



An
Bord
Pleanála

Inspector's Report

ABP-305212-19

Development	Construction of 4 apartments and 1 three-bed apartment at second floor
Location	2, Temple Road, Dublin 6, D06 RX56 (on the corner of Dartry Road, Dublin 6)
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2512/19
Applicant(s)	Paul and Imelda White
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	1. James Kenny 2. Rathgar Residents Association
Observer(s)	1. Aubery Weir 2. Myles and Louise Lee 3. Richview Residents Association 4. Diana Healion

Date of Site Inspection

21st November 2019

Inspector

Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located in the suburban residential area of Dartry on the south side of Dublin City. The site lies within the south eastern corner of the junction formed by Dartry Road (R820), Temple Road, and St. Kevin's Park. Trinity Hall lies within the north eastern corner of this junction and the site is located 0.8 km east of Rathgar Village. The surrounding area is characterised by a mix of 2-storey detached and semi-detached houses of established and mature residential character. While the student accommodation in Trinity Hall is provided in multi-storey buildings set within their own grounds.
- 1.2. The site is rectangular in shape and it extends over an area of 912sqm. At present, the site accommodates a two-storey detached dwelling house with a part single/part two storey side extension to the south and a rear conservatory to the east. This dwelling house is orientated towards the south eastern corner and it is accessed from Temple Road to the north. Gardens are maintained to the front northern side and rear of the dwelling house and these are enclosed by means of a wall and hedgerow to the north and west and by means of hedgerows to the south and east. Beyond the latter two boundaries lie the gabled side elevations to two storey semi-detached dwelling houses, i.e. No. 42 Dartry Road and No. 4 Temple Road.

2.0 Proposed Development

- 2.1. The development will comprise:
 - The demolition of the existing dwelling on site
 - The construction of 4 two-bed duplex apartments each with ground floor terraces to the rear/south.
 - The construction of 1 three-bed apartment at second floor with internal garden/terrace.

The proposal will be over three storeys and includes revised access to the site from Temple Road via a pre-existing (now closed) entry 3500mm wide and exit via a 3500mm wide exit at the existing entry/exit gate on Temple Road, new pedestrian/bicycle entrance off Dartry Road, provision for off street parking spaces, and a seven-bicycle rack, landscaping and all associated works.

- 2.1.1. In response to a request for additional information from Dublin City Council some amendments to access arrangements to include rationalising the access/egress arrangements to one singular access point to the northeast of the site, reduction in car parking from seven spaces to five, details of cycling parking and bin store.
- 2.1.2. The design reflects a modern design approach with a flat roof finish addressing Temple Road and Dartry Road and a mono-hipped roof to the rear. The third floor is recessed and the building line staggered fronting Temple Road. The façade will be partially rendered in brick with monocouche white render on the southern façade. The second floor will be a standing seam zinc finish. Each apartment will have own door access from the ground floor. The four ground and first floor apartment will individual have ground floor private amenity space to the rear. The second-floor apartment will be provided with an enclosed roof level private amenity space.
- 2.1.3. The application was accompanied by a Solar Study and a Site-Specific Flood Risk Analysis.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority granted permission subject to 9 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary, it includes:

- The zoning and policy objectives applicable to the development site. The report details the recent planning history and notes the observations and submissions to the file.
- It is set out that the apartments meet the minimum standards with regard to the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018'.
- It was concluded following receipt of further information and amendments to the design proposal that subject to certain conditions the development was

acceptable and in accordance with the proper planning and sustainable development of the area and acceptable in terms of traffic and access arrangements.

