



An  
Bord  
Pleanála

## Inspector's Report ABP-309867-21.

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<b>Development</b>	Protected Structure: Permission to construct house.
<b>Location</b>	12 St. Mary's Road, Dublin 4.
<b>Planning Authority</b>	Dublin City Council South.
<b>Planning Authority Reg. Ref.</b>	3674/20.
<b>Applicant(s)</b>	Paul & Ana Maria Larchet.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Multiple Third Party
<b>Appellant(s)</b>	Kieran Wallace Dr. J. Susan Fitzsimon & Mr. Johnathan Bailey.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	13/05/2021.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

- 1.1. The subject site is located to the rear of No. 12 St. Mary's Road, Dublin 4, and is located onto St. Mary's Lane, which forms the northern boundary of the overall No. 12 St. Mary's Road site. The main house comprises a two storey, red brick house which lies in the centre of a terrace of 6 houses, all of which are Protected Structures, included in the Dublin City Council RPS. The subject site forms the rear section of the current garden for the main house.
- 1.2. A number of mews buildings have been developed along St. Mary's Lane, most of which are single storey in height. Access to the lane is via St. Mary's Road – off Northumberland Road to the east – and St. Mary's Lane - which runs in a northern direction from St. Mary's Road for a distance of approximately 75m. At the T-junction, to the east is a cul-de-sac while to the west, St. Mary's Lane provides access to a number of houses and mews buildings. Haddington Road lies to the north and is accessed from St. Mary's Lane via Haddington Place.
- 1.3. St. Mary's Lane also includes car parking for a number of properties with narrow footpaths provided. The subject site fronts onto St. Mary's Lane and there is an existing vehicular gate as well as a pedestrian gate in the boundary wall onto the lane and has a stated area of 214m<sup>2</sup>.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for PROTECTED STRUCTURE: Permission to construct 3-bedroomed part single storey & part 2-storey detached dwelling & alterations to pedestrian & vehicular entrances onto St. Mary's Lane all at rear, all at 12 St. Mary's Road, Dublin 4, D04 P5N4.
- 2.2. The application included a number of supporting documents including as follows;
  - Plans, particulars and completed planning application form
  - Conservation Statement
- 2.3. Following a request for further information, the applicant submitted the following additional documents:
  - Revised Conservation Statement

- Shadow Diagrams
- Photographs

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant planning permission subject to 13 conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history, third party submissions and the City Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The Planning Report considers that further information was required with regard to the following issues:

1. Depth of proposed rear garden
2. A more comprehensive Conservation Statement on existing boundaries.
3. Design of the mews including external finishes, height, scale and massing.
4. Shadow Analysis required.
5. Details of bike and bin storage.

Following the submission of the response to the further information request, the final Planning Report notes the amendments to the proposed development and concludes that the proposed development is acceptable. The Planning Officer recommends that permission be granted subject to conditions. This Planning Report formed the basis of the Planning Authority's decision to grant permission for the proposed development.

### 3.2.2. Other Technical Reports

**Drainage Division:** No objection subject to compliance with conditions.

**Transportation Planning Division:** The report notes that the mews laneway has been taken in charge and provides vehicular access to a number of existing mews dwellings and garages. The proposed development will result in the loss of the existing in-curtilage parking for no. 12 St. Mary's Road and no alternative parking proposals have been submitted. DCC Parking Enforcement notes that there is a quota of 3 permits for no. 12 St. Mary's Road on-street and therefore, the loss of the in-curtilage space is deemed acceptable.

The proposed development in terms of parking space, cycle parking and bin storage are acceptable.

The division advises no objection to the proposed development subject to compliance with conditions.

**Conservation Officer:** Following the submission of the response to the FI request, the DCC Conservation Officer submitted a report on the proposed development. The report notes that the proposed development will remove the historic boundary wall to the front of the site and should be requested to revise proposals so that the maximum extent of historic boundary is retained, and where new openings are required, the historic stone shall be incorporated within the front boundary wall of the new proposal.

Full drawings and photographic record of all existing boundary walls to be provided and a method statement for the raking out and re-pointing of the stone-work to be provided.

The report concludes that permission be granted subject to compliance with conditions.

### 3.2.3. Prescribed Bodies

None.

