



An
Bord
Pleanála

Inspector's Report ABP-310988-21.

Development

Alterations to previously granted permission for construction of an additional storey consisting of an additional 2-bedroom apartment at third floor level, with private balconies. There will be an increase in units from 6 to 7 apartments.

Location

47-48 Chelmsford Road, Ranelagh, Dublin 6.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

2762/21.

Applicant(s)

Clonvara Developments Ltd.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party v Refusal

Appellant(s)

Clonvara Developments Ltd.

Observer(s)

None.

Date of Site Inspection

03/11/2021.

Inspector

A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located to the northern side of Chelmsford Road in Ranelagh, Dublin 6. Chelmsford Road, to the east of the proposed development site, comprises a terrace of two storey, red brick houses, all of which are identified in the Dublin City Council Development Plan as Protected Structures. To the west of the site, there is a three-storey commercial development which forms the junction building of Chelmsford Road and Ranelagh Road. This commercial building has a mansard style roof. Ranelagh is well served by shops, bars and restaurants and the site lies within 240m of the Ranelagh Luas stop
- 1.2. The subject site has a stated area of 0.0188ha (188m²) and is currently vacant. I note from the planning history of the site, permission was granted to demolish the buildings on the site from 1999, to facilitate its redevelopment. The site has been vacant and cleared and was bound by hoarding on the date of my inspection. The site comprises frontage to Chelmsford Road but extends to the rear where it narrows. There is a further access to the site from Westmoreland Park to the rear onto this narrow, historic and cul-de-sac laneway.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for Permission for alterations to the previously granted development (DCC Planning reference: 2246/20). The proposed alterations will consist of the construction of an additional storey set back from the front and side elevations, consisting of an additional 2-bedroom apartment at third floor level, with private balconies. There will be an increase in units from 6 to 7 apartments. Minor internal & external alterations are also proposed which includes changes to comply with Fire Safety and Disability Access requirements (bike and bin stores). The development will include all associated drainage, ancillary site works, bin store and services., all at 47-48 Chelmsford Road, Ranelagh, Dublin 6.
 - 2.1.1. The application included a number of enclosures as follows:
 - Plans and particulars
 - Completed planning application form
 - Cover Letter

- Planning Statement
- Architectural Design Statement
- Site Specific Flood Risk Assessment
- Engineering Services Report
- Daylight Sunlight & Shadow Assessment

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development, for the following stated reason:

1. Having regard to the scale and massing of the proposed building and to the prominent position and design of the bin store, it is considered that the proposed development would appear overly dominant in relation to adjoining buildings, harmful to the setting of the adjoining protected structure at No. 46 Chelmsford Road and incongruent within the streetscape and wider Conservation Area.

The proposed development would, therefore, seriously injure the amenities of the local area, contrary to the zoning objective and other policies of the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

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 considers the nature of the key changes from the previously permitted development on the site and includes an Appropriate Assessment Screening Report and comments on EIA and Flood Risk and drainage.

The planning report notes the planning history of the site and the further information request which issued in relation to same. The issue of scale, massing and appearance were raised as concerns with the permitted development and it is noted that the architectural solutions were successful in reducing the apparent mass of the building in the streetscape. It is considered that the proposed addition of a floor would appear dominant in relation to neighbouring buildings including adjacent protected structures, and overly obtrusive in the streetscape.

The report raises further concerns in relation to the proposals for the relocation of the bin store to the Chelmsford Road elevation and the bike store to the rear of the building, occupying part of the former private amenity space of the rear ground floor unit. Issues are raised with regard to the materials and the visual impact of the bin store in the streetscape and entrance to the scheme.

The report concludes that the proposed development is acceptable in terms of parking as well as connections to water services. There is no issue in relation to AA, Flood Risk or EIA. It is also noted that the development is acceptable in terms of density, plot ratio and site coverage, as well as residential amenity and standards. The Planning Officer concludes that the development is not acceptable in terms of the visual impact and recommends that permission be refused for the proposed development.

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

3.2.2. **Other Technical Reports**

Drainage Division: No objection subject to compliance with conditions.

3.2.3. **Prescribed Bodies**

Irish Water: No objection.

3.2.4. **Third Party Submissions**

There is 1 third party submission noted on the Planning Authority file from Dr. Richard Rutledge. The submission seeks to support the proposed development noting that the development will:

- Provide much needed housing in the area close to public transport.

- Involve the development of a vacant site which is an eyesore. And
- The design is of a high-quality architectural design and is similar to other developments in Ranelagh Village.

4.0 Planning History

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

PA ref: 2246/20: Permission granted for development at the site. The site has access to the rear service lane connecting with Westmoreland Park. The development will consist of the construction of a 3-storey residential development on the existing derelict site. It will include 6 one-bedroom apartments with two apartments at each level accessed from a stairs and lift core. It will include 1 No. car parking space to the rear and 9. No cycle spaces to the front. The main pedestrian entrance will be from Chelmsford Road with vehicular and pedestrian access to the rear service lane from Westmoreland Park. The development will include balconies & private open spaces to the front and rear at ground, first and second floor levels. Also included will be a green roof, roof lights, a lift shaft over-run and a roof access hatch for maintenance - all at roof level. The front and rear will be landscaped with low level walls, railings planting and box hedges. The development will include all associated drainage, ancillary site works, bin store and services.

This permission expires on the 19th of February 2026.

ABP ref: PL29S.241146 (PA ref: 3302/11): Permission granted for the development of a commercial scheme on a 0.018 ha site, approximately, at Nos. 47-48 Chelmsford Road, Ranelagh, Dublin 6 (with rear access via a lane leading from Westmoreland Park, Ranelagh, Dublin 6). The development will consist of:

the construction of a 438 sqm mixed-use three storey (over basement) building, comprising restaurant use (283 sqm), office use (75 sqm) and ancillary/circulation space (80 sq me).