3.2.2. Other Technical Reports

Transportation Planning Division- Report dated 29/04/2019 states that TPD recommend that Further Information be requested from the applicant in relation to access and parking arrangements, cycle parking and refuse details. Additional report dated 16/07/2019 following receipt of additional information raised no objections subject to conditions

Drainage Division - Report dated 18/04/2019 raised no objections subject to conditions

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A total of eight submissions were made to Dublin City Council. The following is a summary of the issues raised:

- Planning permission previously refused for a house on the site. Current proposal even more uncharacteristic of the area.
- Having regard to the pattern of development in the area, the proposed development would be overdevelopment and incongruous.
- The proposal does not have regard to for the character and scale of the existing houses.
- The scale of the proposed development is obtrusive and dominant
- The proposal would seriously injure the amenities of properties in the vicinity
- The apartment block would be very unsightly and not in keeping with surrounding homes.
- The apartment block would have an overbearing impact and will impact overlooking/loss of privacy impact on no. 44 Dartry Road.

- The area is surrounded by Z2 zoning and the Z2 zoning objective is applicable to the site.
- This corner site at Temple Road is significant in terms of its setting and the character of this Z2 conservation area.
- The proposal would set an undesirable precedent where any/all houses which are not protected could be removed.
- The proposal is contrary to the proper planning and development of the area.
- Serious concerns in relation to the increase in traffic and the impact it will have on the junction of Dartry Road and Temple Road.
- The proposal has the potential to increase traffic by 700%
- The proposed vertical emphasis of the fenestration, façade and cladding materials contrasts starkly with the existing dwellings.
- The proposal would not enhance the neighbourhood and would detract significantly from the area.
- The proposal is completely contrary to the preservation, conservation and improvement objectives for this area in the City Development Plan.
- The proposed drawings give a false impression of the neighbouring property (no.4) and thus conceals the impact of the proposal on the neighbours.

4.0 Planning History

Site

DCC Reg. Ref. 3712/15 / ABP PL29S.245890 - Planning permission refused in 2016 for proposed new two storey over basement two bedroom dwelling with new 4.2m wide entrance gates and associated site works. Permission was refused having regard to design and scale of the dwelling on the restricted plot and the limited amount of private open space.

DCC Reg. Ref. 3923/14 / ABP PL29S.244617- planning permission refused in 2015 for a two-storey over basement four bedroom (155m.sq) dwelling with new 4.2m wide entrance gates; demolition of existing conservatory attached to the existing house and associated site works.

5.0 Policy Context

5.1. Development Plan

The site is located in an area zoned Z1 – *“to protect, provide and improve residential amenities”*.

Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Chapter 4: Shape and Structure of the City
- Section 4.5.9 Urban Form and Architecture
- Chapter 5: Quality Housing

QH18: To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

QH23: To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land.

- Section 11.1.5.13: Preservation of Zones of Archaeological Interest and Industrial Heritage
- Section 16.10.2: Residential Quality Standards, Houses

Section 16.10.9: Corner/Side Garden Sites of the Development Plan seeks to promote the *“development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands”*.

- Parking: Area 2 applies to the appeal site. 1 car parking space is required.

- Policy QH8 of the Dublin City Development Plan 2016-2022 seeks “*To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area*”.

5.1.1. **National Policy and Guidelines**

- National Planning Framework (2018)
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009)

Section 5.9 (ii) Sub-division of dwellings - Many inner suburbs contain large houses on relatively extensive sites whose conversion to multiple dwellings without a dramatic alteration in the public character of the area is achievable. In such areas, particularly those of falling population but which are well served by public transport, their conversion to multiple occupancy should be promoted subject to safeguards regarding internal space standards, private open space and maintenance of the public character of the area. Standards of off-street car parking might be relaxed to encourage the occupation of the dwellings by households owning fewer cars. Special care will be required to protect the integrity of protected buildings

- Quality Housing for Sustainable Communities, Best Practice Guidelines (2007).

Section 4.3.5 Private Space

Section 4.7.2 Parking

5.2. **Natural Heritage Designations**

The site is not located within or adjacent to any designated Natura 2000 site.