### 3.2.4. Third Party Submissions

There are 5 submissions noted in relation to the proposed development on the PAs file. The issues raised are summarised as follows:

- The development amounts to overdevelopment of a rear garden site associated with a protected structure.
- The development will be visually dominant and would result in an adverse impact on the existing residences at its boundaries.
- The scale, form and design would seriously injure the residential and visual amenities of adjoining properties by reason of dominance and overshadowing.
- The application is substantially lacking in terms of assessment and justification.
- There is no precedent for a two-storey element along the southern part of St. Mary's Lane and no rationale is provided as to why this should now be altered by the applicant.
- An inadequate assessment on the impact on Conservation is provided.
- No schedule of areas has been provided and issues raised in relation to private open space provision.
- Issues raised in relation to car parking and potential traffic hazard.
- The development will block the evening sun into the central courtyard of the adjacent house which will have a profound effect on the property.
- Issues raised in relation to the proposed guttering which will not be accessible for cleaning or maintenance without entering the adjacent property.
- Notes that a number of established trees have recently been felled in the site.
- The application does not include an AHIA as required for all applications relating to a protected structure. The submitted Conservation Statement is minimal.
- Impact of the excavation of foundations so close to historic walls is a concern.

- This is the first new build on the laneway in 20 years, with all other developments comprising renovations to existing properties which caused significant disruption to residents.
- A new school has opened in the area which has given rise to traffic issues on the lane.
- The design is out of keeping with the existing character of the laneway.
- The detail on finishes is minimal.
- The walls of the roads and laneways of the Pembroke Estate were considered, architectural responses and are part of the original uniform estate. ESB covers should respond to this context.
- Building depth and proximity to protected structure.
- Roof treatments raised as a concern as pitched roof is a departure from the flat roofs of existing adjacent mews buildings.

#### 4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

**PA ref 0283/20:** SHEC granted by DCC for a proposed detached dwelling.

**PA ref 1934/05):** Permission was granted by DCC, to construct a single storey extension to the rear, abutting adjoining properties, including the removal of the internal return walls and demolition of existing rear extension and raising cills to 3 no. 1<sup>st</sup> floor windows.

Neighbouring sites:

**PA ref 3836/16:** Permission granted for extension of single storey dwelling at 97 St. Mary's Lane, to provide for a new storey at first floor level including new stairs and atrium.

**ABP ref PL29S.245024 (PA ref 2201/15):** Permission granted on appeal for the construction of a house at 87 St. Mary's Lane. The permission provided for a part two-storey part single storey over basement mews.

This site lies approximately 12m from the site on the northern side of the mews lane. The Board will note that this permission has been amended to omit the basement level (PA ref. 2816/20) and to modify the profile of the rear façade (PA ref. 3907/20 refers). The permission on the site has an expiry date of 24<sup>th</sup> January 2026.

**WEB1258/21:** Permission sought to demolish existing single storey house and construct a new two storey over basement at No. 91 St. Mary's Lane – across from the subject site. Further information was sought.

## 5.0 Policy and Context

### 5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

### 5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

- 5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments. The guidelines promote the principle of higher densities in urban areas and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.
- 5.2.2. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to a number of safeguards. Section 5.9 deals with Inner suburban / infill sites and notes that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport

corridors, has the revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by subdivision of dwellings.

### **5.3. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).**

5.3.1. The proposed development involves works within the curtilage of a protected structure and as such, 'Architectural Heritage Protection, Guidelines for Planning Authorities' are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

5.3.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. The guidelines seek to encourage the sympathetic maintenance, adaption and re-use of buildings of architectural heritage.

5.3.3. Chapter 13 deals with Curtilage and Attendant Grounds and Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure.

### **5.4. Development Plan**

5.4.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The site is zoned Z2 - Residential Conservation Area where it is the stated objective of the zoning 'To protect and/or improve the amenities of residential conservation areas.



5.4.2. Chapter 5 of the Plan deals with Quality Housing and the following policies are considered relevant:

- **QH21:** To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.
- **QH22:** To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

5.4.3. Chapter 11 of the CDP deals with Built Heritage and Culture and Section 11.1.5.4 deals with Architectural Conservation Areas and Conservation Areas where it is stated that DCC will seek 'to ensure that development proposals within all Architectural Conservation Areas and Conservation Areas complement the character of the area, including the setting of protected structures, and comply with development standards.'

5.4.4. The following policies are relevant in this regard:

**CHC1:** To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

**CHC2:** To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage.

**CHC4:** To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features

3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area
5. The repair and retention of shop- and pub-fronts of architectural interest.

