that the site is not located in a flood risk area. In terms of storm water storage, the runoff from the site will be stored using an attenuation system before infiltration to the ground. A silt trap will be used at the entrance to the attenuation system. The report from the Councils Drainage Department raised concerns regarding surface water calculations, the submission of Site Investigation Report, details of soakaways/attenuation systems which should include a 10% factor for urban creep, and SuDs.

I note that the grounds of appeal have not addressed the concerns raised by the Councils Drainage Department. Notwithstanding, having visited the site and having regard to the site area and location, and the scale of the development I am satisfied that the concerns raised by the Drainage Department can be addressed by condition. Should the Commission be mindful to grant permission, I recommend that a compliance condition should be attached requiring drainage arrangements, including the attenuation and disposal of surface water, to comply with the requirements of the Planning Authority.

I further note Third Party observations in relation to water and wastewater. In this regard I note the submission from Uisce Éireann the is relation to water and wastewater supply and the requirement for Pre-Connection Enquiry and a Confirmation of Feasibility. I have examined capacity registers, and I note that there is capacity in the area for both water supply and wastewater discharge. The site is located on a serviced site in a suburban location. Should the Commission be mindful to grant permission, I recommend that a condition be attached requiring the developer to enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network.

8.4.4. Biodiversity

The Councils Parks Department raised concerns regarding the proposed removal of trees could therefore result in the loss of active or potential bat roosts, disrupt established commuting corridors, and reduce foraging habitats. Third Party observations also raise concerns regard loss of biodiversity as a result of the proposed development.

There is no evidence on file that there are bat roosts in the trees on the site. Should the Commission be mindful to grant permission, I recommend that a condition be attached requiring that prior the commencement of felling/works, trees and buildings with bat roosting potential shall be surveyed by a suitably qualified Ecologist.

8.4.5. Procedural Issues

Third Party observation raise contends that the complete set of the modified scheme and technical documents submitted with the grounds of appeal were not available for public inspection during the statutory period.

I am satisfied that the documentation listed on the appeal enclosures is on file. Furthermore, I am satisfied that the documentation is available to view of the Council's website. In this regard I note that a complete set of the appeal documentation was sent by the Commission to the Planning Authority on the 8th July 2026 and it is not the responsibility of the Commission to make the documents available to the public for inspection.

8.4.6. Precedent

Third Party observations consider that the planning precedent cited by the applicant is not relevant to the current proposal. The grounds of appeal content that the proposed development is consistent with the scale of development granted in the area.

In this regard I note that the Planning Report submitted to the Planning Authority largely refers to corner/side garden and infill sites where permission was granted for residential development and contends that this sets a planning precedent for the development and planning precedent.

In this regard I note that each application is assessed on its merits. I therefore do not consider the precedent set out in the grounds of appeal to be relevant in this instance.

9.0 AA Screening

9.1. 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 SAC (Site Code IE000210), South Dublin Bay and River Tolka Estuary SPA (Site Code IE004024) 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:

- Nature of works
- Location-distance from nearest European site and lack of connections

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.

10.2. The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge. These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation measures and best practice construction management.

10.3. The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend permission be GRANTED subject to conditions

12.0 Reasons and Considerations

12.1. Having regard to the land use zoning objective 'A' for the site, and Development Plan policy, including Section 12.3.7.6 Backland Development, Section 12.3.7.7 Infill and 'Sustainable and Compact Settlement Guidelines for Planning Authorities (2024) and the design, aspect, location and scale of the proposed development, I consider that subject to compliance with conditions below, that the modified development as submitted with the First Party grounds of appeal would not seriously injure the adjoining residential amenity of property in the vicinity, would provide a good level of residential amenity for future occupants and would not negatively impact upon the character 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 revised plans and particulars lodged with the first party appeal, on the 28 day of July 2025, specifically Drawing No's 26011-X-L00-DR-TNT-TP-

	3000 Rev P01, 26011-X-L00-DR-TNT-TP-4000 Rev P02, 26011-X-L00-DR-TNT-TP-4001 Rev P02, 26011-X-L00-DR-TNT-TP-4002 Rev P02, 26011-X-L00-DR-TNT-TP-4003 Rev P02, 26011-X-L00-DR-TNT-TP-4004 Rev P02, 26011-X-L00-DR-TNT-TP-4010 Rev P02, XT-586-001 and XT-570-002-005 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 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 Coimisún 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.
3.	The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement in respect of public open space

	benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment. 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 Coimisún 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 contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.
4.	Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. **Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.
5.	The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: (a) A plan to scale of not less than [1:500] showing – (i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]