5.3. **EIA Screening**

On the issue of Environmental Impact Assessment screening I note that the relevant classes for consideration are class 10(b)(i) “Construction of more than 500 dwelling units” and 10(b)(iv) “Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a

built-up area and 20 hectares elsewhere”. Having regard to the size of the development site (.0912ha) and scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Two third-party appeal submissions were made in relation to the development

1. Mr. James Kenny, 4 Temple Road, Dublin 6. The grounds of appeal can be summarised as follows:

- It is set out that the development is out of character with the area and contrary to the proper planning and sustainable development of the area as established under previous An Bord Pleanala decision PL29S.244617.
- It is set out that the area has a distinctive character and is not an urban location as determined in the Environmental Impact Assessment Screening set out by the planning authority.
- It is set out that the planning report took no account of the objections and the fact that the visual aspect of the development will address Dartry Road, which are all protected structures.
- The relocation of the entrance by way of response to further information request in accordance with the “recommendations” of the planning authority is unlawful and will intensify traffic adjacent to the appellants dwelling. The appellant states that he should have been informed of the revised proposal as

the development does not provide for sufficient car parking and the additional traffic will impact on his residential amenity and will impact on his privacy.

- The failure to supply an outline construction management plan means that the appellant was not afforded to opportunity to comment on the adverse effect the construction would have on his property.
- It is set out that the amendments made to the planning application were material and not subject to statutory public notices to allows for further observations.

2. Rathgar Residents' Association, PO Box No. 9574, Dublin 6. The grounds of appeal can be summarised as follows:

- It is set out that the bulk, mass, design and finishes are incongruous to the area and the proposed development would seriously injure the amenities of properties in the vicinity and as such would be contrary to the proper planning and sustainable development of the area. The development is out of character with the area, as established under previous An Bord Pleanala decisions.

6.2. Applicant Response

- The site is zoned Z1 Residential "To protect, provide and improve residential amenities". The development is in accordance with policy objectives and policy QH5 – Housing provision, QH7 - promoting sustainable urban densities and QH8 - development of underutilised sites of the development plan.
- The site is in close proximity to public transport
- The proposal exceeds the 2007 and 2018 guidelines for apartments
- The proposal offers measures that improve overlooking and privacy of adjacent properties and improved separation distance to mitigate any overbearing impact.
- There are no overshadowing impacts associated with the development.
- It is set out that the proposal offers a more coherent intervention in terms of pattern and grain and removes the existing side elevation facing Temple Road. The modest materiality and form reflect a constrained contemporary

design and assist in the transition from the adjacent 4-6 storey Trinity Hall and the residential house of Dartry Road.

- It is set out that appropriate environmental measures have been incorporated.
- In relation to previous planning proposals, it is set out that the development falls under a different development plan where different objectives in line with changing planning, housing and social priorities apply. Other framework changes include the 2018 Apartment Guidelines and the 2018 Urban Development and Building Heights Guidelines. The development is in accordance with the current Dublin City Council development plan objectives and relevant guidelines.
- The suggestion by the appellants that Temple Road has no apartments is misleading as Trinity Hall (4-6 storeys) is visible from Temple Road. Trinity Hall does not represent an unsustainable precedent in terms of scale and mass close to the subject site.
- It is argued that the architectural character in the vicinity reflects patchwork electric styles, types, materials and heights. Materiality is also random and disparate with brick render, zinc, slate and tile and many style and types of federation treatment.
- It is set out the development offers more coherence to the corner than the existing pattern and grain which is fractured and disparate.
- It is set out that Trinity Hall is closer to the Z2 Conservation zoning than the proposed development.
- It is stated that it is within the role of the planning authority to provide guidance at further information stage.
- It is set out that there is no proposal to remove trees or boundary hedges or reduce/remove walls save for those directly impacting the opening of the Temple Road access.
- In relation to the further information response, it is set out that the planning authority is only required to notify persons who have made a submission

where the response is considered “Significant”. Reference to Justice Carroll in *McNamara V. An Bord Pleanala* 1995. It is also clear that the appellants have had an opportunity through the appeal process to raise their objection.