Development will not:

1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area
2. Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail
3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors
4. Harm the setting of a Conservation Area
5. Constitute a visually obtrusive or dominant form.

5.4.5. Chapter 16 of the CDP deals with Development Standards and section 16.10.2 deals with Residential Quality Standards for houses. This section deals with floor areas, aspect, natural light and ventilation, private open space and separation distances. Section 16.10.11 deals with Infill development while Section 16.10.16 specifically deals with Mews Dwellings and provides that the council will:

- a) encourage a unified approach to the development of residential mews lanes.
- b) recognise the importance of stone/brick coach houses on mews laneways.
- c) confine development to two storeys.
- d) flat blocks are not considered suitable

- e) new buildings should complement the character of the mews lane and the main building with regard to scale, massing, roof treatment and materials.
- f) amalgamation or subdivision of plots on mews lanes will not be encouraged.
- g) parking will be provided in off-street garages, forecourts or courtyards.
- h) new mews developments should not inhibit vehicular access to car parking space at rear for the benefit of the main frontage premises.
- l) mews laneways must have a minimum carriageway of 4.8 metres in width.
- j) private open space is required to be provided to the rear of the mews building and the depth should not be less than 7.5m.
- k) private open space for main house shall meet the requirements of the plan.
- l) the distance between opposing windows shall be generally a minimum of 22m.

## **5.5. Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (&pNHA) (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located approximately 1.7km to the east of the site. The North Dublin Bay SAC (Site Code: 000206) and North Bull Island SPA (Site Code: 004006) is located approximately 4.8km to the north-east of the site.

## **5.6. EIA Screening**

- 5.6.1. The proposed development is not of a class which requires mandatory EIA. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 5.6.1. The proposed development comprises a proposed mews dwelling on St. Mary’s Lane. The site is located in an urban area that does not come within the above definition of a “business district” and is more akin to ‘other parts of a built-up area’. In any case, the site is well below the threshold of 2 ha for a ‘business district’ location, and substantially below the 10ha threshold for ‘other parts of a built-up area’ which would trigger the need for a statutory EIAR. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.
- 5.6.2. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.6.3. Having regard to:
- (a) the nature and scale of the development,
  - (b) the built nature of the site,
  - (c) the zoning afforded to the site and the availability of public services and infrastructure,
  - (d) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

There are two third-party appeals against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised, reflect those raised with the Planning Authority during its assessment of the application and are summarised as follows:

- Overshadowing and loss of light to adjacent property which will have a profound impact on the home.
- The central courtyard of the existing home is open space for the house and will be overshadowed and receive no afternoon or evening sun during the summer months.
- The submitted shadow analysis demonstrates that the proposed development will result in the almost total overshadowing of the central courtyard of the appellants home on each of the dates and times covered.
- Visual impact of the blank two storey façade to the central courtyard of the existing home will visually overpower the courtyard and reduce the amount of sky visible from windows.
- While the principle of the development is supported by the development plan, there is a requirement that such development respect the ‘character, scale and pattern of historic streets, squares, lanes, mews and passageways.’ It is considered that the impact of overshadowing has not been properly considered by Dublin City Council.
- No. 12. St. Mary’s Road is a protected structure. The initial application did not include an Architectural Heritage Impact Assessment as required. The revised

conservation report submitted following a request for FI does not follow the guidance of the Architectural Heritage Protection Guidelines.

- Information provided is vague, photographs are not annotated and there is no discussion of what measures are required to protect the historic fabric and boundary walls.
- The development will negatively impact on the setting of the protected structure and will negatively impact on the character and setting, contrary to the objective of the residential conservation area.
- The development comprises overdevelopment of the site, contrary to the established pattern of development in the residential conservation area. The existing mews buildings on the lane are single storey and the proposed two storey element will result in a dominant feature.
- Traffic impacts due to inadequate car parking, access arrangements and inadequate width of the laneway.
- The development fails to meet mews design standards in terms of the normally required 10m<sup>2</sup> of rear garden space per bedspace.

Both appeals request that permission be refused.

## 6.2. Planning Authority Response

None.

## 6.3. First Party Response to Third Party Appeal

The first party response to both of the third-party appeals separately as follows:

Susan Fitzsimon & Jonathan Bailey:

- Of the 19 mews dwellings on St. Mary's Lane, 9 are entirely two storey or have first floor accommodation.
- Dublin City Council granted permission for everything applied for.
- The combined area of open space is 62m<sup>2</sup> which complies with the development plan requirements.

