



An
Bord
Pleanála

Inspector's Report

ABP-311288-21

Development

PROTECTED STRUCTURE

Demolition of derelict print house and construction of an apartment building with four units and all ancillary site works

Location

Rear of 21, Cabra Road, Dublin 7, Co. Dublin, D07 R5V9

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

2983/21

Applicant(s)

Michael and Peter Marron

Type of Application

Planning Permission

Planning Authority Decision

Refused Permission

Type of Appeal

First Party Appeal

Appellant(s)

Michael and Peter Marron

Observer(s)

None

Date of Site Inspection

7th January 2022

Inspector

Susan Clarke

1.0 Site Location and Description

The irregular shaped site is located at the rear of No. 21 Cabra Road, Dublin 7 and has a stated area of 800 sq m, approximately 1.5km from the city centre. No. 21 Cabra Road, a designated Protected Structure (Ref. 1054), is an end-of-terrace, two storey over raised basement Georgian house located on the north side of Cabra Road. The dwelling is in multiple occupancy.

The Luas Green Line forms the western boundary of the site. Phibsborough Luas stop is located on the southern side of Cabra Road in front of the site. To the rear (north) of the site is a service lane that is utilised by the occupants of the terrace to the east of the site and the residential units that front onto Cabra Park.

The end-of-terrace property has a large hard surface area to the rear and a vacant single storey printing workshop, which was formally a couch house. A small area to the front of the Protected Structure is concreted and used to store bins. The site benefits from vehicular access to the front via Cabra Road.

2.0 Proposed Development

2.1. The proposed development consists of:

- Demolition of the existing print house (157 sq m), which was previously granted permission for upgrading (Ref. 3281/17),
- Construction of a two storey apartment block (370 sq m) containing four 2-bed (4 person) units with private open space,
- Provision of 26 No. bicycle spaces,
- Landscaping, boundary treatment, and drainage works, and
- Associated site works.

The units are to be accommodated in a single L-shaped apartment block that has a maximum height of 6.813 metres above ground level. The proposed building will be primarily finished with a plaster render, but also includes cedar clad features. Three of units measure 80.4 sq m, while the fourth measures 77.1 sq m. The Ground Floor Level units will benefit from outdoor terraces (ranging in size from 9.3 sq m to 9.6 sq

m), while the First Floor Level units will have balconies (ranging in size from 7.4 sq m to 7.6 sq m). All the apartments are dual aspect.

2.2. Documentation Submitted with Planning Application

In addition to a Planning Application Form and Statutory Notices, the application included supporting documents (in association with architectural and engineering drawings) including a Planning Report (dated June 2021) and, Conservation Report (dated June 2021) prepared by Karen Feeney, Grade 3 Conservation Architect.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. A Notification of Decision to Refuse Permission was issued on 11th August 2021 for two reasons:

The proposed development, taken together with the nature and extent of existing residential use at No. 21 Cabra Road, would result in the overdevelopment of the site, failing to provide a high quality residential environment for future occupiers of these 4 apartments and also residents within the existing dwelling, which is in multiple occupation. The development would provide apartments which fail to meet the qualitative and/or quantitative standards for private open space, storage space, and room sizes set out in the Sustainable Urban Housing: Design Standards for New Apartments (Ministerial Guidelines) 2018. The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of Policies QH18 and SC25 [of] the Dublin City Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

The proposed development by virtue of its design, form, proportions and siting do not relate to the architectural detail nor sensitively complement the special character of the protected structure. The proposed development would seriously injure the legibility and special architectural character of the Protected Structure and its curtilage (Regional Importance) on the site at 21 Cabra Road, RPS Ref. 1054, and would also significantly detract from the architectural and historical character of the surrounding residential conservation area, of which the site forms part. The proposed

development, which would fail to respond to and respect the architectural character of the Protected Structure and the pattern of development in the surrounding area, would set an undesirable precedent for similar forms of development in the vicinity. The proposal would therefore contravene Policies CHC2 and CHC4 of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report (11th August 2021)

Basis of Planning Authority's decision.

The Planning Officer considered that the proposed apartment block would cause serious injury to the Protected Structure's curtilage and setting, as the design and siting does not relate to nor complement the special character and setting of the structure. The Officer stated that the development would constitute overdevelopment of the site and would result in overlooking and noise nuisance issues with the Protected Structure. The Officer also noted a number of deficiencies with the scheme in terms of standards required by the 2020 Apartment Guidelines.

