



An  
Bord  
Pleanála

## Inspector's Report ABP-308835-20.

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<b>Development</b>	Change of use from a care home to residential (11 units).
<b>Location</b>	30 Haddon Road, Clontarf, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2575/20.
<b>Applicant</b>	Osdale Limited
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Osdale Limited.
<b>Observers</b>	Carol Neylin Tony and Anne Collins Rosemary Commons Maura Kelleher Haddon Road Residents Graham and Deirdre Walsh Damien O'Reilly

Marion and Ronan Rooney  
Hazel McCullagh  
Noel and Patricia Donnelly  
Clontarf Residents Association  
Declan and Elizabeth Kilberd  
David Conlon  
Jack and June O'Shea  
Marianne and Turlough Considine  
Richelle and Eugene Kelly  
Meadhbh Quinn  
Patricia Walsh  
Rory McConn Walsh  
Garrett Walsh  
Lochlann Walsh  
Sean Walsh  
Russell Walsh  
Sean Haughey TD

**Date of Site Inspection**

16<sup>th</sup> April 2021

**Inspector**

Philip Davis.

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## 1.0 Introduction

This appeal is by the applicant against the decision of the planning authority to refuse permission for the change of use of a building in a suburban street in a residential conservation area from a care home to 11 no. residential units (reduced to 10 no. units following a submission of further information). The grounds of refusal relate to traffic generation. 24 no. observations from individual local residents, resident's groups and elected representatives have been submitted, all supporting the city council reason for refusal.

## 2.0 Site Location and Description

### 2.1. Haddon Road, Clontarf

The appeal site is located in a suburban street of fine detached, semi-detached and terraced houses from what appears to be the early 20<sup>th</sup> Century, to the south-west of the former medieval settlement around Clontarf Castle. Almost all the houses are 2 bay-2 storey dwellings with bay windows and substantial front and rear gardens of the same period and general design dating to around 1907. The road runs slightly downhill to the coast where it meets the Clontarf Road close to the former Clontarf baths. The carriageway is relatively narrow and lined with semi-mature Plane trees. The wider area is a mature inner suburban area characterised by large dwellings from a wide variety of periods from the 18<sup>th</sup> Century onwards, with significant amounts of mews and infill developments from later periods.

### 2.2. Appeal site

The appeal site, no. 30 Haddon Road, is roughly mid way along the road on the eastern side. From the front it is similar to all the dwellings on the road, but to the rear has been substantially extended to facilitate its former use as a nursing home. The rear development takes up almost all the former rear garden. It is currently empty and unused. The rear extension consists of a single corridor with what were nursing units for individual residents on each side. The original structure of the house is empty and is relatively unaltered, apart from the provision of an external fire escape and the paving of the front garden.

### 3.0 Proposed Development

The proposed development consists of the change of use of the house and annex from nursing home use to residential – 11 no. apartments (revised downwards to 10 during the application process). The works include internal alterations, the reconstruction of some external walls and the provision of 3 no. car parking spaces.

### 4.0 Planning Authority Decision

#### 4.1. Decision

The planning authority decided to refuse permission for the reason that it would endanger public safety by reason of traffic hazard and obstruction of road users by way of the generation of additional demand.

#### 4.2. Planning Authority Reports

##### 4.2.1. Planning Reports

There are two planning reports on file, the second subsequent to a request for further information. The key points of both I would summarise as follows:

- Notes many objections and summarises them – most relate to amenity, transport, and overdevelopment.
- Outlines the planning history – notes that the Board reference case (**ABP-305515-19**) decided that a change of use from nursing home to homeless accommodation is exempted development. There is a series of permission relating to the nursing home going back to the early 1990's. A previous Board refusal related to an extension to the side and rear in 1992.
- Screened for AA – significant effects not likely to arise.
- The building is not a protected structure but is within the Victoria Road Architectural Conservation Area (ACA).
- The dwelling dates to 1907 and the rear extension to sometime after 2009.
- Concerns are noted about the provision of private and communal open space – raised in further information request.

