



An
Coimisiún
Pleanála

Inspector's Report

PL-501732-DR-26

Development

The development will consist of the following: alteration to previously approved planning permission DLRCC Reg. Ref. D25A/0018/WEB comprising retention permission for the demolition of the remaining two-storey structure (229 sqm) which was to be retained and the reconstruction of the house (229 sqm) to the original design, extent and floor levels with associated site development works above and below ground

Location

Rarc-An-Ilan, 22 Coliemore Road, Dalkey, Co. Dublin A96DX43

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D26A/0333/WEB

Applicant(s)

Barry & Andrea Napier

Type of Application

Permission

Planning Authority Decision	Refuse retention permission
Type of Appeal	First party
Appellant(s)	Barry & Andrea Napier
Observer(s)	None

Date of Site Inspection	22 August 2026
Inspector	Killian Harrington

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1.0 Site Location and Description

- 1.1 The subject site of 0.26 hectares is located on the north-east side of Coliemore Road, Dalkey and extends to the coastline. All structures on site have recently been demolished and cleared. Prior to this, the site comprised a modern 2-storey 'villa style' dwelling with a single storey conservatory to the rear over a partial basement/undercroft room and a single storey side return as well as a detached 2-storey annex building. The site is accessible via a recessed gated vehicular access from Coliemore Road on the south-west corner of the subject site and the site is bounded by high stone wall. Coliemore Road is largely a residential street which generally comprises large, detached dwellings of varying styles and appearance – the majority being modern in construction. The subject site is located c. 370m north-east of Dalkey village centre. The site also has stepped access down to the sea. As a result, the site has significant changes in levels as it tapers towards the coastline.

In terms of surrounding properties, the subject site is bounded by adjacent substantial residential properties on either side including the Protected Structure, Cliff Castle, located directly to the east of the site. The rear site boundary immediately abuts the proposed Natural Heritage Area (pNHA) of Dalkey Coastal Zone.

2.0 Proposed Development

- 2.1 The proposed development involves the alteration to the previously approved planning permission Reg Ref.D25A/0018/WEB comprising retention permission for the demolition of the remaining two-storey structure (229 sqm) which was to be retained and the reconstruction of the house (229 sqm) to the original design, extent and floor levels with associated site development works above and below ground.

3.0 Planning Authority Decision

3.1 Decision

Dun Laoghaire-Rathdown County Council refused planning permission for the following reason:

'1. Having regard to the nature of the development to be retained, which resulted in the total demolition of an existing dwelling, and the proposed development to reconstruct the element of the dwelling that was to be retained under Reg. Ref. D25A/0018, the development fails to accord with Policy Objective CA6: 'Retrofit and Reuse of Buildings', nor does it accord with the provisions of Section 12.3.9 Demolition and Replacement Dwellings of the Dun Laoghaire Rathdown County Development Plan 2022-2028, in that a strong justification has not been provided for the demolition of the existing dwelling on site, and it has not been demonstrated that the existing dwelling, on its own, had fallen into such a state of disrepair so as to render it uninhabitable or structurally unsound. Furthermore, insufficient evidence has been provided to demonstrate that there were no viable alternatives to demolition and redevelopment (i.e. revised development proposals). Therefore, to permit the development, as proposed to be retained and as proposed, would set an undesirable precedent for other similar development. The development would, therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and to the proper planning and sustainable development of the area.'

3.1.1. Planning Authority Reports

The planner's report stated that while a replacement dwelling on an infill site is permitted in principle under zoning objective 'A', and the replacement matching design of the dwelling would be acceptable with no new impacts on residential or visual amenity, the proposal still failed to satisfy the planning authority that the original dwelling was uninhabitable or to have fallen into such a state of disrepair as to warrant demolition and replacement, having regard to Section 12.3.9 Demolition and Replacement Dwellings, Policy Objective CA6 Retrofit and Reuse

of Buildings, and Policy Objective PHP19 Existing Housing Stock Adaptation of the Dún Laoghaire-Rathdown County Development Plan 2022 to 2028.