- The applicants, who reside in 12 St. Mary's Road have a resident's parking permit and always park on the road at the pavement, never in the rear garden, as all other residents on St. Mary's Road.
- With regard to overshadowing, it is submitted that the development will have no adverse impact on the rear garden or residence that is No. 14 St. Mary's Road.
- The proposed development is at adequate distance from existing dwellings.
- While there are two first floor windows proposed, they serve a bathroom and staircase.
- The proposed development is predominantly single storey and fits in well in the established pattern of mews development on St. Mary's Lane.
- No works are proposed to the Protected Structure or the rear garden walls.
- The proposals for the rear wall include high quality granite stonework, timber gates, capped with painted steel beam.

Kieran Wallace:

- Much is made of overshadowing though no sunpath diagrams have been submitted.
- The south and south-west light that enters the middle and rear courtyards will be unaffected.
- Existing trees against the shared boundary wall mean that the middle courtyard is already in shadow 50% of the time.
- The size of the courtyard is very small and would not be acceptable to the PA today and the proposed development will create no overshadowing of the front and rear courtyards.
- In terms of the first-floor element, it is submitted that it will abut less than half of the length of the middle courtyard of the adjacent house, and no part of the dwelling abuts the adjacent residence.

It is requested that the Board uphold the PAs decision to grant permission and to reject the appeal.

#### 6.4. **Observations**

None.

#### 7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of current uses on the site, together with uses in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. General Compliance with National Guidelines & Standards and the South Dublin County Development Plan
2. Impact on Architectural Heritage
3. Visual & Residential Amenity issues
4. Other Issues

#### 7.1. **Compliance with National Guidelines & Standards and the Dublin City Development Plan:**

- 7.1.1. Given that the subject site is located on lands zoned for residential purposes, the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The Sustainable Residential Development in Urban Areas (DoEHLG, 2009) guidelines updated the Residential Density Guidelines for Planning Authorities (1999) and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines and in this regard, I have no objection to the proposed development in principle.
- 7.1.2. In terms of compliance with the Dublin City Development Plan, the Board will note the location of the subject site within the city centre and in an area zoned Z2 - Residential Neighbourhoods (Conservation Areas) where the following objective is



applicable; 'To protect and/or improve the amenities of residential conservation areas.' Residential is a permissible use within this zoning category. In this regard, I am satisfied that the proposed development is acceptable in principle. In addition, site specific issues are also required to be considered and I will address these issues further in this report.

- 7.1.3. Chapter 16 of the CDP deals with Development Standards and section 16.10.2 deals with Residential Quality Standards for houses. This section deals with floor areas, aspect, natural light and ventilation, private open space and separation distances. Section 16.10.11 deals with Infill development while Section 16.10.16 specifically deals with Mews Dwellings. The Plan requires that infill and mews development should meet the stated criteria. In this context, I am generally satisfied that the circumstances of the subject site have been considered in the overall proposed development design and layout. The development in principle, can be accommodated on the site and provide for an adequate set back from the existing residential properties and Protected Structures adjacent.

## **7.2. Impact on Architectural Heritage**

- 7.2.1. It is the stated policy of Dublin City Councils Development Plan, Policy CHC1 refers, to seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city. In addition, Policy CHC2 seeks to ensure that the special interest of protected structures is protected. The Board will note that all houses in the terrace on Saint Mary's Road are protected structures. In addition, the properties to the north-west of the subject site, comprising a terrace of houses on Haddington Road, are also included in the RPS. St. Mary's Lane is a former service lane for the properties on Haddington Road and St. Mary's Road. Therefore, it is necessary to consider the impact of the proposed development on the subject building, as well as adjacent protected structures.

- 7.2.2. The subject site comprises part of the rear garden of No. 12 St. Mary's Road, RPS refs 7728. In accordance with the Planning & Development Act, 2000 as amended, a protected structure includes the interior, land lying within the curtilage and any other structures lying within that curtilage and their interiors and all fixtures and features which form part of the interior or exterior of any structure. The proposed

development will result in the loss of part of the original gardens to the north-west of the Protected Structure, as well as the removal of the remaining part of the original rear boundary wall onto the lane. The Board will note that the proposal does not intend works to the main house, which is currently occupied.

