



An
Bord
Pleanála

Inspector's Report ABP-310426-21.

Development	Construction of a 2 storey house with pedestrian / cycling access.
Location	To the side of existing dwelling at No. 4 Chelmsford Close Ranelagh, D6 and with access off Wesmoreland Park.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3823/20.
Applicant(s)	Eoin Quinn & Jeremy Wales.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party v Conditions Multiple Third-Party v Grant
Appellant(s)	Eoin Quinn & Jeremy Wales Martin & Eileen Healy James Bruce
Observer(s)	None.
Date of Site Inspection	15/09/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located to the side of the end of terrace house at No. 4 Chelmsford Close. Chelmsford Close comprises a terrace of 4 houses which rise to two storeys in height with flat roofs with a mansard roof design to the front and rear facades at first floor level. The terrace of 4 houses is located at the end of the cul-de-sac from Chelmsford Avenue and the terrace does not provide for front gardens. Car parking is available to the front of the houses with rear gardens backing onto Westmoreland Park. Pedestrian access is provided onto this narrow, historic and cul-de-sac laneway.
- 1.2. The proposed development site has a stated area of 128.45m² and currently comprises the side garden area of No. 4 Chelmsford Close. The layout of the proposed development will have the front of the building facing onto Westmoreland Park, with the rear garden area proposed to be located adjacent backing onto No. 11, and adjacent to No. 10 Ranelagh Avenue. No access is proposed from the site onto Chelmsford Close.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for development for development at this site on lands to the side of existing dwelling. The development will consist of the construction of a new 2 storey 2-bedroom house with pedestrian/cycling access off Westmoreland Park. Two onsite bicycle spaces are proposed in lieu of an onsite car parking space, all at Lands to the side of existing dwelling at no. 4, Chelmsford Close, Ranelagh, Dublin 6, D06XW20 and with a proposed access off Westmoreland Park.

The application included plans, particulars and completed planning application form.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development, subject to 12 standard 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 and the City Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The initial planning report notes the height and excessive use of render would result in the development appearing incongruent within the existing context and would be harmful to the setting of the surrounding conservation areas. Further concerns are raised in terms of the impacts of daylight, sunlight and overshadowing of neighbouring properties and advises that the applicant should be required to submit an assessment following the BRE guidance. The report concludes that the proposed development is acceptable in terms of transport, parking and access as well as connections to water services. The Planning Officer concludes that further information is required.

Following the submission of a response to the further information request, where the applicant submitted amended proposals regarding the overall height and scale of the development as well as changes to the proposed finishes as well as a daylight/sunlight report, the Planning Officer was satisfied that the proposed building would be acceptable at this location. The Planning Officer recommends that permission be granted for the proposed development subject to 12 conditions.

This Planning Report formed the basis of the Planning Authority's decision to issue a decision to grant planning permission.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to compliance with conditions.

Transportation Planning Division: The report notes that the proposed development is to be accessed off Westmoreland Park, a cul-de-sac laneway which is approximately 5m in width and services a number of dwellings, and that no access is proposed off Chelmsford Close. The access proposed is pedestrian / cycle only with no vehicular access to the site proposed. The report

notes the parking arrangements on the surrounding streets including off-street parking on Chelmsford Close and controlled on-street parking along Chelmsford Avenue. Double yellow lines and informal on-street parking is noted on Westmoreland Park where parking congestion is noted.

Having regard to the location of the development site to public transport facilities as well as the infill nature of the development, it is considered that the no car parking provision is acceptable. The Division requires that a Construction Method Statement be conditioned in the event of consent which should address traffic management, including access.

Conditions are recommended.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Submissions

There are 6 third party submissions noted on the Planning Authority file from Mr. Eric Dunne. The issues raised are summarised as follows:

- Impacts of the development on existing drainage infrastructure which is old and fragile and traverses the full width of the garden of 4 Chelmsford Close
- Scale of the development as the height and depth of the building exceeds the existing houses in the terrace.
- Impact on lighting in terms of sunlight / daylight and overshadowing.
- Loss of privacy and residential amenity impacts by reason of overlooking.
- Visual impacts and the design of the building given the proximity of the site to the Westmoreland Park ACA.
- Building on areas of open space undermines the role of ACAs and results in adverse aesthetic impacts on ACAs.
- The proposal represents an overdevelopment of the site.
- Roads and traffic issues raised particularly on Westmoreland Park.

- It is likely that the proposed owners / tenants of the property will require car parking and as there is no access proposed to the site from Chelmsford Close, the development will encourage more traffic on Westmoreland Park.
- It would be more logical for the house to have its entrance onto Chelmsford Close.
- Construction traffic and hours of work impacts – there is no parking available on Westmoreland Park.
- The proposed development will not enhance residential amenity but is a speculative venture which seeks to use a garden for commercial gain. Previous application for home office was permitted on the condition that a WC was omitted so the building could not be used for residential purposes.
- Impact of the development on existing boundary walls – of rubble stone construction dating from the early 19th Century.

4.0 Planning History

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

PA ref: 0120/91: Permission granted to construct extension to side of existing house.