The proposed development will also consist of:

the provision of a service yard with associated waste areas and cycle parking facilities;

associated plant;

boundary treatments;

a projecting window and overhang on the Chelmsford Road frontage;

and all other associated site development and excavation works above and below ground.

PA ref: 3302/11/X1: Extension of duration of permission of ABP ref: PL29S.241146 (PA ref: 3302/11) granted.

PA ref: 2362/99: Permission granted for the demolition of existing shop and erection of new shop on ground floor and 2 apartments on first floor.

PA ref: 5037/05: Permission granted for the demolition of existing shop and the construction of a three storey (over basement) building.

Adjacent Site to the rear of No. 64 Ranelagh Road:

PA ref: 3573/19: Permission granted for development - the existing disused stores at ground floor level will be demolished and 2no. three-storey two-bedroom townhouses will be constructed with frontage onto the private laneway. The townhouses will comprise: entrance and storage at ground floor level; bedrooms and bathroom at first floor level; and kitchen, living, dining at second floor level. There will be a shared landscaped roof garden above the ground floor restaurant unit (Grant Order No. P0061), to the rear (southwest) of the development, and 2 no. second floor level balconies to the rear (southwest) of the proposed development overlooking the landscaped roof garden. 2no. screened terraces are proposed to the front (northeast) of the development addressing the private lane. Permission is also sought for all other associated above and below ground works.

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. **Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2020):**

5.3.1. These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and the 2018 Guidelines in relation to Shared Accommodation schemes. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines. Aspects of previous apartment guidance have been amended and new areas addressed in order to:

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;

- Address the emerging ‘build to rent’ and ‘shared accommodation’ sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

The guidelines identify specific planning policy requirements in terms of apartments and Development Plans dealing with the mix of unit sizes, while Chapter 3 deals with Apartment Design Standards, including studio apartments, orientation of buildings and dual aspect ratios, storage provision, private amenity spaces and security considerations. Chapter 4 deals with communal facilities, including car and bicycle parking, as well as refuse storage.

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

5.4. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.

The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

5.5. Development Plan

- 5.5.1. 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.
- 5.5.2. Chapter 5 of the Plan deals with Quality Housing and the relevant policies seek to promote residential development on appropriately zoned land at sustainable urban densities and to promote the sustainable development of vacant or under-utilised infill sites. Section 5.5.6 of the Plan deals with Apartment Living with relevant policies seeking to ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner.
- 5.5.3. 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.’
- 5.5.4. Chapter 16 of the CDP deals with Development Standards and section 16.10.1 deals with Residential Quality Standards for apartments. This section deals with floor areas, mix of units, aspect, natural light and ventilation and sunlight penetration as well as configurations, storage and facilities and private open space.
- 5.5.5. 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.
- 5.5.6. Other relevant sections of the City Development Plan include as follows:

- Plot Ratio: Zone Z4: 2.0
- Site Coverage: Zone Z4: 80%
- Car Parking Standards: Area 2: 1 space per residential unit
- Cycle Parking Standards: 1 space per residential unit

5.6. 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 3km 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 6.5km to the east.

5.7. EIA Screening

- 5.7.1. The subject appeal does not relate to a class of development which requires mandatory EIA.
- 5.7.2. 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 alteration of a previously permitted residential development with the addition of a third floor and a two-bedroom apartment, 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.
- 5.7.3. 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.

5.7.4. Having regard to:

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

6.1.1. This is a first party appeal against the decision of the Planning Authority to refuse permission for the proposed alterations to the previously permitted development. The first-party appeal seeks to overturn the decision of Dublin City Council to refuse permission and the submission presents a background to the scheme as well as details of the planning history and planning policy context of the site. Section 5 of the appeal documents describes the proposed development and identifies precedent developments in the vicinity of the site in terms of the visual impact of the development including the second floor of Lidl, the three storey Bank of Ireland and the four storey Devlin Hotel all located on Ranelagh Road.

6.1.2. The grounds of appeal are set out in Section 7 of the submission and is summarised as follows:

- The Council have provided a subjective view that based on a review of the drawings and photomontages, the additional scale and massing of the building would appear dominant and overly obtrusive within the streetscape.

- The Council did not take the arguments made in Section 5.2 (height) and 5.3 (visual impact) of the appeal document into consideration and did not address them in the planning report.
- It is a basic element of any decision making affecting the public that relevant submissions should be addressed and an explanation given why they are not accepted.
- A considerable amount of time, effort and expense has been put into the making of the application and the brief paragraph as to why the applicant was rejected is considered to be unreasonable.
- It is rejected that the development will appear overly dominant in relation to adjoining buildings and it is noted that there was no objection from either adjoining property.
- The development will be higher than the adjacent Protected Structure but it is not considered to be a fundamental concern given that No. 46 Chelmsford Road (PS) forms the end of a row of residential dwellings and the site represents the start of the commercial heart of the village.
- It is submitted that the CGI images demonstrate that the proposed development will not be incongruent at the transitional point in the streetscape.
- The ACA is located to the rear of the site and at the end of the laneway to the rear. There would only ever be narrow glimpses of the proposed development.
- The Architectural Design Statement justifies the design approach.
- In terms of the bin store, it is submitted that the relocation is dictated by the requirements of the case fire officer and the granted fire safety certificate.
- The concerns of the PA have been taken into account and the bin store has been reduced and fronted with bicycle storage adjacent to the public footpath.
- The enclosure to the bicycle store will be largely glazed with vertical steel fins matching the proposed railings on the front boundary and a steel plate roof over.