- It is set out that the number of car accessing the site will increase from 3 to 5 which does not constitute a significant increase in traffic.
- Temple Road has significant underutilised infrastructure with the Milltown Luas stop within 850m and the QBC bus stop within 400m of the site.
- A construction Management Plan was condition to be submitted prior to the commencement of development.

6.3. **Planning Authority Response**

None

6.4. **Observations**

6.4.1. Four no. observations were received.

1. Aubery Weir, 44 Dartry Road, Dublin 6. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- The development located in close proximity to the observer’s boundary and will have an overbearing impact.
- No regard has been given to the protected houses on Dartry Road.
- The submission cites the previous decisions from An Bord Pleanala.
- It is set out that the development is contrary to the zoning objectives for this area.

2. Myles and Louise Lee (No address stated). A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- The design has little regard to the character and scale of the existing houses and the multi-unit nature is totally at variance with the single-family context of the adjacent dwellings.
- The location of the development on a prominent corner site would have a negative impact of the architectural quality of the area.

- The development would set a precedent for similar scale/style development in the area.
3. Richview Residents Association, Cowpar Road, Merton Road, Temple Gardens, Richmond Avenue South, Richview Park, Palmerstown Park, Palmerstown Lane, Temple Road, Temple Villas. C/o Temple Gardens, Rathmines, Dublin 6. A brief summary of the issues raised in the submission to the Planning Authority are set out below:
- The assessment does not have regard to the setting of the apartment block in an area surrounded by a Z2 zoned conservation area.
 - The assessment refers to Trinity Hall complex but fails to address the Protected Structures opposite the site.
 - The development would set an undesirable precedent
4. Diana Healion, 2a Dartry Road, Dublin 6. A brief summary of the issues raised in the submission to the Planning Authority are set out below:
- The assessment does not have regard to the setting of the apartment block in an area surrounded by a Z2 zoned conservation area.
 - The submission cites the previous decisions from An Bord Pleanála.
 - The location on a corner site will have an overbearing dominance and negative impact on this primarily Z2 zoned conservation area and out of context with the family homes surrounding it.

6.5. Further Responses

None

7.0 Assessment

7.1.1. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Principle of Development
- Impact on Character of the Area
- Impact on Residential Amenities

- Other Matters
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The proposal provides for the demolition of the existing detached two storey house and the construction of three storey contemporary apartment block comprising of five apartments. The appeal site is zoned “Z1” where the objective is “to protect, provide and improve residential amenities”. The proposal to provide an increased density of residential development on this site would be acceptable in principle subject to an assessment of the impact of the proposal on surrounding amenities. The proposal would also be consistent with policy QH23 where the demolition of habitable housing is acceptable where there is a net increase in the number of dwelling units, in order to promote sustainable development by making efficient use of scarce urban land.
- 7.2.2. It is considered that the proposed development in terms of floor areas, privacy, aspect, natural light and ventilation and private open space would be acceptable and in accordance with Development Plan standards and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018. The Planning Authority have raised no issues in this regard.
- 7.2.3. I note that five car parking spaces have been provided to the front of the site. The Development Plan establishes that car parking provision maybe reduced or eliminated in areas that are well served by public transport. This site is accessible to public transport including the Luas which is 850m to the east of the site and frequent bus service located on Dartry Road. I also note that permit parking is available in the area. There is no issue with car parking provision on the site.
- 7.2.4. The existing house to be demolished in not a protected structure and not of any significant architectural merit, therefore I have no issue with the demolition of the dwelling.
- 7.2.5. The proposal to provide an increased density of residential development on this site would be acceptable in principle subject to an assessment of the impact of the proposal on surrounding amenities.