3.2.2. Other Technical Reports

- Transportation Planning Division (26th July 2021): Requests Further Information is sought regarding TII's concerns about the proximity of the proposal to the adjacent Luas infrastructure.
- Engineering Department Drainage Division (12th July 2021): Recommends that an appropriate flood risk assessment is completed in respect of the proposed development.
- Conservation Officer (9th August 2021): Recommends planning permission be refused. The Officer stated that the proposal would seriously injure the legibility and special architectural character of the Protected Structure and its curtilage as the design, form, proportions and siting of the new development do not relate to the architectural detail nor sensitively complement the special character of the Protected Structure.

3.3. Prescribed Bodies

- TII (9th July 2021 and 19th July 2021): Whilst the initial observation from TII suggested conditions be attached to the development, the latter observation stated that the proposed development could pose a major risk to the stability of the eastern retaining wall on the north side of Cabra Road Bridge/Phibsborough Luas Stop. TII recommends this issue is addressed prior to determining the planning application.
- Irish Water: No response received.
- An Taisce: No response received.
- The Heritage Council: No response received.
- Irish Rail: No response received.
- National Transport Authority: No response received.
- Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs: No response received.
- Fáilte Ireland: No response received.
- An Chomhairle Ealaíon: No response received.

3.4. Third Party Observations

There were no third-party observations made to the Local Authority in respect of the development.

4.0 Planning History

Section 96 Social Housing Exemption Certificate Reg. Ref. 0226/21: A Social Housing Exemption Certificate was issued by Dublin City Council in respect of the proposal on 28th June 2021.

DCC Reg. Ref. 2963/20: Planning permission refused in August 2020 for the demolition of the print house and construction of a two storey, four unit, apartment building on the site for the same reasons as the subject appeal case.

DCC Reg. Ref. 4766/19: Planning permission refused in February 2020 for the demolition of the print house and construction of (1) a two storey, three unit, apartment building (Block A), and (2) a two storey, two unit apartment building (Block B) for similar reasons as the subject appeal case and Reg. Ref. 2963/20.

DCC Reg. Ref. 3044/18: Planning permission granted in August 2018 for the construction of a two storey workshop/storage structure (204 sq m) in the northern corner of the site, to replace a workshop/storage structure that was removed as part of the Railway Order for Luas Cross City (Luas Broombridge) - June 2010. Condition No. 3 attached to this Decision requires that the space shall be used for storage purposes only, incidental to the occupation of the main dwelling on the site and shall not be used for any other purpose.

DCC Reg. Ref. 3281/17: Planning permission granted in March 2018 for the upgrading of the existing print house.

DCC Reg. Ref. 3186/15: Planning permission refused in September 2015 for change of use of a storage building in the northern corner of the site to provide for two apartment units for reasons relating to overdevelopment, the provision of a poor standard of residential development and adverse effects on the setting and character of the Protected Structure.

5.0 Policy Context

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

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 guidelines¹.

Section 2.4 of the Guidelines states that ‘Central and/or Accessible Urban Locations’ “are generally suitable for small- to large-scale (will vary subject to location) and higher density development, that may wholly comprise apartments, including: ...Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high-capacity urban public transport stops (such as DART or Luas)”.

Appendix 1 of the Guidelines set out the required minimum floor areas and standards for apartments as follows:

Minimum overall apartment floor areas:

Studio	37 sq m (n/a)*
One bedroom	45 sq m (38 sq m)*
Two bedrooms (3 person)**	63 sq m (n/a)*
Two bedrooms (4 person)	73 sq m (55 sq m)*
Three bedrooms	90 sq m (70 sq m)*

* Figures in brackets refer to 1995 guidelines

**Permissible in limited circumstances

Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms:

Apartment type ***	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
Studio	4m**	30 sq m**
One bedroom	3.3 m	23 sq m
Two bedrooms (3 person)	3.6m	28 sq m
Two bedrooms (4 person)	3.6 m	30 sq m
Three bedrooms	3.8 m	34 sq m

¹ The planning documentation, including the public notices, prepared in respect of the proposed development makes no reference to the development being a Build to Rent scheme. As such, this appeal is not assessed in accordance with the guidelines/requirements for such schemes.

