

An
Coimisiún
Pleanála

Commission Order
ABP-322754-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2260/24

Appeal by Alex Begley of 139 Windmill Park, Crumlin, Dublin and by Cabhrú Housing Association care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 20th day of May, 2025 by Dublin City Council to grant subject to conditions a permission to Cabhrú Housing Association in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing one-storey delivery service unit building and associated outbuildings on the site and removal of the existing site boundary wall along Windmill Road (circa 918.8 square metres). Construction of a three-five-storey residential development comprising 53 number one-bed apartment units in a single block ranging in size from circa 50.1 square metres to circa 53.1 square metres. All apartments are provided with associated private open space balconies/terraces. All units are intended to provide housing for independent living for older residents (60 years plus). Pedestrian access and egress to the development will be from Saint Agnes Road. The development also proposes circa 812 square metres of communal amenity open space as a landscaped garden at ground floor level (circa 586.5 square metres) and a landscaped

terrace area at the roof of 2nd floor level (225.5 square metres), a community room (circa 93.4 square metres), office room (circa 11.5 square metres), kitchenette (four square metres) and toilet (circa nine square metres), associated secure bicycle and bin storage, relocation of existing ESB network kiosk and provision of a single ESB substation, switch room, water break tank room, hard and soft landscaping and all other associated site works and services above and below ground on an overall site area of circa 1,784 square metres, all at Crumlin Delivery Service Unit, 11, Saint Agnes Road, Dublin. The site is within the Crumlin Village Architectural Conservation Area.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location of the proposed development on a prominent corner in an established urban village with a variety of services including supermarket, retail, churches and restaurants available in the immediate vicinity and within walking distance of high frequency public transport, to the nature, design and layout of the proposed independent living units for older residents, to national, regional and local policy including inter alia National Planning Objectives 12, 22, 43 and 45 of the National Planning Framework-First Revision (April 2025), Regional Policy Objectives 3.2, 4.3, 5.3 and 5.5 of the Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031, Section 28 Ministerial Guidelines, the Z4 'Key Urban Villages/ Urban Villages' zoning, and the Crumlin Village Architectural Conservation Area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant policies and objectives of the Dublin City Development Plan 2022-2028 in relation to

climate action, urban design, architectural principles, quality housing, city centre urban villages, environmental infrastructure and built heritage. The proposed development would not seriously injure the established character of Crumlin Village Architectural Conservation Area, or the visual, residential or environmental amenities of the area, would not constitute overdevelopment of the site, would animate and enliven a previously introverted street frontage, would not result in traffic hazard, and would offer a high and appropriate standard of accommodation for future residents of the independent living units. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

While the Commission agreed with the Inspector's recommendation to grant permission it did not agree with the Inspector's recommendation to refuse the first party appeal to omit Condition 2 (a) of the planning authority's decision to grant permission which requires the removal of the fourth floor (fifth storey) in its entirety. The Commission did not share the Inspector's view that the fourth and fifth floor setback would be visually dominant, excessive on the streetscape and that it would be an overbearing expression on the streetscape.

The Commission having considered the following:

- (a) The visual impact photomontages submitted by the applicant at the initial application and further information stages.
- (b) The prominent corner location at a key junction in the village.
- (c) The quality of the design of the overall development.
- (d) The quality and palette of materials proposed.
- (e) The separation distances at each floor level between the proposed development and the rear gardens of houses facing Windmill Park and Windmill Road and the requirements of SPPR1(Specific Planning Policy Requirements) of the Sustainable and Compact Settlements Guidelines for Planning Authorities.