Adjacent properties:

PA ref: 4969/05: Permission refused for the construction of a mews dwelling to the rear of 37 Chelmsford Road (directly across the lane from the subject site). The reasons for refusal related to inadequate open space, traffic hazard due to the narrowness of the access laneway and impact on the setting of the Protected Structure and adjoining properties.

Pre-planning Meeting:

The Planning Officers report notes that a pre-planning meeting was held in November 2020 where no objection in principle to the proposed development was raised. Issues to be addressed were advised as visual impact, scale of the dwelling relative to adjoining, the overall design and use of materials, potential overlooking, provision of private open space and lack of car parking.

5.0 Policy and Context

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

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

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:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines 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.

5.2.3. 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 the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and

compliance with plot ratio and site coverage standards adopted in development plans.

5.3. **Development Plan**

5.3.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The site is zoned Z4 – District Centres where it is the stated objective of the zoning ‘To provide for and improve mixed-services facilities’. The lands surrounding the site also include areas 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.

5.3.2. 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.

5.3.3. 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.'

5.3.4. 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.

5.3.5. Section 16.10.9 of the CDP deals with Corner/side garden sites and states the planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:

- The character of the street
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings
- Impact on the residential amenities of adjoining sites
- Open space standards and refuse standards for both existing and proposed dwellings
- The provision of appropriate car parking facilities, and a safe means of access to and egress from the site
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area
- The maintenance of the front and side building lines, where appropriate.

- 5.3.6. Section 16.10.10 deals with Infill housing and provides that infill housing should:
- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings
 - Comply with the appropriate minimum habitable room sizes
 - Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

5.4. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located approximately 2.8km 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 6.3km to the east.

5.5. **EIA Screening**

- 5.5.1. The subject appeal does not relate to a class of development which requires mandatory EIA.
- 5.5.2. Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) sets out the class of developments which provide that mandatory EIA is required. The proposed development, which comprises the construction of a dwelling, is not of a scale or nature which would trigger the need for a statutory EIAR. It is therefore considered that the development does not fall within any cited class of development in the P&D Regulations and does not require mandatory EIA.
- 5.5.3. 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.

5.5.4. Having regard to:

- (a) the nature and scale of the development,
- (b) the built nature of the area,
- (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

6.1.1. This is a multiple appeal including 2 third-party appeals against the decision of the Planning Authority to grant planning permission for the proposed development, and a first party appeal against the decision of the Planning Authority to grant permission for the amended plans rather than the original plans.

6.1.2. The third-party issues raised reflect the concerns as raised with the Planning Authority during its assessment of the proposed development and are summarised as follows:

Martin & Eileen Healy:

- Issues raised have not been addressed adequately
- The development will impact on the character of the ACA and will be out of character with the area.
- The development is not supported by the Development Plan.

- The site is not under-utilised, or an infill site and the garden should not be built on from an ecological and environmental point of view.
- Issue of car parking remain, and the statements made are not credible.
- Given the extent of car ownership in the area it is not reasonable to assume that future residents would not be car owners.
- The building is indicated as taking place from Chelmsford Close and not Westmoreland Park. It is difficult to see how this would be achieved and hasn't been fully clarified. Heavy vehicles would have extreme difficulty accessing the building site from Westmoreland Park.
- Servicing of businesses on the corner of Ranelagh Road and Westmoreland Park almost completely block the road severely restricting access to upper Westmoreland Park.
- There is a health and safety issue, and a fatality occurred at this junction a few years ago.
- Residents should have sight of any Construction Management Plans and a framework should be put in place to deal with adherence or not.
- It is submitted that the development is untenable and will add to the disruption of the residents from an access and noise perspective and does not fall within the spirit of the CDP.
- Many of the houses have front doors stepping directly out onto the street.

James Bruce:

- The proposed development sets an undesirable precedent for building on any patch of undeveloped land (ie. gardens) in the area.
- Several observations / objections to the original application highlighted the issue of car parking provision (or lack thereof) in Westmoreland Park. This is of particular relevance due to the lack of off-street car parking provision contained in the application. Instead, provision is made for a bicycle shelter/shed.
- Disruption and potential damage to resident's properties that may be caused by the construction process if the new development is built.

- Westmoreland Park has been designated as an ACA since November 2012.
- Changes to original plans as a result of feedback from DCC compromise the liveability/useability of the ground floor space in terms of light and ventilation.

6.1.3. The first-party appeal seeks to overturn the decision of Dublin City Council to grant permission for the revised version of the proposed development, as amended following a request for further information. It is requested that the Board grant permission for the development as originally submitted. The grounds of appeal are summarised as follows:

- The site is not located within an ACA and does not contain any protected structure.
- While Westmoreland Park currently presents as a relatively intact streetscape along its south-western half, the area of the subject site comprises garage buildings, vacant or underused sites and the rear garden entrances of houses backing onto it. This part of the street has more of a back lane and service character with poor passive surveillance.
- The scale of the existing houses at nos. 1-4 Chelmsford Close is smaller than typical houses in the area and are inconsistent in that they do not have pitched roofs.
- The proposed height of the house as originally submitted would facilitate best practice guidelines for residential design by allowing for a ground floor ceiling height of 2.7m, 2.4m at first floor level and additional roof insulation to NZEB (Near Zero Energy Building) standards.
- The height is marginally higher than the existing ridge heights of the adjoining terrace and would have limited visibility from the front of the terrace. The front door access to the rear of the terrace onto Westmoreland Park is in the context of the buildings of greater scale. It is submitted that it is appropriate for the proposed house should possess a slightly enhanced scale and presence rather than reduce its height in line with the ridge heights of the terrace on Chelmsford Close.
- There is precedence for bookending a terrace on Westmoreland Park and the building volume and external treatments help to reduce overshadowing of

neighbouring properties and tie the proposed building into the existing houses visually.