The planning assessment centred on the complete demolition of a dwelling that had been intended to be retained under the previously approved permission D25A/0018/WEB. The Development sets a presumption against demolition and a presumption in favour of retrofit, reuse and adaptation of existing dwellings rather than demolition and replacement unless there is strong justification.

The applicant argued that unforeseen structural and geotechnical difficulties were encountered during construction made demolition necessary. However, the planner's report differentiated between technical difficulties during excavation for the approved works and the entire dwelling being uninhabitable. The planner concluded there was insufficient evidence that the original dwelling itself was structurally unsound or uninhabitable *prior to* demolition.

The planner's report concluded that the evidence submitted did not demonstrate that the house was inherently structurally unsound in normal times prior to works undertaken. The planner stated that the applicant had not demonstrated that there were no viable alternatives, including revised design solutions or amended development proposals. Because retention of the original villa was a fundamental component of permission D25A/0018/WEB, the complete demolition was viewed as being contrary to Section 12.3.9 Demolition and Replacement Dwellings, Policy CA6 (Retrofit and Reuse of Buildings) and Policy PHP19 (Adaptation of Existing Housing Stock).

3.1.2 Other Technical Reports

- Drainage Planning - No objection subject to condition.
- Transportation Planning - No objection subject to condition.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

4.1 Subject site

- Reg. Ref D25A/0018 – Planning permission granted for 'Demolition of single-storey extensions to the side and rear, a two-storey garage and apartment annexe to the North-west and a lower ground floor garden room and terrace to the rear. The construction of a new extension to the rear at ground floor and lower ground floor with a roof terrace over. The construction of a covered outdoor barbecue terrace to the north-west, the construction of a split-level garage to the South-east with car garage at the upper level with plant room beneath and a garden room to the rear at lower level. The relocation of the vehicular entrance to the Southern corner. Landscaping to the front and rear with alteration to site levels. Alterations to internal layout'.
- Enforcement file ref ENF11326 – there is a live enforcement case for the site

5.0 Policy Context

5.1 Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028 the site is subject to the Land Use Zoning 'Objective A', which seeks to provide residential

development and improve residential amenity while protecting the existing residential amenities.

The rear site boundary immediately abuts the proposed Natural Heritage Area (pNHA) of Dalkey Coastal Zone

The subject site is covered by two designations; the O/O Objective which seeks no increase in permissible buildings and Special Local Objective 130 which states:

‘To ensure that development within this objective area does not (i) have a significant negative impact on the environmental sensitivities in the area including those identified in the SEA Environmental Report, and/or (ii) does not significantly detract from the character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements.’

The following are relevant Development Plan policies and objectives:

Policy Objective PHP18: Density – Promote Compact Growth through consolidation and re-intensification of infill/brownfield sites. It seeks to encourage higher densities provided that proposals provide for high quality design and ensure a Inspector’s Report Page 5 of 17 315310-22 balance between the protection of existing residential amenity and the established character of surrounding area, with the need to provide for high quality sustainable residential development.

Policy Objective HER20 - Buildings of Vernacular and Heritage Interest – Retain, where appropriate, and encourage the rehabilitation and suitable re-use of older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment.

Policy CA6 (Retrofit and Reuse of Buildings) - It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set

out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).

Policy Objective PHP19: Existing Housing Stock – Adaptation states that it is a Policy Objective to densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Policy Objective PHP20 - Protection of Existing Residential Amenity: Seeks 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.

Section 12.3 Residential Development – General Requirements – This section sets out the general requirements relating to all housing developments as per national planning guidelines including for both housing and apartment developments and should be considered when designing housing developments to ensure minimum standards. Section 12.3.1 sets out the overall design criteria for housing.