7.3. Impact on the Character of the Area

- 7.3.1. Section 16.10.9 Corner/Side Garden Sites of the Development Plan allows for the development of a dwelling or dwellings in the side garden of an existing house as a means of making the most efficient use of serviced residential lands where such developments reflect a high standard of design and are compatible with the adjoining dwellings.
- 7.3.2. The appellants and observers to the appeal raise concerns in relation to the design of the proposal and contend that the proposed development will result in an incongruous addition to the streetscape and will impact negatively on the amenities of neighbouring dwellings, in particular, the protected structures located opposite the site on Dartry Road and the associated Z2 (residential conservation) zoned lands to the west of the site. The objectors and observers argue that this principle has been established under the previous An Bord Pleanála decisions on the site ABP PL29S.245890 and ABP PL29S.244617. In relation to the planning history on the site, I note both planning applications related to the subdivision of the site and the construction of a new dwelling which is not the case in this instance. In this regard, I would agree with the applicant that the previous planning proposals were assessed under a different development plan and under the current Dublin City Development Plan 2016-2022 different objectives in line with changing planning, housing and social priorities apply. Other framework changes include the 2018 Apartment Guidelines and the 2018 Urban Development and Building Heights Guidelines.
- 7.3.3. I note the prevailing building heights in the area are generally two storeys, however the site is located directly opposite Trinity Hall a predominately four-storey stepping to six storeys in places complex of student apartments. The ridge height of the development at 8.95m is consistent with the general height of the two-storey dwellings immediate to the site and significantly lower than Trinity Hall. The applicant argues that there is a mix of building typology's in the area and that the architectural character in the vicinity reflects patchwork eclectic styles, types, materials and heights and that the proposed design resolution offers more coherence to the corner than the existing pattern and grain which is fractured and disparate. I would agree that there is a mix of architectural styles in the area, in particular, along Temple Road.
- 7.3.4. The general design reflects a modern design approach with a flat roof finish addressing Temple Road and Dartry Road and a mono-hipped roof to the rear. The

third floor is recessed and the building line staggered fronting Temple Road. The façade will be partially rendered in brick with monocouche white render on the southern façade. The second floor will be a standing seam zinc finish. I consider the proposal adequately addresses the corner site location in terms of facade treatment, building orientation, building line and building mass. I consider this design approach acceptable and in line with Policy QH8 of the Dublin City Development Plan 2016-2022 which seeks the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area. The Planning Authority accepts that the density, plot ratio and site coverage associated with the development is acceptable and in line with relevant Development Plan standards/statutory guidance. I would agree.

7.3.5. In terms of the relationship with the **protected structures** located to the west of Dartry Road and the wider Z2 zoned lands to the west of the site, I note that the new building would be completely independent of the protected structures and the Z2 zoned lands and separated by Dartry Road. With respect to contextual references, the building would be of a similar height to the dwellings immediately adjoining it, and subordinate to the Trinity hall complex located on the opposite junction. Furthermore, I note that only brief intermittent views of the development will be available from the approach to the site along Temple Road and the northern approach on Dartry Road, by virtue of the set back from the streets, adjoining properties and the proposal to retain the mature trees on site. I am satisfied that the proposal will not have an impact on the protected structures on Dartry Road or the Z2 zoned lands given that the contemporary design approach which reflects a clear distinction between the development and the protected structures, the building height and the suburban context.

7.3.6. I consider the proposed development, in terms of overall scale and design will sit comfortably within the existing streetscape and will not have a significant visually overbearing impact given the setbacks, separation distances and suburban context opposite Trinity Hall. In my opinion the development would not appear over dominant or incongruous in the streetscape, so as to negatively affect the character of the area.