- There are significant differences in ridge heights and external treatment of existing buildings in the vicinity of the site and it is submitted that the proposed scale and height of the infill development is appropriate, and the elevational treatment would create a positive addition to the urban form, streetscape and passive surveillance of Westmoreland Park.
- A revised daylight/sunlight report is submitted based on the original proposal which concludes as follows:
 - All windows assessed either retain a VSC in excess of 27% or are not reduced below 80% of their former value.
 - All windows assessed exceed the target values set out for sunlight.
 - All amenity spaces to the neighbouring properties will retain 2 hours of sunlight to an area in excess of 50% of the amenity space and the proposed development will not reduce the existing availability of sunlight below 80% of the current levels.

It is requested that the Board grant permission for the original proposal.

6.2. Planning Authority Response

None.

6.3. First Party Response to Third Party Appeal

The first party has submitted a response to the 2 no. third-party appeals seeking to address the issues raised as follows:

- The site is located in Zone Z4 of the CDP and the proposed development fully accords with the zoning and policy objectives as set out in the Plan.
- It is considered that the proposed development would enhance the sustainable development of the area by creating a positive residential infill addition consistent with the zoning and current building density of the area.

- The proposed new house is located outside the ACA at Westmoreland Park and is separated from it by a substantial pair of modern semi-detached two storey yellow brick houses with hipped roofs and a vacant/underused site opposite no. 9 Westmoreland Park.
- The submission restates the details contained in the first party appeal in relation to the height, scale and external treatment of the proposed house.
- In relation to the access issues raised, it is submitted that the decision to grant permission for the house without the requirement for car parking provision is consistent with the objective of reducing the reliance on private car usage and encouraging a modal shift to more sustainable modes of transport.
- There have been recent precedents of grants of permission for similar developments in the area.
- A Construction Management Plan will be agreed with the PA prior to the commencement of development.
- Construction traffic access will use the driveway to the front of 4 Chelmsford Close as indicated in the original application.

6.4. **Third Party Response to First Party Appeal**

One third party response to the first party appeal is noted. The submission is summarised as follows:

- The development will have its entrance onto Westmoreland Park, a short distance from the ACA and it is submitted that the building in its scale and footprint, does not add to the character of the ACA.
- While the site is not located within an ACA, it affects two ACAs.
- References to previous buildings on Westmoreland Park are not relevant.
- The description of the north-eastern part of the lane is questionable.
- Given the size and scale of the proposed building, it will not be tucked away to the side garden as suggested and will have a visual impact.

- The deletion of buildings from the RPS should not affect their preservation and heritage value given their inclusion within the ACA.

6.5. Observers

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and 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. Principle of the development & General Compliance with National Guidelines & Standards and the South Dublin County Development Plan
2. Visual & Residential Amenity issues
3. Roads & Traffic
4. Impact on Architectural Heritage
5. Other Appeal Issues
6. Other Issues
7. Appropriate Assessment

7.1. Principle of the development

- 7.1.1. Permission sought for the construction of a new dwelling within the side garden area of a house, at the end of a terrace of 4 houses in the Ranelagh area of Dublin City. The site is zoned Z4 – District Centres in the current Dublin City Development Plan, where it is the stated objective of the zoning ‘To provide for and improve mixed-services facilities’. Residential is a permissible use within this zoning category. In this regard, I am satisfied that the proposed development is acceptable in principle. The

lands surrounding the site also include areas zoned Z2 – Residential Neighbourhoods (Conservation Areas) where the following objective is applicable; ‘To protect and/or improve the amenities of residential conservation areas.’

7.1.2. 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 16.10.9 deals with corner/side gardens while Section 16.10.10 deals with The Plan requires that corner/side garden and infill and development should meet the stated criteria in terms of the character of the street, the compatibility of design and scale with adjoining dwellings, impacts on existing and proposed residential amenities, parking and access/egress and landscaping.

7.1.3. While I will address site specific issues further in this report, I am generally satisfied that the circumstances of the subject site have been considered in the overall proposed development and that the development in principle, can be considered as being acceptable in the context of the Dublin City Development Plan.

7.1.4. In addition, and given that the subject site is located on lands zoned where residential use is permissible, 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. 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.