- (f) The Architectural Heritage Impact Assessment.
- (g) The modulation of the building height and position of the setbacks relative to the adjoining properties on the eastern / north-eastern site boundary.
- (h) The chamfered corner typology within its context of the character of the area, established building line and streetscape, retention of existing plot size, prevailing parapet heights and emerging pattern of development in the immediate vicinity deemed that no undue residential impact would arise in terms of overlooking or overshadowing on the adjoining residential properties as a result of the fifth floor, the principle of a taller building on a prominent corner at a key junction deviating from the established two storey height in the immediate vicinity is appropriate and in line with national policy in relation to compact development, the proposed development would not be visually overbearing and no undue visual impact arises from the fourth floor (fifth storey) when viewed from Saint Agnes Road or the public realm within the Architectural Conservation Area. The Commission concluded that a five-storey element of development on the site is both acceptable from a residential and visual amenity aspect and that it would not detract from the character of the Crumlin Village Architectural Conservation Area.

Conditions

1. The proposed 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 planning authority on the 23rd day of April, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) No material change of use of buildings in the proposed development shall take place without a prior grant of planning permission.
 - (b) The occupation of the units on site shall be restricted to persons aged 55 years and older and the units shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission.
 - (c) The proposed sheltered accommodation units shall not be sold to private individuals as habitable dwellings.

Reason: To ensure that the occupation of the units is restricted to older persons/occupants.

3. The community facility shall be used for purposes ancillary to the main residential use on the site and shall be managed in accordance with the permitted residential development, unless a further permission is granted.

Reason: To clarify the scope of the permission.

4. Details of the materials, colours and textures including samples 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 standard of development.

5. Prior to commencement of development, the developer shall agree the species and size of all trees proposed for the public realm in writing with the planning authority. The landscaping scheme which accompanied the planning application shall be implemented in full in the first planting season following the completion of the proposed development. Any trees or shrubs which fail within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of amenity.

6. The following details shall be agreed in writing with the planning authority prior to commencement of development:
- (a) Details of the materials proposed in public areas.
 - (b) Proposals for the removal and reinstatement of the existing dishing of the footpath and kerb on Windmill Road adjacent to the site. The public realm improvements and public road works shall be implemented prior to occupation of the development.
 - (c) Proposals for the allocation of the additional street parking space/loading bay within the indented bay on Windmill Road.
 - (d) No doors or gates shall open outward onto the public footpath except where required for emergency egress or sub-station access. No part of the building shall project under or over the public footpath or road.
 - (e) The operator/management company shall undertake to implement the measures outlined in the Residential Travel Plan and to ensure that future tenants of the development comply with this strategy. A Travel Plan Coordinator for the overall scheme shall be appointed to oversee the implementation of the plan and develop further measures as required.
 - (f) Cycle parking shall be in place and ready for use prior to the occupation of the first residential unit.
 - (g) All works shall be provided at the developer's expense.

- (h) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the proposed development, shall be at the expense of the developer.

Reason: In the interest of orderly development and to ensure pedestrian and traffic safety.

7. Proposals for an estate/street name, 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 estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

8. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to 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: In the interest of public health.

9. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

10. Prior to commencement of development, the developer shall delineate on a map those areas which are to be taken in charge for the written agreement of the planning authority. In relation to those areas not to be taken in charge, a management company shall be set up. The management company shall provide adequate measure for the future maintenance and repair in a satisfactory manner of communal open spaces, refuse and cycle storage and all hard and soft landscaped areas, where not otherwise taken in charge by the planning authority. The management scheme shall include the community facility, which shall be for the use of residents within the scheme. Any changes to the overall community facility provision shall be agreed with the planning authority prior to the first occupation of the development.

Reason: In the interest of the future maintenance of this private development, in the interest of residential amenity and the adequate provision of community facilities.

11. 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, in particular recyclable materials, in the interest of protecting the environment.

12. A detailed Construction Environmental Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include, but not be limited to, information regarding intended construction practice, noise and dust management measures and also include arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

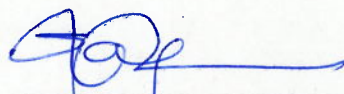
13. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The Resource Waste Management Plan shall include specific proposals as to how the Resource Waste Management Plan will be

measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The Resource Waste Management Plan shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed Resource Waste Management Plan shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.



Emer Maughan

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 15th day of October 2025.