	(ii) Details of screen planting [which shall not include cupressocyparis x leylandii] (iii) Hard landscaping works, specifying surfacing materials and finished levels. (iv) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment (b) A timescale for implementation [including details of phasing] All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. **Reason:** In the interest of residential and visual amenity.
6.	Prior the commencement of felling/works, trees and buildings with bat roosting potential shall be surveyed by a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified and is likely to be disturbed, the applicant shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations 2011 prior to the commencement of the relevant works. Prior to the removal of trees and/or works to building, the bat survey results, methodologies for felling/works and any derogations shall be submitted for the written agreement of the planning authority. **Reason:** For the protection of bats, a protected species.
7.	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

	development. This plan shall provide details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction/demolition waste. **Reason:** In the interests of public safety and residential amenity
8.	Construction hours for the proposed demolition and construction shall be in accordance with the following: No works shall take place on site outside the hours of 08.00 and 18.00 Monday to Friday, and 08.00 to 13.00 Saturday, or on Sundays or public holidays, unless otherwise agreed in writing with the planning authority. **Reason:** In the interest of the protection of residential amenity.
9.	All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. **Reason:** In the interests of orderly development and the visual amenities of the area
10.	Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann. **Reason:** In the interest of public health.
11.	The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. **Reason:** To prevent flooding and in the interests of sustainable drainage.

12.	(a) The internal road network serving the proposed development shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. **Reason:** In the interest of amenity and of traffic and pedestrian safety.

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."

Carol Smyth
Planning Inspector

13th October 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501672-DR-26
Proposed Development Summary	Demolition of 2 garages and construction of 8 semi-detached houses and all associated site works.
Development Address	Rear lands No. 33 & No. 35 Clonmore Road, Mount Merrion, Co. Dublin
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**	**State the Class and state the relevant threshold**
☒ Yes, the proposed development is of a Class but is sub-threshold.	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold.

Preliminary examination required. (Form 2) **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	
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 ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501672-DR-26
Proposed Development Summary	Demolition of 2 garages and construction of 8 semi-detached houses and all associated site works.
Development Address	Rear lands No. 33 & No. 35 Clonmore Road, Mount Merrion, Co. Dublin
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).	Construction of 8 no. dwelling units, and all associated site works. The size of the development is not exceptional. The development would not be exceptional in the context. The development would not result in the production of significant waste, emissions, or pollutants.
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	The location is a suburban environment, in a built-up area. The development would not have the potential to significantly impact on an ecologically sensitive site or location.

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).	There are no real likelihood of significant effects on the environment.

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)

Appendix 3: Standard AA Screening Determination Template 2

Test for likely significant effects

Screening for Appropriate Assessment **Test for likely significant effects**	
Case Reference Number: PL-501672-DR-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Demolition of 2 garages and construction of 8 semi-detached houses and all associated site works.
Brief description of development site characteristics and potential impact mechanisms	The 0.245 ha site is located in an urban area. The site is not located within any protected areas. The appeal site is a suburban infill/backland site. The proposed attenuation measures would reduce variations in the runoff from the site. There is no potential, therefore, for the proposed development to alter the volume or characteristics of the flows into or from the surface water sewerage system that could conceivably have a significant effect on any Natura 2000 site. The foul effluent from the proposed development would be treated in a WWTP.
Screening report	No
Natura Impact Statement	No
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	**Qualifying interests[1] Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km)**	**Ecological connections[2]**	**Consider further in screening[3] Y/N**
South Dublin Bay SAC Site Code IE000210	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	**2.5 km**	**None**	**No**
South Dublin Bay and River Tolka Estuary SPA Site Code IE004024	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192]	**2.5 km**	**Yes**	**Yes**

	Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]			

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

[From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

(a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).

(b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?

(c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: South Dublin Bay and River Tolka Estuary SPA Site Code IE004024 **QI list** Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137]	**Direct:** No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. **Indirect:** There is an indirect hydrological connection via surface and foul water drainage to the combined sewer network which will be treated at Ringsend WWTP prior to discharge to the Irish Sea. Potential use of the site for habitats and for disturbance	The subject site consists largely of built land, with areas of amenity grassland, hedgerows & trees. Given its small size, existing hardstanding nature and the availability of more suitable habitats in the wider surrounding environment. In the absence of mitigation measures, no significant impacts on this SPA are likely. No potential impact is foreseen. The construction and operation of the proposed development will not impact on the conservation interests of the site.

Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]	from noise and visual presence during construction phase.	
	Likelihood of significant effects from proposed development (alone) No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on [insert European site(s)]. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		