7.2. Visual & Residential Amenity issues

7.2.1. 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 and which the PAs grant of permission relates. The Board will also note that the first party has appealed the decision of the Planning Authority and has requested that the Board grant permission for the originally proposed house on the site. The houses in

the existing terrace (to which the proposed new house will attach) are two-storey in scale, with flat roofs and a mansard style finish at first floor level. The houses have an overall height of 5.411m to ridge level and 5.776 to parapet level. The houses generally comprise a two-room deep layout with living rooms and kitchens at ground floor level and two bedrooms and a bathroom at first floor level. All houses include pedestrian access to the rear onto Westmoreland Park. I note that permission was granted for the extension of the kitchen at No. 2 Chelmsford Close and other than this, the terrace presents a uniform elevation to both the front and rear. There are no front gardens associated with this terrace, with private amenity space provided to the rear, and in the case of the subject landholding, the side of the house.

- 7.2.2. The development proposes the construction of a two-storey house which will be located at an end of terrace position, within the existing side garden of No. 4 Chelmsford Close. The house will front onto Westmoreland Park with the rear garden area to be located adjacent to the rear garden of Nos. 10 and 11 Ranelagh Avenue, which lie to the north and west of the site. No access is proposed via Chelmsford Close. The originally proposed house rises to an overall height of 6.19m and will include a single storey element to the elevation onto Westmoreland Park. The proposed house has a stated floor area of 105m² and will provide for a two bedroomed home. No car parking or vehicular access is proposed as part of the development.
- 7.2.3. The initial design was considered inappropriate by the Planning Authority given the location of the site at the end of an existing terrace of houses and the proposed footprint, design, height, roof form and finishes. The proximity of the site to the ACA and protected structures is also noted as a concern in terms of visual impact. In response, the applicant amended the plans for the building, reducing the height to reflect that of the existing terrace. The amended proposals include additional skylights and other minor elevational treatment finishes and the Planning Authority was satisfied that as amended, the proposed development was acceptable.
- 7.2.4. In relation to the first party appeal, and the request that the Board consider granting permission for the original – and taller – house on the site, I would acknowledge the variety of house types in the vicinity of the site. However, given the location of the site immediately adjacent to an existing, and distinctive, terrace of houses, I would agree with the Planning Authority that the original proposal would have represented

an inappropriate form of development at this location which would result in a significant visual impact on the adjacent properties. I am satisfied that the amended proposals, submitted to the Planning Authority on the 14th of April 2021, represents a contemporary design which is appropriate to the site and if permitted will not represent a significant visual impact in this area. As such, I would not recommend that the original plans be permitted as requested in the first-party appeal.

- 7.2.5. In terms of residential amenity, I am satisfied that the proposed house, as amended, provides for adequate accommodation and space which exceeds the minimum residential standards required in the Dublin City Development Plan. The development provides for an area of private amenity space of 41m² between the front and rear gardens, which I consider adequate in terms of private amenity space for future occupants. In arriving at this conclusion, I note the areas of amenity space associated with the other houses in the terrace, as well as the proximity of the site to Ranelagh Gardens Park, approximately 70m to the northeast of the site. Should the Board be minded to grant permission for the development, I recommend that a gate be included in the north-eastern area of the proposed rear garden to facilitate easy access to this amenity.

Overlooking:

- 7.2.6. In terms of third-party concerns regarding impacts on their residential amenity, I acknowledge that the separation distance between the proposed house and the existing houses to the north and north-west falls short of the recommended 22m at first-floor window level. However, I note that the proposed two windows in these elevations comprise a high-level window serving a bathroom and a second high level window, serving a bedroom. The Board will note that a fire escape window to the first-floor bedroom located to the north of the building is provided with a north-east orientation, offering views towards the front of the existing terrace and towards Ranealgh Gardens Park. I am satisfied that the overall design of the proposed house has addressed any potential for significant overlooking of existing adjacent homes through design features.

Overdevelopment:

- 7.2.7. 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 0.81 and a site coverage of 60.9%. Having regard to the location of the site within Zone Z4 of Dublin City, the Dublin City Development Plan provides that a plot ratio of between 2.0 and site coverage of 80% is appropriate. In this regard, the development is deemed acceptable in terms of plot ratio and site coverage. Having regard to the context of the subject site, together with the proposed private amenity space as discussed above, I am satisfied that the development as proposed is acceptable.

Overbearance:

- 7.2.8. The Board will note that the overall design of the house proposes an essentially solid western elevation which will be finished in brick, similar to that of the existing terraced house elevation. This elevation, rising to two storeys has the potential to present as overbearing on the existing adjacent properties on both Westmoreland Park and on Ranelagh Avenue, given the proposed proximity to the site boundary. That said, I note the presence of the garden room building in the rear garden area of No. 10 Ranelagh Avenue as well as the parking and greenhouse area associated with No. 9 Westmoreland Park which creates a separation between the houses and private amenity spaces.
- 7.2.9. Having regard to the proposed layout of the site, together with the amended height of the proposed house, I am generally satisfied that the development, if permitted, will not be visually overbearing or obtrusive when viewed from adjacent properties.

Daylight, Sunlight and Overshadowing:

- 7.2.10. With regard to overshadowing, I would note that the applicant was requested to submit a daylight/sunlight assessment as part of the further information request. This was requested on the basis that the Planning Officer considered that the proposed development may give rise to impacts in terms of daylight, sunlight and overshadowing of neighbouring properties.
- 7.2.11. Section 3.2 of the Urban Development and Building Height Guidelines (2018), in terms of the at scale of the site/building, states as follows:

- The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.
- Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’.
- Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.