7.2.3. Policy CHC2 of the Dublin City Development Plan sets out a number of criteria for works to protected structures, including part (d) which states Development will conserve and enhance Protected Structures and their curtilage and will:

- (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure

7.2.4. The proposed development seeks to carry out works within the original curtilage of the protected structure and construct a new mews house. I note from the third-party submission that trees have been felled in the garden recently to accommodate the proposed house. In terms of impact to the original fabric of the Protected Structure, the Board will note the submission of the response to the planning authority's further request in relation to the garden boundary walls. I note the comments of the Dublin City Conservation Officer in relation to the works to the boundary onto St. Mary's Lane. In this regard I would conclude that there is no objection to these elements of the works, subject to compliance with the requirements of the Conservation Officer. I therefore, have no objections to the proposed development in terms of potential impacts on the protected structure or architectural heritage.

### **7.3. Visual & Residential Amenity issues**

7.3.1. With regard to the proposed design of the house, the Board will note that amendments were made following a request for further information from the PA. The development proposes the construction of a contemporary mews dwelling which is part 1 and part 2 storey and which will rise to an overall height of 5.8m in total. The first-floor element will be located towards the front of the proposed building and the house will have a total floor area of 166m<sup>2</sup>. The building as amended provides a flat roofed structure with rooflights which will provide additional light to the first-floor

landing and the ground floor lounge area. The building will be finished with fairfaced brickwork to external walls and windows and doors will comprise pre-painted timber.

- 7.3.2. The proposed house will provide accommodation over two floors with the ground floor comprising an ensuite bedroom, utility with WC, living room, and an open plan kitchen / dining and lounge area. The ground floor includes a middle courtyard which will be accessible from all living spaces at ground floor level. The rear courtyard will be accessible from the kitchen / dining area. At first floor level, the house proposes two further bedrooms, a family bathroom and a small store. Car parking is proposed within the front courtyard area to the north-west of the site.
- 7.3.3. The Board will note the concerns raised by third parties in relation to the two-storey element of the proposed house. I have considered this matter very carefully and having undertaken a site inspection, together with an assessment of current and permitted developments on the lane, I am satisfied that there are sufficient examples of two storey houses being permitted and constructed on the lane. Planning permission has been granted for a two-storey mews house to the north-west of the site approximately 12m from the site and there is a current application for a two-storey development directly across the lane from the site. I have no objection to the two-storey element of the development as proposed.
- 7.3.4. In terms of residential amenity, I am satisfied that the proposed houses provide for adequate accommodation and space which exceeds the minimum residential standards required in the Dublin City Development Plan. The amendments to the development following the PAs request for further information, provided for an increase in the area of the rear courtyard from 34m<sup>2</sup> to 48m<sup>2</sup> and increased depth to between 6.256m and 7.5m. The area of the middle courtyard decreased from 16.6m<sup>2</sup> to 14m<sup>2</sup>. I am satisfied that the development proposes adequate private amenity spaces for future occupants while retaining an acceptable level of private amenity space for the existing house fronting onto St. Mary's Road. While I acknowledge that the separation distance between the proposed house and the existing houses falls short of the recommended 22m at ground floor level, the first-floor windows, serving the landing and a bathroom are well in excess of 28m. I am satisfied that the overall design of the proposed houses has addressed any potential for significant overlooking through a variety of means including landscaping and boundary treatments.

- 7.3.5. The Board will note that the third-party appellant raises concerns in terms of the perceived overdevelopment of the site and the potential impacts arising with regard to overshadowing of existing properties. The proposed development if permitted, will result in a plot ratio of approximately 0.77 and a site coverage of 57.9%. Having regard to the location of the site within Zone Z2 of Dublin City, the Dublin City Development Plan provides that a plot ratio of between 0.5-2.0 and site coverage of 45% is appropriate. In this regard, the development is deemed acceptable in terms of plot ratio and is slightly higher than the recommended site coverage. Having regard to the context of the subject site, together with the proposed private amenity space, I am satisfied that the development as proposed is acceptable.
- 7.3.6. With regard to overshadowing, I would note that the home to the east of the subject site comprises a single storey mews dwelling which includes two courtyards, one centrally located and one to the south-western corner of the home. There is also a front courtyard associated with this existing home. The Shadow Analysis diagrams submitted in response to the PAs further information request shows the existing and proposed situation for the relevant 21<sup>st</sup> date of March, June and September, and appear to indicate that the development will result in total overshadowing of the existing central amenity space of the adjacent property from 12.00pm on the 21<sup>st</sup> of March, from 3pm on the 21<sup>st</sup> of June and all day on the 21<sup>st</sup> of September. There is no analysis of the impact of the overshadowing potential of the development on the adjacent property and no daylight analysis presented as part of the FI response.
- 7.3.7. Following the submission of the third-party appeal, the Board will note that the first-party sought to address the concerns raised. The response submits that 'much is made of this [overshadowing] in the Third-Party Appeal though no sunpath diagrams have been submitted.' In addition, the response notes that the south and south-west light that enters the middle and rear courtyards will be unaffected and that existing trees against the shared boundary wall mean that the middle courtyard is already in shadow 50% of the time.
- 7.3.8. I would agree that the south and south-west light that enters the adjacent courtyards is unlikely to be affected due to orientation of the site together with the overall design and layout of the proposed development. Having regard to the information presented, I am generally satisfied that the proposed development would not