- It is considered that the rear extension as it exists does not match the quality of the overall ACA.
- Notes that the apartments are required to adhere to the standards for development as set out in the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines 2018*. The quantitative standards set out in that document are generally met.
- It is considered that the proposed development could result in more noise and disturbance which may detract from the amenity of adjacent property.
- It is noted that the Transportation Section requested a mobility management plan.
- A total of 7 items were raised for a further information request.
- Following the submission of further information, which included revised plans. The number of units was reduced from 11 to 10 (deleting one studio apartment). It is noted that the application would not achieve the minimum standards for apartments as set out under BRE guidelines, although it is noted that the 2018 Guidelines states that some flexibility is sometimes appropriate.
- It is noted that the Transportation Planning Division recommended a refusal.
- Refusal recommended for one reason.

#### 4.2.2. Other Technical Reports

**Waste Management:** No objection subject to standard conditions.

**Transportation Planning Division:** Notes concerns with a shortfall in parking. Subsequent to the submission of further information, it was considered that the applicant had not demonstrated that the site is suitable to justify a car parking provision of 0.27 spaces per unit. A refusal is recommended.

**Drainage:** No objections subject to standard conditions.

#### 4.3. Prescribed Bodies

No response on file from external consultees.

#### 4.4. **Third Party Observations**

There are in excess of 20 objections on file, outlining many reasons, all summarised in the planning report and restated in the appeal.

#### 5.0 **Planning History**

**ABP-305515-19:** In this reference case the board decided that the change of use of the building from a nursing home to use as an inpatient treatment and recovery centre, accessible strictly by referral and appointment at 30 Haddon Road, Clontarf, Dublin 3 is development and is exempted development.

**2638/16:** Internal alterations and the provision of a single storey extension to the side and rear – permission granted subject to conditions.

**3333/13:** Permission granted for the retention of a built area to the rear and side (Additional to that granted under 4166/09).

**4166/09:** Permission granted for a new 138 square metre single storey rear extension.

**0195/01:** Permission granted for additional external brick cladding.

**0723/97:** Permission granted for internal alterations.

**0551/92:** Permission granted for a dining room and dayroom extension.

**ABP-305559-19.** The Board used its powers under S.139 of the Act as amended to alter a condition to a permission granted by the planning authority to reinstated no. 32 Haddon Road (south of the appeal site) from 5 no, apartments to a single dwelling (**3507/19**).

#### 6.0 **Policy Context**

##### 6.1. **Development Plan**

The site is in an area zoned Z2 '*to protect and /or improve the amenities of residential conservation areas*'. It is indicated as a 'zone 3' area (Map J of the Development Plan) for parking policy. There is a recorded ancient monument 120 metres east of the site (Brian Borus Well).

## 6.2. EIAR

Having regard to the nature of the proposed development and the absence of any sensitive receptors in the immediate vicinity, the development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded and a screening determination is not required.

## 6.3. Natural Heritage Designations

There are a number of EU designated habitats in Dublin Bay. The closest, 200 metres directly south of the site, is the South Dublin Bay and River Tolka SPA, Site code 004024, designated for a variety of littoral and coastal habitats and wildfowl.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The applicant submitted several documents with the appeal, including a report from planning consultants, a site plan and layout, in addition to a mobility management plan prepared by Malone O'Regan Consulting engineers. The key points of the submission are as follows:

- It is noted that the planning history indicates that it has been used as a nursing home since 1991, and a change of use to a homeless shelter was deemed to be exempted development.
- Illustrated details of the design proposals are set out in some detail.
- It is noted that the planning authority did not (following the submission of revised details) raise any concerns about aspects of the proposed development apart from parking.
- It is noted that the site is well served by bus and rail services, and it is stated that 2 no. of the carparking spaces will be provided as car sharing spaces.
- It is noted that the site is within Parking Zone 3 as indicated on Map J of the Development Plan, where the maximum permitted is 1.5 spaces per dwelling.