7.2.12. In addition to the Building Height Guidelines, the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020 also require at Section 6.6, that planning authorities’ should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. Where an applicant cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting taking account of its assessment of specifics.

7.2.13. The applicant’s Sunlight, Daylight and Shadow Assessment – (submitted with the response to Dublin City Councils FI request and relating to the amended permitted house design), is based on the BRE Report “Site Layout Planning for Daylight and Sunlight” and the analysis performed, considered the potential impact of the proposed development on the closest neighbouring houses to the north-west and west, testing for the following:

- Daylight to existing dwellings.
 - Impact / Change for Skylight – VSC
 - Impact / Change for Probable Sunlight Hours – APSH
- Existing amenity spaces for:
 - Impact / Change on Sunlight / Shadow

7.2.14. The Board will also note that a second Daylight, Sunlight & Overshadowing Assessment was prepared by Digital Dimensions as part of the first-party appeal, which considers the potential impact of the original proposed development on the neighbouring properties, again, testing the above-mentioned criteria.

7.2.15. I have considered the reports submitted by the applicant as they relate to both the original proposed design and the amended permitted design. I note that both reports have had regard to BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) – the documents referenced in Section 28 Ministerial Guidelines. I also note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in Buildings’), which replaced the 2008 BS in May 2019 (in the UK) but that this updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines. The concerns raised in the third-party submissions as they relate to the potential impact on light in their homes and amenity spaces are also noted.

7.2.16. In terms of the potential impacts on existing dwellings, I consider that there are two elements to be considered, including loss of sunlight to amenity spaces and overshadowing, as well as the impact of loss of light within existing homes due to the development. In the context of the subject site, the Board will note that the site lies to the north of the closest house on Westmoreland Park, and south and south-west of the houses on Ranelagh Avenue. The applicants’ current home, No. 4 Chelmsford Close, lies to the east. No assessment was carried out in terms of this property.

Loss of Light within Existing Homes

7.2.17. The BRE guidance for daylight and sunlight is intended to advise on site layout to provide good natural lighting within a new development, safeguarding daylight and

sunlight within existing buildings nearby and protecting daylight of adjoining properties. Section 2 of the document deals with Light from the Sky and Section 2.2 of the guidelines set out the criteria for considering the impact of new development on existing buildings. The guidance in this regard is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms, and include as follows:

- Consideration of the separation distance – if it is three or more times its height, the loss of light will be small.
- Consideration of the angle to the horizontal subtended by the new development at the level of the centre of the lowest window – if the angle is less than 25° it is unlikely to have a substantial effect on the diffuse skylight in existing buildings.
- Consideration of the Vertical Sky Component (VSC) - If VSC is >27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.
- If the VSC is both less than 27% and less than 0.8 of its former value, occupants of the existing building will notice the reduction in the amount of skylight.

The Guidelines suggest that the above considerations need to be applied sensibly and flexibly.

7.2.18. In the context of the above, the Board will note that I have employed all of the relevant Guidance documents in order to present a rational assessment of the proposed development, identifying potential impacts arising and consideration on the reasonableness or otherwise of identified potential impacts. My assessment is based on the identified national and local policies which support the increase in density of development within Dublin City on appropriately zoned and serviced lands and the need to provide new homes while considering the potential impacts on existing residents.

7.2.19. The submitted Daylight & Sunlight Assessment noted that the adjacent properties, assessing 10 windows and the subsequent report assessing 12 windows between the houses on Ranelagh Avenue and Westmoreland Park. Both reports conclude

that all of the tested points have a Proposed VSC greater than either 27 or 80% of the existing, thereby exceeding BRE recommendations. All windows achieve a VSC in excess of 90% in terms of the amended (PA permitted) development, while 2 windows achieve 83.36% and 88.53% with the original design (all other windows achieve in excess of 90%).

7.2.20. Section 4.0 of the submitted Sunlight & Daylight Assessment deals with Sunlight in Adjoining Residential Living Areas, and notes that for a proposed development to have a noticeable impact on the APSH, the value needs to be reduced below the recommended 25% APSH or 5% Probable Sunlight Hours during the winter period. The value should not be reduced below 0.8 times its former value. The Assessment considered all of the relevant windows at nos. 10 and 11 Ranelagh Avenue as the use of the rooms on the ground floor levels was not known. The analysis concludes that all of the windows have an APSH and PSH percentage greater than the recommended 25% and 5%. The windows assessed therefore, meet the recommendations of the BRE guidance and exceed the target values set out for sunlight.

7.2.21. I have referred above to the fact that the submitted Assessments have not considered the impact of the proposed development on the applicants' current home. The submitted shadow diagrams indicate that the rear of the existing home will be in shadow from 15:00 on the 21st of March. The ground floor window and door associated with No. 4 Chelmsford Close serve the kitchen and dining area of the home. In accepting that there will be an impact, I note that the Guidance document provides for judgement and balance of considerations to be applied. In this regard, I acknowledge the established need to provide new homes within Dublin City and to increase residential densities on zoned and serviced lands. Having regard to the orientation of the rear of the existing home, I am generally satisfied that the impact of the proposed development can be reasonably considered to be not so significant as to warrant outright refusal of permission.