* Note: An enclosed (separate) kitchen should have a minimum floor area of 6.5 sq. metres

**Note: Combined living/dining/bedspace, also includes circulation

*** Note: Variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas.

In terms of private and communal open space for apartments, the Guidelines provide the following standards:

Minimum floor areas for private amenity space

Studio	4 sq m
One bedroom	5 sq m
Two bedrooms (3 person)	6 sq m
Two bedrooms (4 person)	7 sq m
Three bedrooms	9 sq m

Minimum floor areas for communal amenity space

Studio	4 sq m
One bedrooms	5 sq m
Two bedrooms (3 person)	6 sq m
Two bedrooms (4 person)	7 sq m
Three bedrooms	9 sq m

5.2. The following are also considered relevant:

- Architectural Heritage Protection – Guidelines for Planning Authorities, 2011
- Rebuilding Ireland Action Plan for Housing and Homelessness
- Circular Letter: NRUP 02/2021- Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Urban Design Manual, A best practice guide (DEHLG May 2009)
- Development Management Guidelines for Planning Authorities, June 2007
- Quantitative methods for daylight assessment are detailed in the following documents:
 - BRE209 - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' and;

- BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting)

5.3. Dublin City Development Plan 2016-2022

The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. The subject site is zoned Z2, which aims to protect and/or improve the amenities of residential conservation areas. Residential use is a permissible use under this zoning.

Relevant planning policies for residential development are set out under Sections 5 (Quality Housing) and 16 (Development Standards) within Volume 1 of the Development Plan. Design principles for residential development are set out in Section 16.2.2.2 of the Development Plan. Section 16.10.8 outlines the policy in relation to backland development and states that individual backland sites can conflict with the established pattern and character of development in an area. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening. Furthermore, Section 16.10.9 addresses the development of corner/side garden sites.

The indicative plot ratio for Z2 zonings is 0.5 to 2.0 and the indicative site coverage for sites governed by the Z2 zoning objective is 45%, with a higher allowance in certain circumstances including sites adjoining major transport termini and corridors.

The following Development Plan architectural heritage policies are relevant to this appeal:

- CHC1 - preserve the built heritage of the city;
- CHC2 - ensure the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted. There are requirements under this policy objective which include *inter alia* the avoidance of harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.
- CHC4 - protect the special interest and character of conservation areas;

Appendix 24 of the Development Plan addresses 'Protected Structures and Buildings in Conservation Areas'.

5.4. Natural Heritage Designations

The Royal Canal Proposed Natural Heritage Area (site code: 002103) and North Dublin Bay Proposed Natural Heritage Area (site code: 002103) are located approximately 0.5km and 3km, respectively, from the subject site.

Dublin Bay and River Tolka Estuary SPA (site code: 004024) is located approximately 3.3km east of the subject site.

5.5. EIA Screening

On the issue of environmental impact assessment screening I note that the relevant classes for consideration are Class 10(b)(i) "construction of more than 500 dwelling units" and Class 10(b)(iv) "urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere". Having regard to the modest size of the site at 800 sq m and the number of units to be provided at four, which is considerably below the 500 dwelling threshold, it is considered that, having regard to the nature and scale of the proposed development, the location of the development on a brownfield serviced site together with the characteristics and likely duration of potential impacts, that the proposal is not likely to have significant effects on the environment and that the submission of an environmental impact assessment report is not required. The need for an environmental impact assessment can therefore be excluded by way of preliminary examination.

6.0 The Appeal

A First-Party Appeal was submitted to An Bord Pleanála on 3rd September 2021 opposing the Local Authority's decision. The Appeal sets out the development context, planning history, and planning policy. The grounds of appeal can be summarised as follows:

- The Planning Authority's assessment is unclear. No particular deficit has been identified.
- The proposed development does not result in overdevelopment of the site. The Local Authority made no reference to site coverage during its assessment.
- No evidence has been adduced to show that the area in which the subject site is located, or the facilities to be provided on this land, would result in a poor standard of external amenity.
- It is a well established planning principle that not every development needs to provide its own private open space and that the proximity of communal facilities is a relevant factor in this regard.
- The site is in close proximity to several principal transport routes and outdoor facilities including Dublin Zoo, Botanical Gardens, Fairview Park and Phoenix Park.
- A number of apartment buildings nationwide have balconies arranged one-above-the-other and the Council's stance on this issue represents a marked departure from the usual approach to the design of apartment blocks.
- The Planning Authority's arguments that the apartments would fail to the qualitative and/or quantitative standards required is in direct conflict with the figures provided with the application.
- Requests that the Board condition that that the minimum storage sizes required by provided for to address slight errors in the figures proposed with the application.
- Developments similar to that proposed should be pro-actively encouraged.
- The proposal does not entail works to any features of historic importance.
- Given that the NIAH description indicates that the rear of the site is historically unimportant, the Applicant does not concur with the Conservation Officer's views of the development.
- The Planning Authority has granted permission twice for new development to the immediate north of the Protected Structure and as such the Conservation Officer's views are at odd with the site's planning history.

- The residents of 21 Cabra Road would greatly benefit from the proposed development as they would have the use of an area of landscaped garden space (they currently have no access to this rear yard).
- The Council may be overstating the importance of this particular building and the terrace of which it forms part. It is rated as a List 2 building which seeks to discourage the demolition or material alteration of the structure without permission.

6.1. **Planning Authority Response**

- No response received.

7.0 **Assessment**

Having examined the application details and all other documentation on file, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Land Use Zoning
- Design and Architectural Heritage
- Residential Amenity
- Appropriate Assessment.

Each of these issues is addressed in turn below.

7.1. **Land Use Zoning**

The site is zoned for residential development (Z2) in the Development Plan. The proposed residential use on the site is compatible with the land use objectives, and as such it is my considered opinion that the proposed apartment development subject to quantitative and qualitative safeguards in respect of design and amenity is acceptable in principle on the subject site.

7.2. Design & Architectural Heritage

7.2.1. Demolition of Existing Print House

The proposed development includes for the demolition of the existing 157 sq m print store. This building is located to the rear of the Protected Structure. The Conservation Report submitted with the planning application notes that the structure as it stands today was built in many sections, but originally would have been a stable/coach house associated with the main house. The Planning Report submitted with the application advises that subsequent to planning permission being granted to upgrade the building and the undertaking of further structural investigations, it has come to light that the integrity of the walls are in poor condition and that the cost associated with saving them would not benefit the owners or the area in general. The Applicant advises that regardless of the outcome of this appeal, the previous permission (Reg. Ref. 3281/17) will not be doable. The Local Authority's Conservation Officer, whilst recommending permission be refused for the development, does not explicitly comment on the architectural heritage importance of the subject structure and the principle of its demolition. I note from my site visit that the structure is in poor condition, but I would not describe the structure as being derelict. The original features are not visible, due to the renovation works undertaken over the years. The record of protected structures does not make any reference to this building despite it being located in the curtilage of the main house. In conclusion, I do not consider that the demolition of the structure will negatively impact the character or architectural importance of the site significantly. However, it would have been preferable for a conservation gain greater than the reuse of reclaimed brick, to be provided for the site as part of the application. As discussed in further detail below, I do not consider the application complements the character or setting of the Protected Structure.

7.2.2. Architectural Design, Height and Scale

The proposed development involves the construction of a two storey building, which varies in height from 5.4m to 6.8m. The building has an L-shaped form following the northern and eastern boundary of the site, which backs onto a service laneway. I do not consider that the proposed height is overbearing on the Protected Structure or on the residential dwellings located to the rear of the site on Cabra Park due to the

separation distances between these units and the proposed structure. Furthermore, the proposed height will have no impact on the Luas line that is located along the western boundary of the site. Notwithstanding the height and the Applicant's arguments that the proposed development is consistent with the site's applicable plot ratio and site coverage (0.81:1 and 45.5%, respectively), I consider that the overall scale and massing of the proposed building does not relate nor respect the Protected Structure or its curtilage and as such would result in the overdevelopment of the site.

In terms of architectural treatment, I consider the proposal to be poor. I concur with the Conservation Office that the proposal fails to relate to nor complement the special character and setting of the Protected Structure. In addition, the northern and eastern elevations, spanning approximately 40m, are blank with a render finish. Whilst these elevations face onto a service lane, in my opinion, the proposal misses an opportunity to enliven this space and general improve the visual amenity of the area. The scheme, when viewed from Cabra Road, a key throughfare into the city centre, will not contribute positively to the area due to a lack of innovative design including a poor selection of materials.