It is noted that the text accompanying the guidelines it states that requirements can be relaxed where it is demonstrated that other modes of transport are sufficient.

- It is noted that in sections 4.19 and 4.20 of the 2018 Departmental guidelines it states that in areas well served by public transport the default policy is for car parking provision to be minimised, substantially reduced, or wholly eliminated.
- Details of the mobility management plan are highlighted, in particular the proposals for car sharing, encouraging the use of public transport, bicycle and foot, and the appointment of a mobility management plan co-ordinator. It is submitted that the Mobility Management Plan submitted with the Further Information request and the appeal addresses any issues raised by having such a low provision of parking spaces.
- An alternative layout is submitted, with 4 no. spaces provided.

## 7.2. Planning Authority Response

The planning authority did not respond to the grounds of appeal.

## 7.3. Observations

A total of 24 observations were submitted, mostly from residents on Haddon Road, including the immediate neighbours, two resident's associations, and Sean Haughey TD. All objected to the proposed development in strong and detailed terms. For clarity, I have summarised the arguments made in all the observations under the general headings below.

### Policy

- It is argued that the high density of development is inappropriate in a Z2 zoned area and represents overdevelopment.
- It is suggested that the most appropriate use for the site in the context of the Z2 zoning is to return it to single family occupancy as has occurred with other houses in the area.

- It is argued that the proposed development should be assessed as an 'infill development (section 18.2.2.2 of the Plan), and that it fails the design criteria set out in this section.
- It is argued that the site as the site is not located within a 'Key District Centre' or other such development area, the density of development is not justified.
- It is argued in detail that the proposed development is not in accordance with standards and guidelines set out in the Development Plan and departmental guidance.

### **Amenity**

- The proposed development would be overbearing and would have habitable windows directly overlooking adjoining properties.
- There would be an increase in noise and traffic from the number of residents that would significantly damage the amenity of the area and damage the attractive ambience of Haddon Road.
- It will reduce local property values.
- It is argued that the layout is substandard in terms of residential amenity and the provision of private open space and would result in a poor quality of development and amenity for the occupants.
- It is argued that it would encourage anti-social activity in the area.
- It is argued that a sunlight study should have been submitted.
- The proposed development represents overdevelopment of the site.
- It is contrary to policy on infill developments.

### **Traffic and parking**

- It is argued that the proposed use would have significantly more traffic demand than the existing use and would result in overspill parking onto adjoining areas.
- It is submitted that the additional traffic generation would be a potential hazard for pedestrians, in particular for elderly residents in the area.

- It is argued that it is contrary to development plan policy on parking in such areas and is grossly substandard in its provision of on-site parking spaces.
- It is submitted that the road has a history of use as a commuter rat-run and the additional traffic will exacerbate existing issues.
- It is argued that even with the restricted number of parking spaces (and with the additional proposed space suggested in the appeal), the increase in traffic movements would not be acceptable in such a restricted and congested street (I note the details in the report submitted on behalf of the Haddon Road Residents Association from Martin Peters Associates Consulting Engineers on traffic matters).
- It is argued that the site is too far from significant nodes such as shops and employment areas to assume that a low level of car parking will be required for commuting and general shopping.
- It is submitted that the proposed bike parking racks are badly designed and unusable and would be unsightly.
- It is argued that the Mobility Management Plan attached with the application is inadequate and makes unreasonable assumptions about the likely car use of future occupants.

### **Conservation**

- It is argued that the ancillary features required for the development (bins, bicycle racks) is contrary to the objective to protect a residential conservation area (ACA).
- It is argued that it is contrary to the overall architectural and historical importance of Haddon Road.
- It is argued that the details of the submission do not adequately address matters such as the preservation of internal and external historic features of the building.

### **Other issues**

- Concerns are raised about the management of the property and an absence of consultation with local residents over the years.