- The enclosure will be separated from the terrace of protected structures to the east and the lightweight treatment will allow views through which should be acceptable with regard to visual impact, given the similarity to the original proposal.

It is requested that the Board grant permission for the proposed development. The Board will note that a number of enclosures are included with the first party appeal.

6.2. **Planning Authority Response**

None.

6.3. **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
2. Compliance with National Guidelines & Standards and the Dublin City Development Plan
3. Visual Amenity & Built Heritage Issues
4. Residential Amenity Issues
5. Other Issues

Appropriate Assessment will be considered under Section 8.0 of this report.

7.1. Principle of the development

- 7.1.1. In terms of the principle of the proposed development, the Board will note the planning history of the site and the extant permission which exists for the site. Permission has been granted for the development of a three-storey apartment building and the current proposal essentially seeks to construct an additional floor comprising a two-bedroom apartment at third floor level. This level will be set back from the front façade of the permitted building in an effort to minimise the visual impact.
- 7.1.2. The site is located within an area 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. I also note that the site comprises the site between the existing commercial area of Ranelagh and the residential element along Chelmsford Road. In this regard, I am satisfied that the proposed development is acceptable in principle.

7.2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

- 7.2.1. Having regard to the location of the subject site, together with the brownfield nature of the site and the recent planning history, I am satisfied that the principle of high-density residential development can be considered acceptable and in accordance with the general thrust of national policy. The subject site has a stated area of 0.0188ha and if permitted, the development will result in 7 apartments on the site (6 x one-bedroom units having already been permitted). In terms of the Dublin City Development Plan requirements, the following is relevant:

	Proposed	Permitted (PA ref: 2246/20)	Development Plan
Site Coverage	80%	80%	80%
Plot Ratio	2.5:1	1.95:1	2.0
Density	372	319	50 units / ph
Public / Communal Open Space	0m ²	0m ²	18.8m ² (10% of site)

7.2.2. With the current proposed development, the scheme will provide for the following mix of residential units:

Unit Type	Proposed
Studio	1
1 bed	5
2 bed (3 person)	1
Total	7

7.2.3. The Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities suggest that there should be no upper limit to density on City Centre sites subject to qualitative safeguards. In areas close to public transport corridors minimum densities of 50 units per hectare should be applied subject to those safeguards. The density proposed in the amended proposed development is 372 units per hectare with the proposed increase of one residential unit to the permitted scheme. While I would note that the addition of the apartment puts the plot ratio of the site above the Development Plan level of 2.0, having regard to the context of the site, together with the proximity to the Ranelagh Luas stop, I am satisfied that the proposed development can be considered acceptable. Therefore, in terms of compliance with the Dublin City Development Plan, the proposed development is acceptable with regard to the recommendations of the Plan in terms of site coverage, plot ratio and density. I will address issues in terms of the height under section 7.3 of this report in terms of visual impacts.

The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2020

7.2.4. I am satisfied that the principle of the additional apartment accords with the thrust of the Sustainable Urban Housing guidelines. The aims of the guidelines are to enable a mix of apartment types, and certainly the proposed two-bedroom unit will add to the mix of the permitted units on the site. The guidelines also facilitate the removal of requirements for car-parking in certain circumstances. In terms of the 2020 Guidelines, which update the 2018 Guidelines, I would note that the proposal before the Board does not provide for a shared accommodation / co-living development.

Chapter 3 of the Guidelines provide for Apartment Design Standards, and I proposed to consider the proposed development against these requirements.

- The Guidelines, Specific Planning Policy Requirement 3, require that the minimum floor areas be applied to apartment developments. The proposed development provides for a two-bedroom apartment with a stated floor area of 69m². The Guidelines require that for a 3 person two-bed unit, a minimum of 63m² is required while for a 4 person unit, 73m² is required. The Board will note that the layout for the apartment indicates a 3 person unit. I am therefore satisfied that the development is acceptable in this regard.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

Minimum aggregate floor areas for living/dining/kitchen rooms

Minimum widths for the main living/dining rooms Apartment type	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
Two bedrooms (3 person)	3.6 m	28.0m ²
Two bedrooms (4 person)	3.6 m	30.0m ²

* Combined Living / Dining / Bedspace, also includes circulation.

In terms of the above, the Board will note that the proposed apartment complies with the two bedrooms (3 person) requirements as detailed above.

- In terms of aspect, I note that the proposed unit provides for a south-eastern aspect for the main living space, with the primary amenity space (balcony) located at this orientation. While I would acknowledge that this is acceptable, I note that the proposed balcony does not meet the recommended 1.5m depth required in the Guidelines. The second balcony, which has a northern aspect and serves the master bedroom of the proposed two-bedroom apartment also falls below the 1.5m depth requirement. In this regard, the quality of the amenity space of the proposed apartment is questionable.
- In terms of floor to ceiling height, the development proposes a 2.775m height. This is in accordance with the requirements of the guidelines.
- Minimum storage requirements are indicated in the guidelines, and it is noted that said storage 'should be additional to kitchen presses and bedroom

furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m².' The minimum storage requirements for a two bedroom (3 person) unit is 5m².

The proposed apartment provides for storage in the form of a 3m² area in the master bedroom and a services area of 2m². It is questionable if the above storage provision accords with the requirements of the guidelines. I also note that the plans submitted do not clearly show that the previously permitted one-bed units comply with the storage requirements of the 2020 guidelines. However, I would be satisfied that the proposed apartment has the capacity to accommodate the 5m² storage requirement due to the overall floor area.