Section 12.3.9 Demolition and Replacement Dwellings – The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock – Adaptation)

The Planning Authority will assess single replacement dwellings within an urban area on a 'case by case basis and may only permit such developments where the existing dwelling is uninhabitable. Applications for replacement dwellings shall also have regard to Policy Objectives HER20 and HER2. In this regard, the retention and reuse of an existing structure will be preferable to replacing a dwelling, and the planning authority will encourage the retention of exemplar nineteenth and twentieth century dwellings on sites in excess of 0.4 hectares.

5.2 Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Residential Development and Compact Settlements (2024)

SPPR 1 – Separation Distances

When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms¹⁶ at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

SPPR2 – Minimum Private Open Space

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- 2 bed house = 30 sqm
- 3 bed house = 40 sqm
- 4 bed + house = 50 sqm

SPPR 3 – Car Parking

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

(i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

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

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

5.3. Natural Heritage Designations

The subject site is less than 100 metres from Dalkey Coastal Zone And Killiney Hill proposed NHA and Dalkey Islands SPA, c. 300 metres from Rockabill to Dalkey Island SAC and c. 4.4 km southeast of South Dublin Bay proposed NHA, South Dublin Bay SAC & South Dublin Bay and River Tolka SPA

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1 Grounds of Appeal

The first party appeal comprises a detailed report setting out planning history, a review of planning policy and the planning authority reports, and the grounds of appeal with an appended Demolition Justification and Whole Life Carbon

Assessment by consulting engineers and an architect report. The key grounds of appeal are set out below:

(1) Clarification of proposal

The appellant emphasises that the DLRCC decision misunderstands the nature of the works. They argue that there is no change to the scale or form of the development as envisaged and ultimately granted in accordance with DLRCC Reg Ref.D25A/0018/WEB. For clarity, the appeal characterises the proposal as:

- retention of demolition works,
- reconstruction of the demolished element,
- rebuilding to the "original design, extent and floor levels",
- no increase in footprint, scale, form, height or visual impact.

The appeal submits that the only difference is that fabric intended to be retained is now being reconstructed.

(2) Unforeseen geotechnical constraints

Severe sub-surface conditions were only discovered after construction commenced. Following the commencement of works on site and the removal of the existing basement and ground floor slabs, an inspection of the sub-surface conditions revealed severe geotechnical constraints. The appeal emphasises the findings of the consulting engineers and the accompanying structural reports. The engineers found that existing masonry walls sat directly on irregular granite bedrock, there were no conventional strip foundations, the conditions differed from the 1992 engineering drawings available before construction and the rock breaking and excavation required for the approved works could not be safely carried out while retaining the walls. It was technically impossible to safely construct the granted building works without the controlled demolition of the existing wall construction.

The appeal seeks to rebut any suggestion that demolition was pre-planned. Retaining the structure was fundamental to the design concept for the new works.

Extensive surveys were undertaken, historic engineering drawings indicated engineered foundations existed and every reasonable investigation was carried out. The true conditions only emerged once works commenced.

(3) No viable alternative

The appeal directly addresses the planner's report criticism that revised design options were not explored. The argument put forward is not that a formal options appraisal occurred, but that no technically viable option existed once the conditions were uncovered. The appeal states that the demolition and like for like reconstruction was the only viable means of safely completing the permitted development. It maintains that retaining the walls would have prevented the necessary excavation, rock removal would undermine the walls and retention would have prevented installation of compliant radon protection systems

(4) Radon/Public Health Risk

The site is described as being within a designated High Radon Area. The appeal argues that Building Regulations require compliant radon protection and a 625mm floor buildup was required. Excavation to achieve that buildup could not occur while retaining the unsupported walls. The appeal therefore presents demolition as necessary to resolve an existing environmental and structural hazard

(5) Compliance with Policy CA6 and Section 12.3.9

The appeal contests the planner's interpretation of the Development Plan. Rather than accepting that Section 12.3.9 requires proof that a dwelling is independently uninhabitable, the appellants argue for a broader interpretation. The test under Section 12.3.9 cannot be read in isolation from the development actually permitted and being implemented at the site. A strong justification is established by the structural shortcomings, the technical impossibility of implementing the approved scheme, radon remediation and sustainability gains