represent so significant an impact on the residential amenity of the adjacent property as to merit a refusal of planning permission.

- 7.3.9. I am satisfied that the development, as amended, has provided for appropriate provision for car parking and the storage of bicycles and bins. In principle, I have no objections to the proposed development as presented.

#### **7.4. Other Issues**

##### **7.4.1. Servicing of the site**

No issues arise in relation to the servicing of the proposed development.

##### **7.4.2. Development Contribution**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

### **8.0 Appropriate Assessment**

#### **8.1. Introduction**

- 8.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The applicant did not submit an Appropriate Assessment Screening Report or a Natura Impact Statement with the application.
- 8.1.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant

effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

8.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

## 8.2. Consultations

8.2.1. The Board will note that all third-party observations, prescribed bodies and Local Authority submissions and consultations are summarised above in Section 3 of this report, while all third-party appeal submissions are summarised in Section 6. No issues relating to AA are noted as having been raised.

## 8.3. Screening for Appropriate Assessment

8.3.1. The applicant did not prepare an Appropriate Assessment Screening Report as part of the subject application. The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (&pNHA) (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located approximately 1.7km to the east of the site. The North Dublin Bay SAC (Site Code: 000206) and North Bull Island SPA (Site Code: 004006) is located approximately 4.8km to the north-east of the site.

8.3.2. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. There are 20 Natura 2000 Sites occurring within a 15km radius of the site. I am satisfied that following sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitat in question

is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, I conclude that no significant impacts on the following sites is reasonably foreseeable. I am satisfied that the potential for impacts on the following 15 Natura 2000 sites can be excluded at the preliminary stage:

Site Name	Site Code	Assessment
Baldoyle Bay SAC	000199	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Baldoyle Bay SPA	004016	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Howth Head SAC	000202	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Howth Head Coast SPA	004113	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>

		<b>Screened Out</b>
Rockabill to Dalkey Island SAC	003000	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Dalkey Island SPA	004172	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Irelands Eye SAC	002193	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Irelands Eye SPA	004117	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Glenasmole Valley SAC	001209	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p>



		<p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Knocksink Wood SAC	000725	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Ballyman Glen SAC	000713	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Wicklow Mountains SAC	002122	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Wicklow Mountains SPA	004040	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Malahide Estuary SAC	000205	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p>

		<p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Malahide Estuary SPA	004025	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>

8.3.3. I consider that the following Natura 2000 sites, located within 15km of the subject site, can be identified as being within the zone of influence of the project, for the purposes of AA Screening, as follows:

- North Dublin Bay SAC (Site Code: 000206)
- North Bull Island SPA (004006)
- South Dublin Bay SAC (000210)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- Poulaphuca Reservoir SPA (004063)

#### 8.4. **Qualifying Interests for Natura 2000 Sites within Zone of Influence**

8.4.1. The closest Natura 2000 sites, and those considered to be within the zone of influence for the proposed development, as there are potential pathways via the surface water drainage and wastewater drainage infrastructure, and therefore, hydrological links to the designated sites, are the South Dublin Bay SAC (&pNHA) (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located approximately 1.7km to the east of the site. The North Dublin Bay SAC (Site Code: 000206) and North Bull Island SPA (Site Code:

004006) is located approximately 4.8km to the north-east of the site. The following table sets out the qualifying interests for each of these sites:

European Site	Qualifying Interests
<p><b>South Dublin Bay SAC</b> (Site Code: 000210) Located approx. 1.7km to the east of the site</p>	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> </ul>
<p><b>South Dublin Bay &amp; River Tolka Estuary SPA</b> (Site Code: 004024) Located approx. 1.7km to the east of the site.</p>	<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>• Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>• Knot (<i>Calidris canutus</i>) [A143]</li> <li>• Sanderling (<i>Calidris alba</i>) [A144]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Roseate Tern (<i>Sterna dougallii</i>) [A192]</li> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>) [A194]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>
<p><b>North Dublin Bay SAC</b> (Site Code: 000206) Located approx. 4.8km to the east of the site.</p>	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Annual vegetation of drift lines [1210]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> </ul>

	<ul style="list-style-type: none"> <li>• Embryonic shifting dunes [2110]</li> <li>• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</li> <li>• Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</li> <li>• Humid dune slacks [2190]</li> <li>• <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</li> </ul>
<p><b>North Bull Island SPA</b> <b>(Site Code: 004006)</b></p> <p>Located approx. 4.8km to the east of the site.</p>	<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>• Shelduck (<i>Tadorna tadorna</i>) [A048]</li> <li>• Teal (<i>Anas crecca</i>) [A052]</li> <li>• Pintail (<i>Anas acuta</i>) [A054]</li> <li>• Shoveler (<i>Anas clypeata</i>) [A056]</li> <li>• Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>• Knot (<i>Calidris canutus</i>) [A143]</li> <li>• Sanderling (<i>Calidris alba</i>) [A144]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Curlew (<i>Numenius arquata</i>) [A160]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Turnstone (<i>Arenaria interpres</i>) [A169]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>
<p><b>Poulaphouca Reservoir SPA (Site Code: 004063)</b></p> <p>Located approx. 24km to the south-west of the site</p>	<ul style="list-style-type: none"> <li>• Greylag Goose (<i>Anser anser</i>) [A043]</li> <li>• Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</li> </ul>

8.4.2. It is noted that the subject development site is located outside all of the Natura 2000 sites identified above, and therefore there is no potential for direct effects to any designated site. The subject development site is an urban brownfield site and is not located within any designated site. The site does not contain any of the intertidal habitats or species associated with any Natura 2000 site. The existing site is composed entirely of buildings and artificial surfaces and domestic garden, within a built-up area of Dublin City. I would note that the only pathway between the site and the Natura 2000 sites in Dublin Bay are via surface water drainage and wastewater drainage. In addition, the Poulaphuca Reservoir is considered to be within the zone of influence of the development as the SPA is the source of drinking water for Dublin City, including the proposed development site.

### 8.5. Conservation Objectives:

8.5.1. The Conservation Objectives for the relevant designated sites are as follows:

European Site	Conservation Objectives
<p><b>South Dublin Bay SAC</b> (Site Code: 000210)</p> <p>Located approx. 1.7km to the east of the site</p>	<ul style="list-style-type: none"> <li>The NPWS has identified a site-specific conservation objective to <b>maintain</b> the favourable conservation condition of the Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets</li> </ul>
<p><b>South Dublin Bay &amp; River Tolka Estuary SPA</b> (Site Code: 004024)</p> <p>Located approx. 1.7km to the east of the site.</p>	<ul style="list-style-type: none"> <li>The NPWS has identified site-specific conservation objectives to <b>maintain</b> the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets.</li> <li>No site-specific objective has been set for the Grey Plover and it is proposed for removal from the list of Special Conservation Interest for the SPA.</li> </ul>
<p><b>North Dublin Bay SAC</b> (Site Code: 000206)</p> <p>Located approx. 4.8km to the east of the site.</p>	<ul style="list-style-type: none"> <li>The NPWS has identified a site-specific conservation objective to <b>maintain</b> the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>○ Petalophyllum ralfsii (Petalwort) [1395]</li> <li>● The NPWS has identified a site-specific conservation objective to <b>restore</b> the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> <li>○ Annual vegetation of drift lines [1210]</li> <li>○ Salicornia and other annuals colonising mud and sand [1310]</li> <li>○ Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</li> <li>○ Mediterranean salt meadows (Juncetalia maritimi) [1410]</li> <li>○ Embryonic shifting dunes [2110]</li> <li>○ Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</li> <li>○ Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</li> <li>○ Humid dune slacks [2190]</li> </ul> </li> </ul>
<p><b>North Bull Island SPA</b> <b>(Site Code: 004006)</b> Located approx. 4.8km to the east of the site.</p>	<ul style="list-style-type: none"> <li>● The NPWS has identified site-specific conservation objectives to <b>maintain</b> the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets.</li> </ul>
<p><b>Poulaphouca Reservoir SPA (Site Code: 004063)</b> Located approx. 24km to the south of the site</p>	<ul style="list-style-type: none"> <li>● There is a generic conservation objective to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA: <ul style="list-style-type: none"> <li>○ Greylag Goose (Anser anser) [A043]</li> <li>○ Lesser Black-backed Gull (Larus fuscus) [A183]</li> </ul> </li> </ul>