- In terms of private amenity space, the proposed two bed apartment provides for two balconies with floor areas of approximately 10.5m² and 5.1m². The guidelines require that for two-bedroom (3 person) units, 6m² of private amenity space be provided.

I note that the main balcony, which has a south-eastern aspect, is accessed off the main living area which is in compliance with the guideline requirements.

7.2.5. In the context of the proposed apartment within the permitted scheme, I am generally satisfied that it is acceptable in terms of principle and will provide, if permitted, an adequate level of residential amenity for future occupants. The Board will note that the current proposal also seeks amendments to the internal layouts of the permitted apartments within the scheme. I have carried out an assessment of these amendments and would advise that there are a number of anomalies in the information provided on the plans. The area of many of the spaces do not add up to the areas indicated on the plans, and generally fall below the areas indicated for both living/dining/kitchen rooms as well as bedrooms. Of the proposed 8 bedrooms in the scheme, I calculate that 4 fall below the guideline area requirements while the combined living / dining / kitchen area of the ground floor apartment 1, appears to fall below the required 23m² for such spaces. I would note however, the extant permission on the site which also includes rooms which fall below the guideline requirements. Overall, I am generally satisfied that the proposal should not fall on this issue.

7.2.6. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities, refuse storage, communal amenity space, children's play, bicycle parking and storage and car parking. I would accept that the scale of the overall development is not such that lends itself to providing communal amenity areas. I refer the Board to Section 4.12 of the 2020 guidelines which state:

For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

I am satisfied that the subject development site can be considered under this section and that no communal open space can be deemed acceptable.

7.2.7. In terms of the provision of refuse storage, the Board will note that a bin storage area to service the apartments was previously permitted within the building. The current proposal seeks to relocate this bin storage area to the front of the building, located immediately adjacent to the public footpath. It is submitted that this amendment came about due to the requirements of the Fire Safety Cert for the building. The Planning Authority has recommended refusal for the development in terms of the visual impact of the additional floor, and the reason also cites concerns in terms of the proposed relocation of the bin storage area. As part of the first-party appeal, the Board will note that the applicant has submitted alternative proposals for the bin storage area to the front of the building. I will address the visual impacts of the bin storage proposals further below in section 7.3 of this report.

7.2.8. In terms of the 2020 Guidelines, the Board will note that Section 4.9 provides a number of general design considerations which should be taken into account in the provision of refuse storage facilities and specifically states that waste storage areas should not be on the public street and should not be visible to or accessible by the general public. Appropriate visual screening should be provided, particularly in the vicinity of apartment buildings and waste storage areas must be adequately ventilated so as to minimise odours and potential nuisance from vermin/flies and taking account the avoidance of nuisance for habitable rooms nearby.

7.2.9. In the context of the proposals submitted, I note that the proposed bin storage area gives rise for concern in the context of the requirements of the 2020 guidelines. The

appellant has submitted an alternative proposal for the provision of the bin store to the front of the apartment development which includes the proposed line of bins to be located immediately against the front wall of the building and a bike store to be located immediately adjacent to the public footpath. In addition, I note the proximity of the bin storage area to the window of the ground floor apartment bedroom and that the bin store is to be located immediately under the first-floor apartment balcony.

7.2.10. While I acknowledge the requirements of the Fire Officer for the relocation of this element of the permitted development, I am not satisfied that the applicant has presented an appropriate response to the issue, particularly in terms of the guideline requirements and potential impact on residential amenity. In particular, the actual detail of the bin store area is not very clear from either the drawings or the plans / text submitted. The area would require to be walled in adequately to prevent access and visibility into the space from the public footpath. I have noted the proximity of the bedroom window and balcony to the proposed bin store area above. In addition, if the bin store area is to be located as proposed, there is no indication on the submitted plans that a suitable wastewater drainage point is installed within the area to deal with cleaning or disinfecting the area. I also note that no operational waste management plan has been provided and in the event of a grant of planning permission, this would require to be addressed. I would note however that the level of impact associated with the collection of refuse would be minimal.

7.2.11. In terms of the appeal document, the Board will note the proposed amendments to the bin store area which provides a bike store area immediately to the front, and adjacent to the public footpath. In terms of the guideline requirements, I am satisfied that this might reasonably be considered acceptable having regard to the requirement not to have waste storage areas on the public street. However, the space will be visible to the general public and in the absence of clear details for the enclosure, given the proximity of the ground floor apartment bedroom window immediately adjacent, the only private amenity space for this ground floor apartment within 1.5m of the enclosure and the first-floor apartment balcony directly above, I am concerned that this element of the scheme will have a negative impact on the residential amenities of the future residents.

- 7.2.12. No car parking is proposed within the development. The Guidelines promote the location of apartments which have access to public transport and other sustainable transport modes. Where it is appropriate to reduce car parking provisions, high quality cycle parking and storage facilities should be provided. The guidelines require that 1 cycle storage space per bedroom is applied. The proposed development therefore requires 8 bicycle parking spaces for residents. The Board will note that the development proposes to provide adequate secure parking for bicycles.
- 7.2.13. In terms of car parking, the Guidelines notes that the quantum or requirement for car parking will vary in terms of the location of the site. Section 4.19 suggest that the car parking provision can be minimised, substantially reduced or wholly eliminated in certain circumstances. Such policies are applicable in highly accessible areas in or adjoining city cores or at a confluence of public transport systems. Where it is sought to eliminate or reduce car parking provision, it is necessary to ensure the provision of an appropriate drop off, service, visitor parking and parking for the mobility impaired. The proposed scheme does not propose any car parking. The site is however, located within 240m of the Ranelagh Luas Stop and the proximity of a number of bus connections, together with the good walking and cycling options. I am satisfied that the proposed development can be considered acceptable without the provision of car parking spaces in this regard.