Sunlight to Existing Amenity Spaces / Overshadowing

7.2.22. With regard to sunlight to amenity spaces, Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Section 3.3.17 of the guidance

document provides that for a space to appear adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least 2 hours of sunlight on the 21st March.

7.2.23. In terms of existing private amenity spaces, Section 5.0 of the submitted report identifies the amenity spaces of the adjacent properties on Ranelagh Avenue – No. 10 (S1) and No. 11 (S2) - and the front garden area of No. 9 Westmoreland Park (S3) which lie to the north / north-west and south-west of the subject site. It is noted that the primary impact with regard to sunlight to the identified existing amenity spaces is expressed as follows:

Existing Amenity Areas - March 21st			
	Existing	With Scheme (Permitted)	Ratio
	Area Receiving >2hrs (%)	Area Receiving >2hrs (%)	
S1	86.5	86.2	99.7%
S2	86.5	78.0	90.2%
S3	95.0	95.0	100%

7.2.24. I have considered the information presented in support of the proposed development, and I would agree that the potential overshadowing and impacts to sunlight to existing private amenity spaces is generally restricted to the above identified properties. The existing amenity spaces associated with other properties in the vicinity of the site are located such that it is unlikely that the development will give rise to significant overshadowing to these spaces.

7.2.25. I would note that the assessment did not consider the impacts associated with the proposed development on the applicants' current home. The submitted shadow diagrams indicate that from 13:00 on the 21st of March, the garden space to be retained by the existing house will be impacted by shadow associated with the proposed development in place. I also note that on the 21st of June the permitted house design will also have a slight impact on the rear amenity space associated with No. 3 Chelmsford Close, although I consider this impact to be insignificant and minor. The original house design (the subject of the first-party appeal) appears to have a greater impact on No. 3 Chelmsford Close and in the event that the Board is considering acceding to the first party appeal request to permit the originally proposed house, I would recommend that this matter be considered further.

7.2.26. The 2011 BRE Guidance indicates that any loss of sunlight as a result of a new development should not be greater than 0.8 times its former size. The submitted Daylight, Sunlight & Overshadowing Report includes an assessment of impact on existing neighbouring gardens with the existing buildings in place, and with the proposed development. Section 3.3.11 of the BRE guidance states that if an existing garden or outdoor space is already heavily obstructed then any further loss of sunlight should be kept to a minimum. In such instances, the guidelines recommend that the sun hitting the ground in the garden/amenity space should not be less than 0.8 times its former value with the development in place. I would accept that all properties pass the BRE requirement relating to greater than 50% of the amenity spaces receiving 2 hours of sunlight on the 21st of March, or do not breach the 0.8 times its former value limit. While I have discussed the potential impact on the existing garden area of the applicants' home, having regard to the orientation of the site, together with the information submitted, it is likely that the property passes the BRE requirements.

7.2.27. Having regard to the provisions of national and local policies and objectives with regard to urban development including increased densities and regeneration within Dublin City, together with the constraints associated by the subject site in terms of its proximity to adjacent properties and my assessment with regard to the impact that arises in respect of the impact to sunlight to and overshadowing of existing amenity spaces, I consider that the potential for undue impacts on the amenities of the neighbouring residential properties can be reasonably discounted and that the discretion offered by Section 3.2 of the Sustainable Urban Development and Building Height Guidelines and Section 6.6 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) is such that, a refusal of permission is not warranted with regard to Sunlight to Amenity Spaces / Overshadowing of existing properties.

Sunlight to Proposed Amenity Spaces / Overshadowing

7.2.28. With regard to the proposed development, the Board will note that the submitted Daylight & Sunlight Assessment report does not consider the proposed development with regard to the amenity spaces proposed. The proposed layout of the site provides that the primary 'rear' amenity space is to be located to the north of the proposed house and the submitted shadow diagrams indicate that the area will be in

shadow for most of the day on the 21st of March. I would note that the proposed 'front' garden area enjoys more light on this day. I would note that the amenity space to the front is likely to receive at least 2 hours of sunlight on the 21st of March, but the rear space is not. In the absence of clear details and analysis, I cannot conclude that the proposed private amenity spaces represent a fully compliant scheme in the context of the BRE Guidelines, with over 50% of the area complying with the stated requirements. However, given the context of the site, I would not consider this to be a reason to refuse planning permission.

Light within proposed home:

- 7.2.29. The submitted Assessments did not consider the potential daylight to the proposed house. Having regard to the nominal scale of the proposed development, I am satisfied that no such assessment is required.

Conclusion

- 7.2.30. The Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution. Overall, I am generally satisfied that the level of residential amenity is acceptable, having regard to internal daylight provision and overshadowing impacts.

7.3. Roads & Traffic

- 7.3.1. The Board will note that the issue of capacity for increased vehicular traffic on Westmoreland Park is raised as a primary concern of the third-party appellants. The proposed development will see the front of the proposed house fronting onto the Lane, and the rear garden lying adjacent to the Chelmsford Close. The development does not propose any car parking within the site, relying on the location of the site in

close proximity to a number of public transport modes, including the Ranelagh Luas stop and several bus routes along Ranelagh Road. I also note that the area is well served by cycle lanes. The development proposes to provide 2 onsite bicycle spaces within the curtilage of the site. In the context of national policy relating to parking, I am satisfied that the principle of no car parking provision on site is acceptable. I also note that the Transportation Planning Division of Dublin City Council raises no objection in this regard, subject to compliance with conditions.