## 8.6. Potential Significant Effects

8.6.1. The AA Screening Report, submitted with the application, includes an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives. In order for a significant effect of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of some 1.7km from the boundary of any designated site. This separation distance is increased in terms of the course of the drainage network in Dublin City. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Disturbance and / or displacement of species:** The site lies within an urbanised environment. No qualifying species or habitats of interest, for which the designated sites are so designated, are noted to occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.
- **Water Quality:** The proposed development is to connect to existing public water services, and the Ringsend Wastewater Treatment Plant. It is noted that the Ringsend Treatment Plant is not currently compliant with its emission limit standards, but that work is underway to increase capacity. Notwithstanding the current issues with the WWTP, evidence suggests that no negative impacts to the Natura 2000 sites in Dublin Bay, and the habitats and species they support, are occurring from water quality. Having regard to the limited scale of the proposed development in the context of the overall licenced discharge at the Ringsend WWTP, I am generally

satisfied that the development, if permitted, is unlikely to impact on the overall water quality within Dublin Bay.

- 8.6.2. The potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay can be excluded given the distance to such sites, the nature and scale of the development and the lack of a direct hydrological connection.

## **8.7. In Combination / Cumulative Effects**

- 8.7.1. In relation to in-combination impacts, I note a number of planning permissions granted in the immediate vicinity, primarily for small residential developments. Having regard to the contribution of the proposed development to the wastewater discharge from Ringsend, together with all other matters raised above, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. In addition, I would note that all other projects within the Dublin Area which may influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA.

## **8.8. Conclusion on Stage 1 Screening:**

I have considered the detail of the proposed development, the NPWS website, aerial and satellite imagery, the limited scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.



## 9.0 Recommendation

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

## 10.0 Reasons and Considerations

Having regard to the Objectives of the National Planning Framework, and the zoning provisions 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 be acceptable in terms of road safety and servicing, and would not seriously injure the visual and residential amenities of adjoining properties and the amenity of future occupants.

The development is also considered to be justified in accordance with:

- (a) Government policy to ramp up delivery of housing from its current under-supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and
- (b) Objective 13 of the National Planning Framework,

which supports denser residential development on public transport corridors within the built-up area of Dublin city and its suburbs, as is proposed in this case. The proposed development, would, therefore, 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, as amended by further information submitted on the 10<sup>th</sup> day of February 2021, 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. The proposed first floor windows serving the landing and bathroom shall be obscured glazing.

**Reason:** In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. Prior to the commencement of any development on site, a method statement for the raking out and re-pointing of the stonework in the historic boundary walls, including a full photographic record and schedule of any repairs, shall be submitted for the written agreement of the Dublin City Council Conservation Officer.

**Reason:** To ensure that the integrity of the historic structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

5. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric of the Protected Structures, including the historic boundary walls, during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained historic wall structure and/or fabric.
- (b) Prior to the commencement of any development on the site, full details of proposed works to the historic boundary wall, including the northern boundary of the site, shall be submitted for the written agreement of the Dublin City Council Conservation Officer and Planning Authority.

- (c) All works to the historic wall shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, and shall be designed to cause minimum interference to the historic wall structure and/or fabric. Items that have to be removed shall be recorded prior to removal, catalogued and numbered.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

6. Water supply and 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.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 amenities of property in the vicinity.

9. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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 visual amenity.

10. The car parking space for the new dwelling shall be provided generally as shown on the submitted site layout plan dated 10<sup>th</sup> of February 2021 and shall be kept free from obstruction at all times for the use by the occupier for the sole purpose of parking a vehicle off-street.

**Reason:** In the interest of orderly parking and convenience of road users, having regard to the pattern of development in the area

11. 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.

---

A. Considine

Planning Inspector

28<sup>th</sup> July 2021