Conclusion

- 7.2.14. Overall, and subject to addressing the waste storage issue as discussed above, having regard to the planning history of the site and the zoning afforded to the site, I am satisfied that the principle of the development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. I consider that it is reasonable to support the development potential of the subject site in accordance with national guidelines and in this regard, I have no objection to the proposed development in principle.

7.3. Visual Amenity & Built Heritage Issues

- 7.3.1. The Board will note that the proposed amendments to the permitted development were refused on the grounds of visual impact by reason of the scale and massing of

the proposed building together with the prominent position and design of the bin store.

- 7.3.2. The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018), builds on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. Increased building heights is identified as having a critical role in addressing the delivery of more compact growth in urban areas, particularly cities and larger towns. Specific Planning Policy Requirements (SPPRs) of the height guidelines take precedence over any conflicting policies, and objectives of the Dublin City Development Plan.
- 7.3.3. The Dublin City Development Plan, 2016-2022, at Section 16.7, provides guidance and standards for building height limits within the city. The subject site is located within an area which has been identified as having a building height cap of 28m for commercial development and 24m for residential development. The Board will note that the proposed building, with the additional floor in place, rises to an overall height of 13.6m, which is within the height limits that the City Development Plan supports. It is therefore reasonable to conclude that the height proposed is in principle, acceptable in terms of the requirements of the Dublin City Development Plan.
- 7.3.4. In support of the proposed development, the applicant submitted contextual elevations and a number of photomontages and artist impressions as part of the Architectural Design Statement, to depict the development as proposed. The Board will note that the appellant relies on these images in support of their appeal against the refusal of planning permission. While I acknowledge the submission, it appears that the bin storage element has not been updated by the images submitted. I also note that the proposed relocation of the bin storage area to the front of the building has reduced the bedroom window of the ground floor apartment. This amendment has not been depicted in the submitted images. That said, I do acknowledge that the submitted plans accurately depict these amendments to the permitted development.
- 7.3.5. In terms of the proposed bin store, I would note that the permitted bike store in this area to the front of the building provided for a glazed construction with vertical steel fins which reflect the proposed front railings adjacent to the public footpath. In this regard, I would agree with the Planning Authority that the bicycle parking area would

have represented a lightweight element to the overall façade without having a significant visual impact in the streetscape and presents an appropriate use for the space immediately adjacent to the front door of the residential building. The proposed bin store would provide for a more solid construction out of necessity, which does have a greater impact in terms of visual amenity of this streetscape and is not an appropriate use adjacent to the main front door to the scheme, in my opinion. In addition to the visual impact on the streetscape therefore, I consider that the residential amenity issues arising due to the proposed location of the refuse store remains a significant concern and this element of the proposed development should be refused.

- 7.3.6. In terms of the proposed additional floor to the permitted building on the site, while I have no objections in principle to the overall design of the proposed apartment block, or indeed the proposed height in principle, I have concerns in terms of the overall height and scale in the context of the sites' location adjacent to the terrace of protected structures to the north-east. In addition, while I note the examples of recently permitted higher developments in Ranelagh presented by the applicant / appellant suggesting precedent, the context of the subject site must be considered, and the merits of the current proposal assessed. The examples presented relate to developments on Ranelagh Road, which is a wider and busier thoroughfare which has the capacity to accommodate the additional height.
- 7.3.7. The Board will note the location of the subject site immediately adjacent to a terrace of protected structures on Chelmsford Road and I note that the Westmoreland Park ACA lies to the rear of the site. The site is not located within the ACA. 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.
- 7.3.8. 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.

- 7.3.9. 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.
- 7.3.10. I note the view of the appellant that the Planning Authority has not taken arguments made for the additional scale into account during its assessment. I would not agree. Having regard to the planning history of the subject site, I would note that the issue of height and scale were raised as concerns at the outset by the Planning Authority under PA ref. 2246/20, particularly in the context of the adjacent protected structures on Chelmsford Road and the wider ACA. It is noted that the Planning Authority determined that the amendments to parapet levels and the use of materials as part of the permitted scheme addressed the concerns initially raised and where the PA sought a reduction in the overall height of the scheme.
- 7.3.11. The Board will note that the proposed additional floor to the permitted three storey apartment development seeks to minimise the visual impacts to the adjacent protected structures by setting back the floor from the front façade. The proposed third floor level is to be set back from the front façade by approximately 1.8m, with the private balcony occupying this area at the third-floor level. The design of this additional floor provides for the cladding of the external façade in a reflective material that will aid in reducing the perceived massing of the building by ‘fading into the sky when looking up from the street’. While this may be, I consider that the proposed additional floor will significantly impact on the adjacent protected structure. In addition, I consider that the visual impact of the development from Westmoreland Park to be excessive, particularly in the context of the narrow street and densely development nature of this area.

7.3.12. 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 proposed additional floor would represent dominant and inappropriate form of development at this location which would result in a significant visual impact on the character and setting of the adjacent properties, protected structures and within the streetscape on Chelmsford Road. I further consider that the view towards the building from the adjacent Westmoreland Park, and Architectural Conservation Area, is inappropriate and if permitted, the development would represent a significant visual impact to this area, including the Conservation Area. As such, I consider that the PAs reason for refusal should be upheld.

7.4. Residential Amenity Issues

7.4.1. In terms of residential amenity for future residents, I am satisfied that the proposed third floor apartment provides for adequate accommodation and space which generally accords with the minimum residential standards required in the national guidance for such developments.