7.3.2. Having undertaken a site inspection, I would acknowledge the existing situation on Westmoreland Park in terms of traffic and parking. Much of the lane to the west has double yellow lines on both sides of the lane, while the eastern end of the cul-de-sac includes a footpath on the northern side. A small number of houses have off street parking but the majority of cars simply park on the footpath and/or along the front walls of the houses which have direct front door access onto the street. On the date of my site inspection, I was unable to drive to the site due to the entrance to Westmoreland Park being blocked by parked cars and a delivery truck. I parked on Chelmsford Road and walked to the site. In this regard, I fully accept the concerns of the third parties and I would concur that the ability of the lane to accommodate further vehicular activity is limited.

7.3.3. I also note the third-party arguments that there is potential for a future owner of the proposed house to have a car which will require to be accommodated. In this regard, I would note that the situation would be similar to those other homes on Westmoreland Park which do not have onsite car parking facilities. The wider area of Ranelagh includes car parks and controlled car parking along the streets. While I accept the concerns raised, having regard to the proposed development the subject of this appeal before the Board which does not provide for any vehicular parking, I do not consider this to be a matter which would warrant refusal of permission.

7.3.4. In terms of the construction traffic, I note the proposal to direct such traffic via Chelmsford Close and the existing pedestrian access to the side of the house. In the event of a grant of planning permission, I recommend that a condition requiring the preparation and submission of a Construction Management Plan for the written agreement of the Planning Authority. This plan shall provide details of intended construction practice for the development, including traffic management and access,

hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

7.4. Impact on Architectural Heritage

- 7.4.1. The Board will note the location of the subject site immediately adjacent to identified ACAs, at Ranelagh Avenue and Westmoreland Park. 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 CHC4 seeks 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. The Plan provides that development, amongst other requirements, will not harm the setting of a Conservation Area or constitute a visually obtrusive or dominant form.
- 7.4.2. The DCDP further states that 'development outside Conservation Areas can also have an impact on their setting. Where development affects the setting of a Conservation Area, an assessment of its impact on the character and appearance of the area will be required. It should be recognised that this setting can be expansive, and development located some distance away can have an impact. Any development which adversely affects the setting of a Conservation Area will be refused planning permission and the City Council will encourage change which enhances the setting of Conservation Areas.
- 7.4.3. The Board will note that the proposed house was amended following a request from the PA for further information, specifically relating to the concerns raised with regard to visual impacts. The amended design, with reduced ridge height, better reflected the overall height and scale of the existing terrace and the intended materials were also amended to improve the context of the new building in this area and in close proximity to the ACAs.
- 7.4.4. Overall, and acknowledging the restricted site parameters, together with the densely developed nature of this urban laneway, I am satisfied that the proposed

contemporary building, as amended and permitted by Dublin City Council, complements the character of the area and would not have a detrimental impact on the adjacent ACAs or protected structures. I therefore, have no objections to the proposed development in terms of potential impacts on the architectural heritage of the wider area or the adjacent ACAs.

7.5. Other Issues

7.6. Water Services

7.6.1. The proposed development will connect to existing public services in the vicinity of the site. There is no objection in this regard.

7.6.2. 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 a Natura Impact Statement with the application but did include an Ecological Impact Statement.

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. With regard to consultations, the Board will note that while no party made reference to matters relating specifically to AA during the PAs assessment of the proposal, a number of third parties raised concerns regarding the continual erosion of green spaces is regrettable. It is also noted that the loss of these spaces and whatever biodiversity they support does nothing to enhance the aesthetics of the area. I note that the planning application itself is silent on the matter and no AA Screening appears to have been undertaken by the applicant.

8.3. Screening for Appropriate Assessment

8.3.1. The applicant did not prepare an Appropriate Assessment Screening Report as part of the planning application documentation. I would note that the development is not directly connected or necessary to the management of a European Site. In terms of the Natura 2000 Sites occurring within a 15km radius of the site, I would note that there are 15 sites identified. I have considered the qualifying interests / Special Conservation Interests for which each site is designated. Each site was examined in the context of location in terms of the zone of Influence of effect from the proposed development and is considered in terms of AA requirements.

8.3.2. The site is an urban brownfield site and is not located within any designated site. The site is not located within any designated site. The closest Natura 2000 sites, and those located within the likely zone of influence, are the South Dublin Bay SAC (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located approximately 2.8km 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 6.3km to the east.

8.3.3. In terms of AA Screening Assessment, I conclude that the 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, it is concluded that no significant impacts on the sites is reasonably foreseeable. I am satisfied that the potential for impacts on the following 11 Natura 2000 sites can be excluded at the preliminary stage:

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

		<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>Screened Out</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> <p>Screened Out</p>
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>Screened Out</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>Screened Out</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>Screened Out</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>Screened Out</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>Screened Out</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>Screened Out</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>Screened Out</p>

8.3.4. This determined, I am satisfied that the following Natura 2000 sites lie within the zone of influence of the project, for the purposes of AA Screening, include 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) - This SPA is considered to be within the zone of influence of the development as the Poulaphuca Reservoir is the source of drinking water for Dublin City, including the proposed development site.