7.4. **Residential Amenity**

- 7.4.1. The third-party appellant located to the east of the site asserts that the development does not provide for sufficient car parking and the additional traffic will impact on his residential amenity and his privacy.
- 7.4.2. The development provides for the relocation of the vehicular entrance to the northeast of the site fronting Temple Road. The new access will reactivate a previously abandoned vehicular entrance to the site. This access will serve the development only. The development provides for a total of five apartments only and the eastern (dividing) site boundary consists of a boundary wall and hedgerow to a height of approx. 2m. I do not consider the proposed five apartments will generate significant additional **traffic** so as to be determinantal to the residential amenity of No. 4 Temple Road. Furthermore, I am satisfied that the and the appellants privacy is not infringed upon in so far as the site is screened significantly from his site.
- 7.4.3. The potential for negative impact on established amenity is assessed particularly with regard to impact of **overshadowing and overlooking** of the adjacent properties. The proposed development is an infill corner site with immediately adjoining residential development the south and east.
- 7.4.4. The ‘Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities’ and its accompanying ‘Urban Design Manual’ does not set rigid minimum separation distances but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents. The rear windows at first and second floor level are canted windows fitted with opaque glass on the east facing side to prevent overlooking of the rear of no. 42 Dartry Road. In this regard, I note also that the rear elevation faces the side gable of no. 42 Dartry Road and does not directly overlook the rear garden or habitable rooms. Therefore, I do not consider that there will be any significant negative **overlooking** of the adjoining dwelling to the south. Similarly, there are no habitable windows on the eastern facing elevation overlooking the no. 4 Temple Road to the north east of the site.
- 7.4.5. In relation to loss of **daylight and sunlight/overshadowing**, the BRE Guidelines (Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2011) note that bathrooms and circulation areas need not be analysed when considering impacts of development on adjoining buildings, and consideration of impacts is

limited to rooms where daylight is required, including living rooms, kitchens and bedrooms. I note the shadow study submitted establishes limited impact on immediate neighbours to the east and south of the development from overshadowing by virtue of the sites aspect and as the development provides for greater separation distance to the rear of the dwelling to the south.

7.5. Other Matters

- 7.5.1. The third-party submission sets out that planning authority's further information request advising amendments and subsequent failure to re-advertise the changes made at **further information** stage was unlawful.
- 7.5.2. There is no requirement under the Planning Regulations to inform any other person or body who made a submission or observation that further information has been requested. Article 35 of the Planning Regulations provides for the situation where further information contains significant additional data. The question of 'significant additional data' can only be determined by the planning authority on an individual basis in each case. The planning authority did not consider the response to the further information and the accompanying amendments to the proposal to be significant or materially different to warrant re-advertisement and circulation to third parties in accordance with Article 35 of the Planning Regulation. I would agree, and I am satisfied that the appellant was in no way prejudiced.
- 7.5.3. The appellant also asserts that the failure to supply an **outline construction management plan** meant that the he was not afforded to opportunity to comment on the adverse effect the construction would have on his property. A condition requiring the submission of a construction management plan for the agreement of the planning authority was attached to the decision of the planning authority. I note the role of a construction management plan is to manage and control construction activity on the site subject to best practice. Given the scale of the development, I am satisfied that concerns regarding construction management are in my opinion an issue which can be addressed satisfactorily by way of a requirement for a detailed construction and demolition management plan in the event that permission is granted.
- 7.5.4. I note a site-specific **Flood Risk Assessment** was carried out. The report concludes that the site is not at risk of coastal, fluvial or Pluvial flooding. The report sets out that the site falls within flood zone C and the flood risk to the proposed development site

is low. The Engineering Department – Drainage Division of Dublin City Council raised no objection to the development subject to appropriate conditions.

7.6. **Appropriate Assessment**

Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

I recommend that planning permission be granted for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

9.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, the existing development on site and the policies of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not detract from the character or setting of the adjacent Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **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 submitted on the 28th June 2019, 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. Details, including samples, of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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 1:250 showing –

(i) Existing trees, hedgerows and boundary walls specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period, in particular, the mature trees on site.

(iii) 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]

(iv) Hard landscaping works, specifying surfacing materials and finished levels

(c) A timescale for implementation

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, 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

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roof of the building; or any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health

6. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. 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 recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement

of development. Thereafter, the 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.

10. 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 Bord 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.

Irené McCormack
Planning Inspector

25th November 2019