Overlooking:

7.4.2. Having regard to the level of permitted development on the site, I would acknowledge that the proposed additional floor is unlikely to significantly add to overlooking of existing private amenity spaces in the area. In particular, I note the proposal to provide a 1.8m high screen to the proposed north facing balcony which will minimise any potential overlooking of adjacent properties. 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:

7.4.3. The proposed development if permitted, will result in a plot ratio of approximately 2.5 and a site coverage of 80%. 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 might be deemed to be unacceptable in terms of plot ratio. Having regard to the context of the subject site however, together with the proposed private amenity space as discussed above, I am satisfied that the development as proposed is acceptable.

Daylight, Sunlight and Overshadowing:

- 7.4.4. With regard to overshadowing, I would note that the applicant submitted a daylight/sunlight assessment as part of the application to Dublin City Council. The assessment considered the proposed development and its potential impacts in terms of daylight, sunlight and overshadowing of neighbouring properties.
- 7.4.5. 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.
- 7.4.6. 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.

7.4.7. The applicant's Sunlight, Daylight and Shadow Assessment, 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 north-east, testing for the following:

- Existing / Extant facing windows for:
 - Impact / Change for Skylight – VSC
 - Impact / Change for Probable Sunlight Hours – APSH and WPSH
- Existing / Extant Amenity Spaces for:
 - Impact / Change on Sunlight / Shadow

7.4.8. In addition to the above, the report also examines the performance of the proposed development under the following headings:

- Light Distribution Average Daylight Factor – ADF
- Light Consistency – Room Depth
- Sunlight to Living Room windows
- Sunlight/Shadow to Balconies (Amenity Spaces)

7.4.9. I have considered the report submitted by the applicant as it relates to the proposed design. The applicant has indicated that the extant permission has been used as the baseline conditions and that the minor amendments proposed as part of the appeal document has no bearing on the findings of the original report. The Board should note that I have also consulted the original Sunlight, Daylight and Shadow Assessment submitted with the permitted scheme, PA ref: 2246/20 refers. I will highlight a number of anomalies between the information submitted in the current report compared with the previous report as part of this assessment.

7.4.10. I note that the report has 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. I also note that no third-party concerns were raised with regard to the potential impact on light in adjoining homes or amenity spaces.

7.4.11. 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 within a congested urban setting, in a transitional area from the commercial area of Ranelagh Village to the south and west and the residential areas to the north and east, including a high number of protected structures. The report also notes the extant permission on the site.

Loss of Light within Existing Homes

7.4.12. 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.

7.4.13. 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.

7.4.14. The submitted Daylight, Sunlight & Shadow Assessment noted that the adjacent properties, assessing 19 windows between the houses on Chelmsford Road and Westmoreland Park. As the proposed development seeks amendments to the permitted development, including ‘minor’ amendments to the permitted units, I consider it appropriate to refer to the original Sunlight, Daylight and Shadow Assessment report data also. Both reports present a daylight analysis of the existing buildings and I note the references to the 2011 BRE Guidance document in this regard. While I accept the submission of the applicant to consider the current proposed development in the context of the extant permission, I consider it appropriate to consider the full extent of the information available in my assessment of the potential impact of the development on adjacent homes in terms of skylight to habitable rooms.

7.4.15. The following table presents the ratio in the context of the existing situation and the currently proposed development:

Skylight to Habitable Rooms – VSC (Existing v Proposed)							
Ref	Floor	Window	Existing	Permitted	Ratio	Proposed	Ratio
B1	F0	W1	15.2	15.3*	1.01	15.4	1.01

B1	F0	W2	9.0	8.6*	0.96	8.2	0.91
B1	F0	W3	13.1	12.8*	0.98	11.9	0.91
B1	F0	W8	38.9	38.7*	1.00	38.9	1.00
B1	F1	W4	37.3	36.7*	0.98	36.3	0.97
B1	F1	W5	38.0	37.8	0.99	37.5	0.99
B1	F1	W6	16.0	13.6*	0.85	12.0	0.75
B1	F1	W7	20.2	17.7*	0.88	15.7	0.78
B2	F0	W1	28.3	28.0*	0.99	27.3	0.96
B2	F0	W2	31.3	31.0	0.99	30.2	0.96
B3	F1	W1	24.2	24.2*	1.00	24.0	0.99
B3	F1	W2	26.6	26.6*	1.00	26.7	1.00
B3	F2	W3	37.4	37.4*	1.00	37.3	1.00
B4	F1	W1	32.9	33.7*	1.02	33.7	1.02
B4	F1	W2	37.4	37.4*	1.00	37.5	1.00
B4	F2	W3	26.5	18.2*	0.69	17.4	0.66
B4	F2	W4	37.9	37.5	0.99	38.4	1.01
B4	F2	W5	18.9	18.9	1.00	19.4	1.03
B4	F2	W6	38.1	38.0*	1.00	39.2	1.03

* indicates a different value from the previous assessment submitted.

The Board will note that in terms of the current proposal, all but 3 of the tested points have a Proposed VSC greater than either 27 or 80% of the existing, thereby exceeding BRE recommendations. This is an increase of 2 windows from the previously permitted development on the site and affect the adjacent residential property to the east.