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

8.4.1. The subject development site is an urban residential 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 artificial surfaces within a built-up area of Dublin City. The closest Natura 2000 site is the South Dublin Bay SAC (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located approximately 2.8km 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 6.3km to the east.

8.4.2. The following table sets out the qualifying interests for each of these sites:

European Site	Qualifying Interests
<p>South Dublin Bay SAC (Site Code: 000210) Located approx. 2.8km to the east of the site</p>	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140]
<p>South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) Located approx. 2.8km to the east of the site.</p>	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Dunlin (<i>Calidris alpina</i>) [A149]

	<ul style="list-style-type: none"> • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Roseate Tern (<i>Sterna dougallii</i>) [A192] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Wetland and Waterbirds [A999]
<p>North Dublin Bay SAC (Site Code: 000206)</p> <p>Located approx. 6.3km to the north east of the site.</p>	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • <i>Petalophyllum ralfsii</i> (Petalwort) [1395]
<p>North Bull Island SPA (Site Code: 004006)</p> <p>Located approx. 6.3km to the north-east of the site.</p>	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141]

	<ul style="list-style-type: none"> • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Turnstone (<i>Arenaria interpres</i>) [A169] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Wetland and Waterbirds [A999]
<p>Poulaphouca Reservoir SPA (Site Code: 004063)</p> <p>Located approx. 22km to the south of the site</p>	<ul style="list-style-type: none"> • Greylag Goose (<i>Anser anser</i>) [A043] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]

8.4.3. 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 site is already developed, and is generally composed of buildings and artificial surfaces, with a garden comprising the area of the proposed building. Having regard to the nature of the subject proposed development, and the urban location of the site, previous assessments it is unlikely that habitats and species protected under the Natura 2000 sites identified above occur within the vicinity of the site.

8.4.4. There is no direct hydrological connection from the site to Dublin Bay, which includes a number of SAC and SPA designations. It is noted, however, that the development will connect to public services and therefore, there is a pathway to a number of Natura 2000 sites via the Ringsend WWTP. Therefore, there are hydrological links to the above-mentioned sites.

8.5. Conservation Objectives:

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

European Site	Conservation Objectives
<p>South Dublin Bay SAC (Site Code: 000210)</p> <p>Located approx. 2.8km to the east of the site</p>	<ul style="list-style-type: none"> The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets
<p>South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024)</p> <p>Located approx. 2.8km to the east of the site.</p>	<ul style="list-style-type: none"> The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets. 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.
<p>North Dublin Bay SAC (Site Code: 000206)</p> <p>Located approx. 6.3km to the north-east of the site.</p>	<ul style="list-style-type: none"> The NPWS has identified a site-specific conservation objective to maintain 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"> Mudflats and sandflats not covered by seawater at low tide [1140] Petalophyllum ralfsii (Petalwort) [1395] The NPWS has identified a site-specific conservation objective to restore 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"> Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]

	<ul style="list-style-type: none"> ○ Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] ○ Humid dune slacks [2190]
<p>North Bull Island SPA (Site Code: 004006)</p> <p>Located approx. 6.3km to the north-east of the site.</p>	<ul style="list-style-type: none"> ● The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets.
<p>Poulaphouca Reservoir SPA (Site Code: 004063)</p> <p>Located approx. 22km to the south of the site</p>	<ul style="list-style-type: none"> ● 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"> ○ Greylag Goose (<i>Anser anser</i>) [A043] ○ Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]

8.6. Potential Significant Effects

8.6.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect 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 2.8km from the boundary of any designated site. 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, 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 would note the relevant policy framework which applies in the Greater Dublin Area, including the Water Framework Directive and the 2005 Greater Dublin Strategic Drainage Study policy document which gave direction for the design of future drainage infrastructure. In terms of in-combination with other 'brown-field' or infill sites, in Dublin City, and given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, 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 submitted information, the NPWS website, aerial and satellite imagery, the 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 that on the basis of the information available to me, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

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, the pattern of permitted development in the area, to the provisions of the Dublin City Development Plan 2016-2022, and to the layout and design as submitted and amended by drawings submitted to the Planning Authority on the 14th day of April 2021 following the request for further information, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience.

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 to Planning Authority on the 14th of April 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 development shall provide for a pedestrian access from the north of the site onto Chelmsford Close. Pedestrian access gates shall not open outwards onto Chelmsford Close or Westmoreland Park.

Reason: In the interest of road safety, residential amenity and to ensure permeability.

3. The high-level windows in the south-west and north-west elevations at 1st floor level shall be installed as indicated in the approved drawings and shall be permanently retained as such.

Reason: In the interest of protecting residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.

5. 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 traffic management and access, hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

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

Reason: In the interests of visual and residential amenity.

9. 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 residential amenities of property in the vicinity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

A. Considine
Planning Inspector
6th October 2021