(6) Sustainability

A substantial element of the appeal is the environmental justification produced by the consulting engineers. The report calculates demolition penalty: 22.5 tonnes CO₂e (equivalent) reconstruction penalty: 26.0 tonnes CO₂e, and total carbon deficit: 48.6 tonnes CO₂e. However, the appeal argues that upgrading the house from an A2-standard building to a fully A1-rated dwelling would generate annual operational carbon savings of 2,335kg CO₂, 140.1 tonnes CO₂ savings over 60 years and carbon payback in approximately 20.8 years. Overall, the demolition and replacement of the remaining structures at 22 Coliemore Road facilitates a vastly superior, low-carbon architectural outcome.

(7) Planning precedent

The appeal cites 8 no. demolition-and-replacement cases granted by either Dún Laoghaire-Rathdown County Council or An Bord Pleanála / An Coimisiún Pleanála. The recurring argument from each case is that previous decisions accepted demolition where justification arose from the following issues:

- structural defects,
- radon issues,
- sustainability gains,
- superior architectural outcomes,
- limited streetscape contribution,
- constrained site conditions.

Particular reliance is placed on the following planning permissions – Reg. Refs. D21A/0835 (Sanford, Dalkey), D22A/0705 (Seafort, Dalkey) and D25A/0852 (Newport, Dalkey). The appeal argues these establish that habitability of an existing dwelling is not, of itself, determinative of whether a strong justification case for demolition and replacement has been made out.

(8) No undesirable precedent would be caused

The appeal rejects the refusal's future precedent argument. It submits that Section 12.3.9 already requires "a case by case basis" assessment. The appeal contends that a grant of permission here would not create a general permission to demolish because the justification depends on site-specific geology, radon conditions, structural evidence and unique circumstances encountered during construction.

7.2. Planning Authority Response

The Commission is referred to the planner's report. It is considered the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development

7.3. Observations

None

8.0 Assessment

- 8.1. The subject of the appeal is a proposal to regularise works already carried out. The proposed development involves the alteration to the previously approved planning permission Reg Ref.D25A/0018/WEB whereby retention permission is now being sought for the demolition of the remaining two-storey structure (229 sqm) which was initially to be retained. The proposal also seeks the reconstruction of the house (229 sqm) to the original design, extent and floor levels with associated site development works above and below ground. Although having the appearance of a historic building, the demolished dwelling was constructed in the 1990s.
- 8.2 In the previous permission, the applicant was to demolish the single-storey side extension, the two-storey annex, the conservatory to the rear, a lower ground garden room and the stone terrace to the rear but leave the 229 sqm dwelling intact. Following a site inspection, I can confirm that these were demolished and so too was the dwelling. There are currently no structures remaining on site.

- 8.3 The relevant Development Plan policy objectives for this proposal have been set out in Section 5.0 of this report. Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to the Land Use Zoning 'Objective A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities. The proposed demolition and replacement dwelling development is permitted in principle under this zoning objective subject to compliance with Development Plan policy objectives. I further note that the Transport, Drainage, Conservation and Environment Departments in the planning authority had no objections to the proposed retention and development
- 8.4 As the proposed replacement dwelling matches the design, positioning, materials and floorspace of the demolished dwelling, there are no new visual impact or residential amenity considerations. The primary concern in this appeal is the demolition of the dwelling and the principle of its replacement.