7.4.16. The submitted Sunlight & Daylight Assessment also 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.

Sunlight on Windows to Living Room Spaces							
Annual – 25%							
Ref	Floor	Window	Existing	Permitted	Ratio	Proposed	Ratio
B1	F0	W2	3.3	1.4	0.42	1.4	0.42
B1	F0	W3	19.2	18.8*	0.98	15.5	0.81
B1	F0	W8	74.3	73.7*	0.99	74.0	0.99
B2	F0	W1	49.0	48.3*	0.99	46.5	0.99
B2	F0	W2	56.9	56.2	0.99	54.2	0.95
B3	F1	W1	43.5	43.5*	1.00	43.3	0.99

Sunlight on Windows to Living Room Spaces							
Winter – 5%							
Ref	Floor	Window	Existing	Permitted	Ratio	Proposed	Ratio
B1	F0	W2	0.0	0.0	1.00	0.0	1.00
B1	F0	W3	0.0	0.0	1.00	0.0	1.00
B1	F0	W8	28.5	28.4	1.00	28.4	1.00
B2	F0	W1	5.7	5.0*	0.88	3.3	0.56
B2	F0	W2	12.8	12.1	0.95	10.1	0.79
B3	F1	W1	0.9	0.9	1.00	0.9	1.00

* indicates a different value from the previous assessment submitted.

7.4.17. The remaining windows were not assessed due to their northern orientation. I note that the current assessment did not include B1/F1/W6 which under the permitted scheme had a ratio of 0.80. This window, due to its location on the adjacent home, is likely to be further impacted by the proposed third floor. However, the assessment considered all of the existing windows, noting that the not all related to living rooms. In addition, only windows which face 90° of due south require testing. The analysis concludes that all of the windows comply with both the APSH and WPSH

requirements for sunlight and therefore, meet the recommendations of the BRE guidance and exceed the target values set out for sunlight.

7.4.18. In terms of the proposed VSC, I note that the potential impacts on the existing properties in terms of the proposal currently before the Board is relatively similar in the context of the existing situation and that of the permitted scheme on the site. I would note that the proposed third floor will have an impact on the windows in the adjacent homes as detailed in the above tables and will likely experience a loss of light. In accepting that there will be an impact however, 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

7.4.19. 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.

7.4.20. In terms of existing private amenity spaces, the submitted report identifies the amenity spaces of the adjacent properties on Chelmsford Road to the north-east and Ranelagh Road to the north-west of the site, as well as the property to the north-west on Westmoreland Park. The Board will note that again, the figures presented do not correlate with those as included with the original Daylight, Sunlight & Shadow Assessment submitted as part of the previous application on the site. 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	Ratio
	Area Receiving >2hrs (%)	Area Receiving >2hrs (%)	
A – Rear Garden	0.0	0.0	1.00
B – Rear Garden	14.8	11.7	0.79
C – Rear Garden	45.0	44.0	0.98
D – Balcony	0.0	0.0	1.00
E – Balcony	0.0	0.0	1.00
F – Shared Space	61.4	61.4	1.00

- 7.4.21. 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 property. 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 additional overshadowing to these spaces.
- 7.4.22. 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 & Shadow Assessment 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.
- 7.4.23. I would accept that the potential impact to the existing amenity spaces is adequately described and presented, and I would accept that the majority of the properties assessed 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. However, I do note that with regard to Zone B – Rear Garden, the previous assessment noted that the existing area of the garden which achieved 2 hours of sunlight on the 21st of March was indicated at 17.7 and not 14.8. In this regard, if this area of amenity space is reduced to 11.7, the ratio reduces to

0.66, and below the recommended 0.8 ratio figure. No further shadow analysis is included for any other dates / times with regard to existing amenity spaces.

- 7.4.24. 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

- 7.4.25. With regard to the proposed development, the Board will note that the scheme does not propose any communal amenity space. The original Daylight, Sunlight & Shadow Assessment submitted as part of the previous application on the site considered the shadow / sunlight to amenity spaces, but only for those spaces located to the front elevation only. The rear of the building is noted to be north facing. The current submitted Daylight, Sunlight & Shadow Assessment report does not consider the extant permitted apartments and focuses on the proposed third floor. The proposed amenity space for this third floor apartment fully complies with the BRE Guidelines with +50% of the space achieving 2 hours of sunlight on the 21st of March.

Light within proposed home:

- 7.4.26. The original Daylight, Sunlight & Shadow Assessment submitted as part of the previous application on the site considered the development performance of the scheme in terms of ADF for all proposed units as well as shadow / sunlight to amenity spaces, where all but one bedroom on the ground floor passed. The average for the tested living rooms was 3.1% and bedrooms 1.6%, while the ground floor bedroom had an ADF value of 0.8. The current submitted Daylight, Sunlight &

Shadow Assessment report does not consider the extant permitted apartments and focuses on the proposed third floor.

- 7.4.27. BRE and the Table 2 of BS8206 guidance recommends that for new dwellings daylight to habitable rooms should exceed a calculated Average Daylight Factor (ADF) of 2% for a kitchen, 1.5% for a living room and 1% for a bedroom. Where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value, eg. in a space which combines a living room and a kitchen the minimum ADF should be 2%. The applicant has undertaken a calculation of the amount of daylight received by rooms on the proposed third floor apartment in accordance with BRE guidelines and presented the results as Average Daylight Factor in tabular form.
- 7.4.28. The assessment submitted has been undertaken with a 1% ADF for bedrooms and 1.5% ADF for the living /kitchen. Using these figures, the applicant submits that 100% of the rooms tested are achieving an ADF above the BRE guideline requirements. In terms of applying the 2% ADF for the kitchen/living rooms (rather than the 1.5% used by the applicant), I am satisfied that the rooms tested in the proposed third floor represents the worst-case scenario and that it is reasonable to conclude that these rooms adequately meet the ADF requirements. In any case, I note that the achievable ADF for the living room is 5.2 while the bedrooms achieve 8.4 and 4.5 respectively. Therefore, I am satisfied that the proposal can be deemed acceptable in respect of daylight, as measured by the % of rooms meeting standards, and that the proposed amended development adequately meets residential amenity levels for future residents.
- 7.4.29. Overall, I am generally satisfied that the level of residential amenity is acceptable, having regard to internal daylight provision and overshadowing impacts.