- Issues are raised about the past use of the property, including its use for vulnerable personas during the Covid period and the claimed lack of response by the owners and authorities to anti-social activities.
- It is argued that the layout is in breach of fire safety regulations.
- It is argued that there is a high proportion of elderly people in the Haddon Road area and so particular care needs to be taken in identifying who will use the apartments.
- It is argued that the proposed development is to facilitate its use as a social housing scheme.

#### 7.4. Further Responses

None on file.

### 8.0 Assessment

Having inspected the site and reviewed the file documents I consider that the appeal can be addressed under the following general headings:

- Principle of development
- Internal design and amenity
- Amenity (external)
- Traffic and parking issues
- Conservation
- Appropriate Assessment
- Other issues

#### 8.1. Principle of development

The appeal site is within a Z2 residentially zoned area (*'to protect and /or improve the amenities of residential conservation areas'*) for the purposes of the Dublin City Development Plan 2016-2022. It is within an ACA, but the building is not a protected structure, and neither are the immediately adjoining structures. It is close

to the former medieval settlement around Clontarf Castle Hotel but has not been identified as archaeologically significant.

The site is within 200 metres of bus stops on the Clontarf QBC and 1.3 km walk from Clontarf DART station. It is approximately 5 km cycle/walk/drive from the city centre, with many employment nodes at East Link and in the north and south Docklands a little closer. It is about 700 metres walk from the nearest shopping area, a line of small mixed shops along the Clontarf Road near the Garda Station. It is approximately 1.2 km to the nearest shopping village and supermarket, at Clontarf Village ('The Sheds') to the east. The closest large supermarkets are at Killester and East Wall Road, around 1.5- 2 km from Haddon Road. I would consider the area to be a mature inner suburban location with regard to the applicability of policy guidelines and recommendations.

The National and Regional context is set out in a number of policy documents, including *Project Ireland 2040; Rebuilding Ireland (2016)*; the Sustainable Development Guidelines 2009 and its companion Urban Design Manual, the *Urban Development and Buildings Heights Guidelines for Planning Authorities (December 2018)*; the *Sustainable Urban Housing: Design Standards for New Apartments (2018)* and the *Regional Planning Guidelines for the Greater Dublin Area 2010-2022*), in addition to related guidelines and circulars such as DMURS and the Building Heights Guidelines for Planning Authorities. These policies consistently set out policy objectives for promoting high quality residential uses within existing urban areas at significantly higher densities than has been the norm in the past, in particular when those sites are served by good public transport networks. The 2018 Departmental guidelines set out the most detail for assessing this type of development, although it focuses its guidance on new build. A key shared policy objective of the National Development Plan, the National Policy Framework, and associated guidelines and circulars is to promote the compact growth of cities and towns of all sizes to add value and create more attractive places in which people can live and work. The preferred approach is to focus on greater reuse of previously developed 'brownfield' land, consolidating infill sites, which may not have been built on before, the reuse of existing buildings appropriately, and the development of sites in locations that are better serviced by existing facilities and public transport. I would

note that the Dublin City Development Plan predates some of the most recent guidelines.

The Dublin City Development Plan has a variety of policies set out in Chapter 7 on housing, in particular policies QH7 and QH8 which state that it is policy to sustain urban densities through the city and to promote the sustainable development of vacant or underutilized infill sites. Policies QH18 to Q20 focus on the promotion of high-quality sustainable apartment developments. These policies reflect the overall thrust of regional and national policy in this regard. There are no specific policies in relation to the conversion of a use such as nursing home to residential but having regard to the Z2 zoning and the previous Board decision, I would consider that the change of use would be generally viewed favourably with the context of overall policy. The proposed development is substandard with regard to a number of guideline levels (I will discuss this further below), but national and development plan policy permits flexibility with the provision of parking and open space in appropriate circumstances, in particular areas with good public transport connections and opportunities for walking and cycling.

I note the previous reference case, in which the Board decided that the change of use of the building from a nursing home to use as an inpatient treatment and recovery centre, accessible strictly by referral and appointment is development and is exempted development. The application does not make unambiguously clear the precise nature of any future residents of the proposed apartments, but from the context of this application, although it would appear to be the intention to operate it as a single unit for rental apartments. I note that the planning authority accepted that the use of the site for residential can be considered an established use and I could concur with this assessment.