Demolition and Replacement of Dwelling

- 8.5 The previously approved planning permission Reg Ref.D25A/0018/WEB was granted on the condition that the dwelling be retained. Following the demolition of all structures on the site including the dwelling, the subject application for retention of the demolition works and a new replacement construction was refused by the planning authority on the basis of being contrary to Policy Objective CA6 and Section 12.3.9 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028
- 8.6 The appeal states that there is no increase in scale, height, footprint, floor area or visual impact beyond what was already approved under DLRCC Reg. Ref. D25A/0018/WEB. The proposal is presented as a proportionate and pragmatic planning response that would regularise the planning status of the site and facilitate completion of "a high-quality and energy-efficient family home within the envelope previously approved by the Planning Authority."
- 8.7 Policy Objective CA6 seeks the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, but only 'where possible'. Section 12.3.9

allows the applicant to provide a 'strong justification' for the replacement of a dwelling. This section also states that the Planning Authority will assess single replacement dwellings within an urban area on a "case by case basis and may only permit such developments where the existing dwelling is uninhabitable". The Development Plan has, therefore, intentionally allowed room for cases to be looked at on merit. The planning authority chose not to exercise this discretion and deemed the house to have been 'habitable'.

- 8.8 The appeal, with its engineering report, maintains there is sufficient justification for the retention of the demolition works carried out and the reconstruction of the dwelling previously approved to be retained in part. It argues that justification is established through unforeseen geotechnical constraints, structural deficiencies, an absence of viable alternatives, radon remediation requirements and overall sustainability benefits.
- 8.9 Damaging sub-surface conditions were only discovered after works commenced. Following the removal of the existing basement and ground floor slabs, an inspection of the sub-surface conditions revealed severe geotechnical constraints. According to the appeal, the engineers found that existing masonry walls sat directly on irregular granite bedrock, there were no conventional strip foundations, the conditions differed from the 1992 engineering drawings available before construction and the rock breaking and excavation required for the approved works could not be safely carried out while retaining the walls. It was technically impossible to safely construct the granted building works without the controlled demolition of the existing wall construction.
- 8.10 The Development Plan objectives favouring the retention of existing dwellings for refurbishment and repair are grounded in the premise that they are structurally sound, in reasonable condition and are habitable. Section 12.3.9 allows for the submission of 'strong justification' for the demolition and replacement option
- 8.11 It is clear from the submitted engineers report that the existing house was in very poor condition and was both structurally unsound and uninhabitable. The issue appears to be that this was not readily visible and not known prior to works

commencing. I agree with the appellant that this could only have been revealed as the works were undertaken and materials exposed. As such, I would agree with the conclusions that its demolition and replacement is justified in this instance.

- 8.12 The Development Plan, through Policy CA6 and Section 12.3.9, understandably favours re-use of buildings. The planning authority's reasoning appears to have been more about the timing of the structural evidence and that alternatives were not comprehensively explored. This sets a rather high burden of proof for the applicant. The appeal maintains that retaining the walls would have prevented the necessary excavation, rock removal would undermine the walls and retention would have prevented installation of compliant radon protection systems. No other viable technical solution was found and given the unforeseen circumstances and safety issues on site, demolition was considered the only option.
- 8.13 I also note that the proposed replacement dwelling would provide a more energy efficient option with a saving in harmful emissions overall. It is further noted that any refurbishment/retrofitting would require significant levels of demolition due to the unsound condition of the structure. The Development Plan objectives for sustainable and long-lasting homes, the need to increase density in infill urban locations and the like for like replacement of the house must form part of the planning considerations.
- 8.14 The radon gas issue is repeatedly documented in the appeal although this is a widespread concern in the region according to the EPA. Building Regulations require radon sump systems in all new construction. Development Plan Policy Objective CA9 (Radon Gas) states that it is a policy objective, in partnership with other relevant agencies, to promote best practice in the implementation of radon prevention measures.
- 8.15 The precedent of similar cases in the area is also noted. However each case must be assessed on its merits and the evidence provided in this instance is sufficiently robust.
- 8.16 Overall, it is considered that given the clear evidence for structural deficiency in the original dwelling, there is no justification for the planning authority to require the

building to be retained rather than demolished and replaced. It is further considered that the proposed development for a single replacement dwelling would be consistent with the established pattern of development in the area, would result in a modern energy efficient family home which would have a better quality of amenity than previously. Finally, as it would be of the same design, size and location, would not adversely impact the residential amenities of neighbouring properties or the visual amenity of the area. It is considered that the proposal complies with Section 12.3.9 and Policy Objective CA6