Conclusion

- 7.4.30. 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.

7.5. Other Issues

7.5.1. Roads & Traffic

The Board will note that 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 a number of 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 raised no objection in this regard to the original permitted development on the site, subject to compliance with conditions. I am satisfied that the addition of 1 two-bedroom apartment is acceptable in terms of roads and traffic.

In terms of the construction traffic, I would note that the primary permission for the site will require the 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.

7.5.2. Water Services & Flood Risk Assessment

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

In terms of flood risk, the Board will note that the applicant submitted a Site-Specific Flood Risk Assessment as part of the planning documents. I note an error in the

description of the development within the first paragraph of the FRA but accept that this has no bearing on the findings or robustness of the FRA. The preparation of the FRA was a requirement of the grant of planning permission for the site, PA Ref. 2246/20 refers. Specifically, condition 10(d) required a revised FRA to have regard to pluvial flood maps prepared as part of the EU IVB Flood Resilient City Project.

The FRA, at Section 2.0, sets out the methodology employed in the preparation of the assessment, while section 3.0 deals with the relevant Development Plan requirements. Section 4.0 deals with the assessment and mitigation. No historic flood incidents or events have been identified within the area of the site and the subject site is identified as being located within Flood Zone C for coastal flood risk, where the risk of flooding is rated low to zero. In addition, fluvial flooding is not considered as presenting a flood risk to the development at the initial stages of the assessment. An assessment of the Aquifer Vulnerability Maps classifies the area as having a low vulnerability to groundwater flooding risk and there is no indication of any springs or wells, or karst features in the surrounding area. Groundwater flooding is therefore, also not considered as presenting a flood risk to the development at the initial stages of the assessment.

In terms of pluvial flooding, the FRA has had regard to the EU Interreg IVB Flood Resilient City Project which aims to assist in the development of a pluvial flood risk management strategy for the city. As part of the project, a city-wide pluvial model was developed to provide flood hazard mapping for the Dublin City Area. In terms of the 0.5% AEP flood event, the majority of the site is not covered. No existing or residual fluvial flood risk is present on the site therefore measures focus on pluvial flooding. The pluvial flood risk information suggests that the predicted flood level adjacent to the site is 14.5mOD. It is recommended that a minimum FFL of 14.6mOD is implemented on the proposed development site to protect against possible pluvial flooding. The proposed development includes protection measures in the form of a dwarf kerb and railing at 14.8mOD along the site boundary with Chelmsford Road. In addition, the stormwater system is designed to comply with GDSUS and the site discharge will be limited to an equivalent greenfield standard. The scheme also proposes the use of a Blue Roof attenuation system which will further reduce the current discharge levels from the site.

Notwithstanding the 'Highly Vulnerable' nature of the proposed development in terms of flood risk, given the location of the site within Flood Zone C, a justification test is not required. I am satisfied that the proposed development has been so designed so as to protect the development from flooding and having regard to the proposed upgrade to the existing drainage network on Westmoreland Park through to Chelmsford Road which will increase the capacity of the system, I am satisfied that the development is unlikely to cause flooding of adjacent properties.

7.5.3. Development Contribution

The subject development is liable to pay development contribution under Section 48 of the Planning and Development Act 2000, as amended. 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 no AA issues arose during the PAs assessment of the proposal. I also note the planning history of the site and note that the actual works associated with the subject application would not in and of themselves, result in works to virgin ground. I note that the Planning Statement submitted with the application, at page 31, submits that there is no requirement for a Stage II AA.

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 have identified 15 sites. 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 3km 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 6.5km 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. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. Screened Out

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>

		No pathways for direct or indirect effects. Screened Out
Ballyman Glen SAC	000713	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
Wicklow Mountains SAC	002122	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
Wicklow Mountains SPA	004040	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

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 Ranelagh. 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 3km 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 6.5km 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. 3km 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. 3km 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] • 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]

	<ul style="list-style-type: none"> • 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. 6.5km 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. 6.5km 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] • 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]

	<ul style="list-style-type: none"> • 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 has already developed in the past, and the former buildings have been demolished from the site. It is generally composed of artificial surfaces. 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>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>

<p>Located approx. 3km to the east of the site</p>	
<p>South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024)</p> <p>Located approx. 3km 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. 6.5km 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 (Glauco-Puccinellietalia maritima) [1330] ○ Mediterranean salt meadows (Juncetalia maritimi) [1410] ○ Embryonic shifting dunes [2110] ○ Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] ○ 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. 6.5km 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 3km 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 refused for the proposed development for the following stated reason.

10.0 Reasons and Considerations

1. Having regard to the height, scale and massing of the proposed third floor, together with the proposed bin store at street level onto Chelmsford Road, it is considered that the proposed development would appear overly dominant in relation to adjoining buildings, harmful to the setting of the adjoining protected structure at No. 46 Chelmsford Road and would be visually excessive in the context of the narrow Westmoreland Park to the north. The development would, therefore, be incongruent within the streetscape and wider Conservation Area.

In addition, and having regard to the prominent position and design of the bin store to the front of the proposed development, and the proximity of the bin store to the windows of apartments, this element of the development would also negatively impact on the residential amenities of the future residents.

The proposed development would, therefore, seriously injure the amenities of the local area, contrary to the zoning objective and other policies of the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
26th November 2021