I would conclude therefore that the proposed development should be considered favourably in principle, subject to the criteria for acceptable levels of amenity and access as set out in the Development Plan and national and regional guidelines and associated design manuals and circulars.

## **8.2. Internal design and amenity**

The existing building, originally a single family dwelling, has been extended and laid out as a nursing home with relatively few alterations to the original house, but with

the recent annex extending along the former rear garden with a central corridor accessing each individual self-contained bedroom unit. It is proposed to eliminate the corridor, creating instead 6 no. apartments along this axis, accessed from the narrow passage on the north side. Each of these apartments is to be double aspect (north and south facing windows) with rooflights. A bin store area separates this element from the rest of the building, which would be converted to four additional apartments (as amended from the original application which included an extra studio apartment), involving relatively minor internal alterations. The ground floor conversion apartment would have a westerly and northerly aspect to its windows while the first-floor pair of apartments would also have a northerly aspect with a west and east facing window respectively. The single upper floor apartment would have a northerly and easterly aspect. I note that most of the northerly aspect windows would face either the boundary wall or the gable wall of the adjoining building, so it cannot be said that most of these units would benefit from substantive amounts of natural light, although the rear units would have rooflights. The applicant has submitted a Daylight and Sunlight Assessment (received by the planning authority on 13<sup>th</sup> October 2020) which focuses on internal light levels.

The overall mix of apartments is in line with the 'Specific Planning Policy Requirements' set out in Section 2 of the 2018 Guidelines. These guidelines (in addition to the guidelines set out in the Development Plan) do not provide detailed standards for conversions of older buildings such as this proposed. Given the planning history and context, I would therefore consider that some flexibility would be appropriate compared to a new-build. In terms of the number of dual aspect units, the development is in accordance with guidelines, but I would note that the predominance of a northerly aspect is somewhat problematic in qualitative terms. I would note that the floor to ceiling height of both elements is quite generous, which should improve internal amenity even if the apartments don't receive much direct sunlight.

The applicant acknowledges that the proposed development is substandard in private amenity space with regard to both development plan and departmental guidelines – I note that paragraph 4.12 of the 2018 departmental guidelines allows for a relaxation of standards for refurbishment schemes. The layout was significantly improved in the revised plans submitted after the further information

request. The only realistically useable open space available to future residents is the small communal garden to the rear. This does benefit from a quiet, private situation and a generally good aspect for sun for most of the day. I would conclude that while the provision of private space is substandard, as this is not a new build and having regard to the planning history of the site, and the close proximity (150 metres) to the high quality amenity of the Clontarf seafront, this element of the proposed development is acceptable.

### **8.3. Amenity (external)**

The proposed alterations to the external structure are relatively minor and would not impact on neighbouring properties by way of overshadowing. I would not consider that requesting an additional shadowcast assessment as requested by some observers to be reasonable or necessary in these circumstances. All the windows for habitable rooms are already accessible for the former residents and staff of the care home previously, so there would be no additional overlooking or privacy issues. The observers have raised strong concerns about the additional amenity impacts by way of noise and disturbance and traffic. While I would agree that there would be a qualitative difference between the possible future residents of an apartment scheme such as this and a nursing home or other type of shared facility, there are no material planning changes that could justify a conclusion that the specifics of the proposed design would impact on neighbours. I therefore would conclude that there is no basis to consider that there would be any negative impact on local amenity by way of the normal activities of future residents.