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area less than 100 metres from Dalkey Islands SPA, c. 300 metres from Rockabill to Dalkey Island SAC and c. 4.4 km southeast of South Dublin Bay SAC & South Dublin Bay and River Tolka SPA
- 9.2. The proposed development involves the alteration to previously approved planning permission DLRCC Reg. Ref. D25A/0018/WEB comprising retention permission for the demolition of the remaining two-storey structure (229 sqm) which was to be retained and the reconstruction of the house (229 sqm) to the original design, extent and floor levels with associated site development works above and below ground at Rarc-An-Ilan, 22 Coliemore Road, Dalkey, Co. Dublin. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of works
 - Location in an established residential area
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in

combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located at Rarc-An-Ilan, 22 Coliemore Road, Dalkey, Co. Dublin A96DX43 and extends to the shoreline of Dublin Bay/Irish Sea
- 10.2 The proposed development involves the alteration to previously approved planning permission DLRCC Reg. Ref. D25A/0018/WEB comprising retention permission for the demolition of the remaining two-storey structure (229 sqm) which was to be retained and the reconstruction of the house (229 sqm) to the original design, extent and floor levels with associated site development works above and below ground
- 10.3 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- Nature of works
 - Location-distance from nearest water bodies and/or lack of hydrological connections
- 10.4 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively

or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that retention permission be granted

12.0 Reasons and Considerations

12.1 Having regard to residential zoning of the site, the established pattern of development in the area and the poor structural and uninhabitable condition of the existing dwelling on the site, it is considered that the proposed development would be in accordance with Policy Objective CA6 and Section 12.3.9 of the Dun Laoghaire-Rathdown County Development Plan by reason of a strong justification for demolition and replacement and would not seriously injure the visual or residential amenities of the area or of properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission [Register Reference D25A/0018/WEB unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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

4. All necessary measures should be taken by the applicant and contractor to prevent the spillage or deposit of clay, rubble or other debris on the public road network, repair any damage to the public road arising from carrying out works and avoid conflict with between construction activities and pedestrian and vehicular movements on the surrounding public roads.

Reason: In the interest of amenities, public health and safety and environmental protection.

5. 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.

6. Site development and building works shall be carried out between the hours of 7:00 am to 6:00pm Mondays to Fridays inclusive, between 8:00am to 2:00pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Killian Harrington
Planning Inspector

29 August 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501732-DR-26
Proposed Development Summary	The development will consist of the following: alteration to previously approved planning permission DLRCC Reg. Ref. D25A/0018/WEB comprising retention permission for the demolition of the remaining two-storey structure (229 sqm) which was to be retained and the reconstruction of the house (229 sqm) to the original design, extent and floor levels with associated site development works above and below ground
Development Address	Rarc-An-Ilan, 22 Coliemore Road, Dalkey, Co. Dublin A96DX43
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? (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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

1. Is the proposed development of a CLASS specified in <u>Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)</u> 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) of Part 2 (dwelling units) Proposed development of 1 no. residential unit is substantially below the 500 dwelling unit threshold in Class 10(b)
2. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: 29 August 2026

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	PL-501732-DR-26
Proposed Development Summary	The development will consist of the following: alteration to previously approved planning permission DLRCC Reg. Ref. D25A/0018/WEB comprising retention permission for the demolition of the remaining two-storey structure (229 sqm) which was to be retained and the reconstruction of the house (229 sqm) to the original design, extent and floor levels with associated site development works above and below ground
Development Address	Rarc-An-Ilan, 22 Coliemore Road, Dalkey, Co. Dublin A96DX43
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development of 1 no. dwelling has a modest footprint, comes forward as a standalone project, with demolition works of previous dwelling and outdoor structures on site comprising minor works only, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in an established urban area on serviced lands in Dublin and is not in close proximity to designated sites and landscapes of identified significance in the County Development Plan.

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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its urban location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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:** 29 August 2026

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

(only where Schedule 7A information or EIAR required)