In summary, I consider that the proposed development provides a poor urban design solution that fails to respect the character and setting of the Protected Structure and positively contribute to the urban fabric of the area. As such, the proposed development would contravene policy CHC2 and CHC4 of the Development Plan.

7.3. Residential Amenity

7.3.1. Apartment Standards

The Local Authority stated that the proposed development is not compliant with the 2020 Apartment Guidelines. At the outset, I note that there are minor inconsistencies between the schedule of accommodation outlined in the Planning Report submitted with the application and those stated on the drawings.

- **Unit Sizes**

The proposed development includes four 2-bed (4 person) apartment units ranging in size from 77.1 sq m to 80.5 sq m and as such complies with the Guidelines' applicable 73 sq m minimum standard.

- **Bedroom Sizes**

In terms of bedroom sizes, the Local Authority states that the scheme is not compliant with the Guidelines as the Applicant has included ensembles in the calculations. The First-Party Appeal states that ensuite accommodation is only excluded from the overall bedroom size when calculating the size of bedrooms in Shared Accommodation. I have reviewed both the 2018 and 2020 versions of the Apartment Guidelines and note that the 2018 Guidelines specifically state that ensembles should be included in overall bedroom calculations for shared accommodation. However in my view this specification does not relate to standard apartment accommodation in either versions of the Guidelines. As such, I concur with the Local Authority's interpretation of the Guidelines and therefore consider that the bedrooms fail to meet the 13 sq m minimum standard, but rather range from 10.5 to 11 sq m.

- **Storage Space**

As acknowledged in the First-Party Appeal, the storage space is deficient whereby rather the minimum 6 sqm being provided, a range between 5 and 5.8 sq m is proposed. The Applicant suggests that the Board condition that 6 sq m is provided for should permission be granted for the development.

- **Private Open Space**

As outlined above in Section 5, 2-bed (4 person) apartments are required to have 7 sq m of private amenity space. The proposed scheme is compliant with this quantitative standard. However, I have concerns in relation to the quality of these spaces. The outdoor terrace and balcony provided for Apartment Nos. 1 and 3, respectively, are directly overlooked by the units within the main house, which is located approximately 5m south of the proposed apartment building. In addition, there is no screening/landscaping proposed around the ground floor terrace to provide privacy for the future occupants. Furthermore, the proposed bin storage area is located less than 4.5m from this area.

It is unclear from review of the drawings what the purpose of the space is located directly south of bedroom 1 and 2 of Apartment No. 1, as the railing enclosing the outdoor terrace restricts access to this space for the residents of the apartment. Landscaping is provided approx. 1.5 to the front of these bedrooms as part of the communal open space provision. However, there is no detailed landscape plan

submitted with the application specifying the species type and as such, there is no certainty as to the extent of privacy the landscaping will offer occupants of the Apartment.

In terms of Apartment No. 2, the outdoor terrace directly fronts onto the c.1.5m high boundary wall along the Luas line and as such will not offer future occupants with a high quality space. Furthermore, there is no screening/landscaping provided around the terrace despite public access being provided via a bicycle storage area, around this apartment. As such, the occupants will have very limited privacy and poor residential amenity.

- **Communal Open Space**

As per the Apartment Guidelines standards for communal open space, I calculate that 28 sq m is required. The Applicant states that the scheme proposes approximately 82 sq m, however this space is to be shared with the occupants of the main house, which varies from 7 to 10 people. The space would receive good sunlight due to its orientation and position within the site. However, its overall layout, position next to the vehicular turning circle and bin storage area, reduces the level of amenity it could offer residents.

There is no public open space proposed as part of the scheme.

- **Other Matters**

A building lifecycle report has not been submitted with the application.

The proposal is compliant with other standards from the Guidelines in terms of living/dining/kitchen rooms, floor-to-ceiling height, lift and stair cores, and dual aspect ratio.

In summary, whilst individually the quantitative deficiencies with the scheme in terms of the 2020 Apartment Guidelines may be considered minor, in my opinion, collectively they result in an overall poor standard of accommodation. Furthermore, the quality of design, particularly in terms of privacy and open space provision, will fail to provide future residents with a reasonable level of amenity and will reduce the residential amenity for the occupants of the Protected Structure.

