

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: 4515/19

APPEAL by Lilacstone Limited against the decision made on 24th day of January 2020 by Dublin City Council to refuse permission for development comprising the conversion, renovation and alteration of Stone Villa (a Protected Structure) (257 square metres) to accommodate three number apartments (two number one-bedroom units and one number two-bedroom unit) and the construction of 29 number apartments in two number new blocks (part three- to part four- number storeys in height) to the rear of the Protected Structure as follows: Block A (1,263 square metres) comprises 15 number apartments (four number one-bedroom units and 11 number two-bedroom units) and Block B (1,009 square metres) comprises 14 number apartments (seven number studios, two number one-bedroom units and five number two-bedroom units). The scheme provides a total of 32 number apartments with a gross floor area of 2,529 square metres. The development will also include the widening of the existing vehicular entrance onto North Circular Road; nine number car parking spaces; bicycle parking; ESB substation; bin storage; hard and soft landscaping; pedestrian access; boundary treatments; solar panels; balconies (facing all directions); plant areas; external lighting; and all other associated site works above and below ground, all at Number 297 North

Circular Road, Phibsborough, Dublin. The site incorporates a Protected Structure (a house) known as 'Stone Villa'.

Decision

GRANT permission for (a) the conservation, renovation and alteration of 'Stone Villa' to accommodate three number apartments, (b) the construction of Block A in accordance with the amended scheme submitted with the appeal reducing Block A to three floors (ground and two storeys) consisting of ten apartments only, and (c) all other works included in the site works other than Block B in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for Block B for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the policies and objectives of the Dublin City Development Plan 2022 - 2028, to the zoning objective for the site and policy relating to protected structures BHA2, and to the Development Plan standard for separation distances, as set out in Section 15.9.17 in addition to the Sustainable Residential Development and the Compact Settlement Guidelines, 2018 SPPR 1 Separation Distances, it is considered that the proposed renovation and refurbishment of the protected structure, and the development of Block A (as amended at appeal stage) on this infill brownfield site in a well serviced urban area would, subject to compliance with the conditions set out below, not seriously injure the visual or residential amenities of the area, would conserve a Protected Structure, would add to the housing stock in the city and would, therefore, be in accordance with the Dublin City Development Plan 2022 - 2028 and the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Commission with the appeal, and the response received by the Commission to the Section 132 notice issued by the Commission on the 23rd of June 2025, 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. Block B shall be omitted in its entirety, and the area shall be landscaped in accordance with a comprehensive boundary treatment and landscaping scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This area shall be maintained by the Management Company unless otherwise the subject of a separate permission.

Reason: In the interests of visual and residential amenity .

3. The mitigation measures contained in the submitted Ecological Impact Assessment shall be implemented in full.

Reason: In the interest of protecting the environment.

4. The following conservation requirements shall be complied with in full:
- (a) A conservation expert with proven and appropriate expertise (RIAI Grade 2 or higher) shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works.
 - (b) Prior to the commencement of the development, the applicant shall submit for the written approval of the planning authority, a detailed method statement for the proposed works to the protected structure.
 - (c) The proposed works to the protected structure shall be carried out in accordance with the following:
 - (i) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ.
 - (ii) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
 - (iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric
 - (iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at 297 North Circular Road and to ensure that the proposed works are carried out in accordance with best conservation practice.

5. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, revised drawings and details of the balcony screens on the northern and western elevations of Block A, the screens shall be lowered from 2.1 metres in height to 1.8 metres in height, as measured from the balcony floor.

Reason: To improve the amenity of the private space.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and surface water management.

8. The applicant shall submit details for written agreement of the planning authority, of the cycle parking and storage that accords with the Cycle Parking Standards in Appendix 5 of the current Dublin City Development Plan.

Reason: In the interest of sustainable transport.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

10. A minimum of 50% of car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces to facilitate the installation of charging points at a later date.

Reason: To provide for and future proof the development such as would facilitate the use of electrical vehicles.

11. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 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.

12. Proposals for naming and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the Development Plan for the area.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, recyclable materials, in the interest of protecting the environment.

16. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interests of environmental protection and residential amenities.

17. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development.

18. 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.

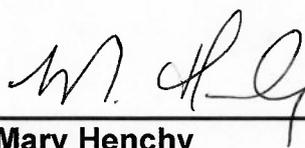
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations (2)

Notwithstanding the proposed variation in the plans submitted with the grounds of appeal, which would reduce the height of the proposed Block B by one level, it is considered that the proximity of the development to the adjoining houses would be visually overbearing and intrusive and would seriously injure the residential amenities of these properties by virtue of overshadowing. The proposed development would, therefore, be contrary to the 'Z1' zoning objective for the area which seeks to protect, provide, and improve residential amenities under the Dublin City Development Plan 2022 - 2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the entire development, the Commission considered that the proposed work to the Protected Structure (as detailed in response to the Section 132 request), and the proposed design, scale (as amended at appeal stage) and position of Block A relative to properties to the west of the Block, would be in accordance with the policies and objectives of the Dublin City Development Plan 2022 – 2028, including the zoning objective to protect, provide and improve residential amenities, policy BHA2 Development of Protected Structure, and the Sustainable residential Development and Compact Settlement Guidelines for Planning Authorities, SPPR1 Separation distance (noting also the Development Plan provides for a relaxation of the 22 metres separation distance).

The omission of Block B would remove any unacceptable overbearance and overshadowing on adjoining properties. The Commission agreed with the Inspector's conclusion that the mitigation measures included in the applicant's Ecological Impact Assessment are appropriate. The Commission also agreed with the inspector that the amenity of the west and north facing balconies of Block A are somewhat compromised due to the height of the screens. The Commission determined that while not ideal, the screens do address the perception of overlooking for existing residents, and that the disamenity for future residents is offset by the context of the site's urban location, the communal open space available for their enjoyment and the layout of the apartment units so that the screens do not dominate the kitchen, living and dining spaces, the Commission concluded that the residential amenity of the apartments is not unduly compromised, and that the height of the screens could, subject to a condition, be lowered to 1.8 metres without increasing any perceived overlooking of adjoining property. The Commission further concluded that the proposed development, as amended at appeal stage, subject to compliance with conditions, would not seriously injure the residential or visual amenity of the area and would be in accordance with the proper planning and sustainable development of the area.



Mary Henchy

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 12th day of February 2026.