### **8.4. Traffic and parking issues**

Haddon Road is a typical inner urban suburb in layout, within 5 km of the city centre (closer to a number of employment hubs, such as the East Wall business centre), and very close to good quality bus and train connections and to the coastal greenway cycle route, although this route has not yet been completed through the docklands area. The road is narrow and quite congested with parked cars due to the relative absence of curtilage parking and may suffer an element of rat-running during busy commuting times. There is a visually obvious issue with parking on the



street, so the concerns of residents on this aspect are understandable. The previous permitted use of the site would have had a relatively small traffic generation impact, presumably mostly from staff and visitors. There is a small existing parking area in what was the front garden, with space for perhaps 3 vehicles – the proposed development formalises this (there is the option for an additional parking space), in addition to enclosed and secured bike parking at ground floor level.

The applicant has submitted a mobility management plan – this incorporates the use of three curtilage carparking spaces, which is substantially below development plan minimum requirements (set out in section 16.38 of the development plan), although the development plan allows for minimal parking in certain areas if the proposal is accompanied by a workable mobility management plan and can be justified on a number of criteria, including location suitability and availability of alternatives (16.38) and does not encroach on the amenities of residents and other users. I note that with regard to ACA's, there is a presumption against parking in the frontage of historic buildings (section 16.10.17), but I would consider that in the case of this appeal the parking is an existing and established use.

The car parking standards as set out in the development plan are maximums, with few precise quantitative guidelines as to how to assess the appropriate level for any particular location. I would note that the 2018 Guidelines are significantly stronger than the 2016 development plan in its direction to planning authorities to reduce parking to a minimum when there are reasonable alternatives. The issue of whether the level proposed is acceptable with regard to other provision in the Mobility Management Plan is therefore discretionary. As the Board is aware, there are contrasting examples throughout inner Dublin of the most appropriate approach to assessing whether a very low (or in some cases zero) provision of car parking is appropriate.

With regard to the criteria set out in the development plan, the appeal site is within an inner suburban area with generally very good access to public transport and unusually good cycling links to the city and along the coast. The applicant proposes shared cars, plentiful bike parking and set rules on car ownership as a means of controlling excessive use. I would also have strong regard to the planning history of the site and the general planning presumption in favour of ensuring the most

appropriate use of existing building fabric. All these factors favour permitting a development with minimal car provision provided there is a reasonable provision of bike parking and appropriate management.

The observers have mostly expressed strong concerns at the potential impact of further car parking on the street with its potential impact on amenities and creating difficulties for long term residents. While it is visibly clear that there is a very high demand for on-street parking in the area, I would note that each house has quite a broad frontage so the problems likely reflect a particularly high car ownership level in this area rather than a particular shortfall of free public space for residents and visitors to Haddon Road to park their vehicles.

I am satisfied that the nature of the likely occupants of a development such as this are likely to have a low demand for private cars and the mobility management plan submitted by the applicant would be sufficient to minimise any impact. The proposed bike parking is also unusually good for a scheme of this nature. In coming to this conclusion, I have had particular regard to the planning history and nature of the site and in particular that the proposed development does not increase the existing floorspace of the development.

The existing carpark to the front is simply a paved area with the original boundary wall having at some time in the past been widened for access with a dropped kerb provided. The proposed alterations are quite minor. While significant amounts of technical information has been submitted by one of the observers on the potential appropriateness and safety of this access, I am satisfied that there would be no significant or meaningful change in the intensity or type of use – arguably, the number of movements in and out would be less than for a nursing home, with changes of shifts and regular visitors.

I note the reasons set out in the planning report and technical report recommending a refusal for traffic reasons, but I do not consider that sufficient weight was given in the process for the planning history of the site, and the absence of any proposal to increase floorspace. There is no reasonable scope within the boundaries to increase curtilage parking above 4 (as suggested by the applicant in the appeal submission), at least not without destroying historic fabric or further reducing the amenities of the building. One option to address this the Board may wish to consider could be to reduce the number of apartments, although this would of

necessity result in larger apartments which would not necessarily lead to fewer residents. I would conclude that adding an additional parking space as suggested by the applicant would have unacceptable visual impacts on the area, and I do not consider that reducing the number of individual units would be appropriate or necessary.