7.3.2. **Overlooking**

As stated above, I would have concerns in respect to overlooking between the rooms to the rear of the main house and Apartment No. 1 and 3, which would reduce the amenity for the occupants of these spaces. Due to the blank facades on the northern and eastern elevations, the proposed development will not cause any overlooking of the residential properties located along Cabra Park. There are no significant overlooking issues to the west of the site due to the distance between the proposed apartment block and units along Cabra Road.

7.3.3. **Sunlight and Daylight Impacts/Overshadowing**

In terms of daylight factor, Dwg. No. A 1.0 'General Drawing' states that the scheme is compliant with BS206 (Lighting for Buildings and Part 2: Code of Practice for Daylighting). However, the analysis demonstrating same has not been submitted with the application. Notwithstanding this, having regard to the orientation of the units and the absence of any high-rise development in the immediate vicinity of the site, I contend that the units would likely achieve satisfactory levels of daylight and sunlight. For similar reasons, I consider that the scheme will not be overshadowed, nor will it significantly overshadow nearby properties. The outdoor terrace for Apartment No. 2 may experience limited levels of daylight in comparison to the other apartments due to its proximity to the boundary wall, however I do not consider this to be material.

7.3.4. **Car and Bicycle Parking**

The proposed development does not include any car parking spaces. I consider this to be acceptable having regard to the site's proximity to the city centre and distance to the Phibsborough Luas Stop and other modes of public transport in the area.

The scheme includes for 26 No. covered bicycle parking spaces and as such would sufficiently service future occupants.

7.4. Appropriate Assessment

The nearest Natura site is the Dublin Bay and River Tolka Estuary SPA (site code: 004024), which is located approximately 3.3km east of the subject site.

The conservation objectives for the South Dublin Bay and River Tolka SPA are to maintain or restore the favourable conservation status of habitats and species of community interest, including Light Bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern and Arctic Tern and the wetlands which support them.

The proposed development involves the construction of an apartment building on a site of 800 sq m that has previously been subject to development, is already in residential use and that is served by the city's sewerage system. The potential impact of the proposed development on the quality and quantity of the effluent from city's sewers is negligible given its size relative to the urban development that the sewers already serve. So the hydrological links between the appeal site and the bay could not be a pathway by which the proposed development would have the potential to have any effects on the Natura 2000 sites there. Nearly all of the land between the appeal site and the bay has been developed as part of the city. So there is no potential for development on the appeal site to give rise to any disturbance or displacement of habitats or species in the bay that could have an effect of the Natura 2000 sites there.

In conclusion, having regard to the nature and scale of the proposed development, the redevelopment of a brownfield site within an established urban area on serviced land, and the separation distance to the European sites to the subject site, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the South Dublin Bay and River Tolka SPA, (or any other European site) during either the construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission be refused for the proposed development based on the reasons and considerations set out below.

9.0 Reasons and Considerations

The appeal site is located in an area zoned "Z2" in the Dublin City Development Plan 2016-2022, where the objective is "To protect and/or improve the amenities of residential conservation areas." This objective is considered reasonable. The site is within the curtilage of No, 21 Cabra Road a protected structure in relation to which it is an objective of the Dublin City Development Plan 2016-2022 to ensure protection of the special interest of protected structures and to conserve and enhance protected structures and their curtilage. In particular under policy CHC2 (d) it is required that development not cause harm to the curtilage and that the design, form, scale, proportions, siting and materials of new development should relate to and compliment the special character of the protected structure. The proposed development would detract from the setting and character of the Protected Structure and fail to enhance or protect its character and would, therefore, be contrary to policy CHC2 and CHC4 of the Development Plan.

Furthermore, having regard to the architectural design treatment, the separation distance between the Protected Structure and the proposed apartment building, the standard of qualitative communal open space, failure to meet the minimum standards recommended in the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" published by the Department of Housing, Local Government and Heritage in December 2020, the proposed development would result in a poor standard of residential amenity for future occupants and existing occupants of the Main House, and an overdevelopment of the site, and would be contrary to the proper planning and sustainable development of the area.

Susan Clarke
Planning Inspector

18th January 2022