I therefore conclude that the proposed development is generally in accordance with guidance with regard to parking provision and the applicant has gone to all reasonable means to address access issues for future residents. I do not recommend that the Board uphold the stated reason for refusal. I also do not recommend a condition requiring additional parking (as suggested by the applicant) is necessary or appropriate.

#### **8.5. Conservation**

The appeal site is within an ACA and a Z2 zoned area. The building is not a protected structure and there are no proposals that would impact on subsurface archaeology – the site is approximately 150 metres from what was a medieval castle and associated settlement on the area around what is now Clontarf Castle Hotel and sections of Castle Avenue. A recorded ancient monument – the purported Brian Boru's Well, is 125 metres to the east. There are no protected structures in the immediate vicinity of the site.

The house is a fine example of early 20<sup>th</sup> Century residential architecture, typical of the area and period – it seems to have been built around 1907. Although the rear has been entirely rebuilt and extended and it has a relatively new wing on the north side, the front of the dwelling is very well preserved with some original features internally such as fireplaces and fittings, in addition to what appears to be the original windows and brickwork. The proposed works do not substantively interfere with any of the original features. The front wall has been opened up to provide parking, and it is proposed to maintain this element. I note that most houses along Haddon Road do not have curtilage parking to the front – this has created the visible parking issues on the street but has also preserved the overall streetscape very well, giving the street its mature, attractive overall appearance. There have been relatively few new buildings or inappropriate additions/alterations over the years.

The proposed works do not substantively change the external appearance of the building and the internal works do not impact on any features of particular interest. There are no substantive ground works proposed so I do not consider that an archaeological condition would be necessary.

#### **8.6. Appropriate Assessment**

There are no EU designated habitats in the immediate vicinity of the site. It lies approximately 200 metres north of the closest Natura 2000 site in Dublin Bay. It is likely that surface water drains directly to the bay, to the South Dublin Bay and River Tolka Estuary SPA and SAC, side codes 004024 and 000210. The site is entirely paved or built upon and so would not have any potential link or benefit to those species or related habitats and since the external works are minor there would be no disturbance of birds. The site is fully served by the public sewer and water system, and the proposed change of use would not substantively increase drainage or run-off, so there are no pathways for pollution or any other possible direct or indirect impact on the conservation interests of those designated sites.

I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004024 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

#### **8.7. Other issues**

The proposed development would be subject to a standard S.48 development contribution in line with the Scheme. The planning authority does not specify any other development contributions required in the planning reports, and it is not indicated if Part V applies. There are no indications on file that the site is subject to flooding and there are no significant works that could impact on run-off. The site is fully connected with the public sewer and water supply.

I do not consider that there are any other planning issues raised in this appeal.

## 9.0 Recommendation

I recommend that the Board grant planning permission for the proposed development for the reasons and considerations set out below, subject to the conditions in section 11 below.

## 10.0 Reasons and Considerations

Having regard to the Z2 zoning designation, the location of the proposed development within an inner suburban area, the planning history of the site, the nature of the development and the overall context in an area with good quality public transport and walking and cycling links to Dublin City Centre, it is considered that the proposed development would not endanger public safety by reason of traffic hazard and obstruction of road users by way of the generation of additional demand, would have an acceptable level of internal amenity to the proposed apartments, would not seriously injure the amenities of adjoining properties, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 11.0 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. Details 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 the commencement of development. This shall include any works to existing external and internal historic features, including sash windows and fireplaces.

**Reason:** In the interest of the visual amenities of the area.

3. The management and maintenance of the apartment buildings, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development including the external fabric of the buildings, internal common areas, landscaping, bike parking, lighting, waste storage facilities and sanitary services shall be submitted to and agreed in writing with the planning authority before the apartments are made available for occupation.

**Reason:** To provide for the future maintenance of this private development in the interest of orderly development and visual amenity.

4. Proposals for a development name and numbering scheme for the apartments shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

5. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

**Reason:** In the interest of public health.

6. 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 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.

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Philip Davis  
Planning Inspector

27<sup>th</sup> April 2021