



An
Bord
Pleanála

Inspector's Report ABP 312150-21

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| Development | Demolition of the existing rear first floor balcony, and the construction of a three-storey extension and, all associated site works. |
| Location | Prospect House, 2-3 Prospect Road, Glasnevin, Dublin 9. |
| Planning Authority | Dublin City Council. |
| Planning Authority Reg. Ref. | 3526/21 |
| Applicant(s) | By-Tek Office Systems Ltd. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse Permission. |
| Type of Appeal | First Party. |
| Appellant(s) | By-Tek Office Systems Ltd. |
| Observer(s) | None. |
| Date of Site Inspection | 06 th October 2022. |
| Inspector | Brendan Coyne. |

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1.0 Site Location and Description

1.1. The site has a stated area of 0.093 hectares and is located on the western side of Prospect Road (R108) in Glasnevin, Dublin 9. The site contains 2 no. two-storey buildings Nos. 2-3 Prospect Road, known as Prospect House. The buildings are amalgamated and currently in office use. These buildings form part of a terrace of three buildings. OSI Cassini 6-inch B&W maps (1829-41) show that these buildings date back to the 1830s and present 2-bay Georgian elevations to the front. A two-storey building in use as a furniture/home interior retail store (Des Kelly) adjoins the site's southern boundary. An area of hard-surfaced car parking is provided at the front and rear of Prospect House. The car parking area to the rear of the building is accessed via a right-of-way access route off Prospect Road, which runs along the southern side of the neighbouring retail unit to the south. The site is bordered to the north by the South-Western Commuter / Kildare line (GSWR) and to the south by the Western Commuter Line / Maynooth Line (MGWR), which runs beneath the adjoining property to the south. Both rail lines are set in deep cuttings and supported by concrete and masonry retaining walls. The Royal Canal runs along the southern side of the adjoining retail unit to the south, and the site is located within the Royal Canal Conservation Area. The site is zoned a 'Neighbourhood Centre' (Zone Z3) in the Dublin City Council Development Plan 2016-2022. The public house (The Bernard Shaw) is located opposite the site to the east. A designated bus and cycle lane runs along the roadside boundary of the site. The site is identified by Transport Infrastructure Ireland as the site for the future MetroLink Glasnevin Station, a new multi-modal interchange station linking the MetroLink, DART+ West project, the two existing heavy railway lines i.e., the Western Commuter Line and the South-Western Commuter Line, and BusConnects.

2.0 Proposed Development

2.1. Original Proposal, as submitted to the Planning Authority.

2.1.1. Permission sought for the following, as described in public notices;

- Demolition of the existing rear first-floor balcony,

- Construction of a three-storey extension, over parking level, to the rear of the existing building, comprising;
 - 584 sq.m. office space,
 - 294 sq.m. media rooms,
 - associated staff welfare facilities.
- 8 no. car parking spaces and 8 no. bicycle storage spaces at lower ground floor level,
- Bin store and plant room on the lower ground floor,
- All associated site works.

2.2. Revised Proposal, as submitted with the Appeal

2.3. A revised Proposal submitted with the appeal, which is described in the Appeal Planning Statement submitted as follows;

- Demolition of the existing rear first-floor balcony,
- Construction of a two-storey extension, over parking level, to the rear of the existing building, comprising:
 - 222 sq. m of undercroft car parking,
 - 592 sq. m of office and ancillary office space (or 370 sq.m. of office space when the 222 sq. m undercroft car parking is excluded),
 - associated staff welfare facilities,
- 8 no. car parking spaces and 8 no. bicycle storage spaces at lower ground floor level,
- Bin store and plant room on the lower ground floor,
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council REFUSED Permission for the proposed development. The reasons for refusal were as follows;

1. The zoning objective for the application site is Z3 'To provide for and improve neighbourhood facilities'. The quantum of existing and proposed office space significantly exceeds the maximum 600 sq.m. of office space open for consideration under the Z3 zoning objective. The proposed development would, therefore, contravene materially a development objective indicated in the development plan for the zoning of land, be contrary to the provisions of the Dublin City Development Plan 2016-2022, and be contrary to the proper planning and sustainable development of the area.
2. The proposed development would appear incongruous as the design and scale does not relate satisfactorily to the existing two storey period terrace fronting onto Prospect Road. The proposed development would therefore, dominate the existing building, detract from the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.
3. The application site forms a critical future Urban Transport Node comprising a rail interchange station with linkages to Bus Connects at surface level along the R108 (Prospect Road). Due to the proposed development being located on lands earmarked for acquisition and demolition, as part of the MetroLink project, it would be inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project. The proposed development fails to take account of proposals for MetroLink rail infrastructure and the proposed Glasnevin MetroLink station, a future transportation interchange hub. It is considered that the proposed development would compromise the delivery of the Metrolink and DART+ projects and therefore would be contrary to Policies MT03 and MT04 and Section 8.5.3 (Public Transport) of the Dublin City Development Plan 2016 -2022 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The key considerations of the Planning & Development Dept. report are summarised under the headings below.

3.2.1.1. Zoning

- The site is zoned 'Neighbourhood Centres - Zone Z3' with the objective 'To provide for and improve neighbourhood facilities'.
- The site is located within a Conservation Area.
- The site is identified as the location for a future MetroLink Glasnevin Station and the interchange with the proposed Glasnevin DART+ Rail. This will be located beneath the application site.
- Permissible uses within Z3 zoned lands include office development (max. 300 sq.m.). Office development (max. 600 sq.m.) is open for consideration.
- The proposed development comprises an office extension to a building with an office floor area of 584sqm, 294sqm of media rooms, and associated staff welfare facilities.
- Office is defined in Appendix 21 of the Dublin City Development Plan as: *A building in which the sole or principal use is the handling and processing of information and research, or the undertaking of professional, administrative, financial, marketing or clerical work, and includes a bank or building society but not a post office or betting office.*
- The Applicant has applied for 294 sq.m. of media rooms.
- There is no definition of 'media-associated uses' in the Development Plan.
- It is Council policy to promote employment and to 'protect and improve neighbourhood facilities' within the Z3 zone.
- The drawings submitted show the subject property, as extended, in use as offices, as granted planning permission under P.A. Ref. 0994/99.

- The drawings and schedule submitted detail that the existing lower ground floor, upper ground floor and first floor have a combined total floor area of 640 sq.m. of office space.
- The proposed demolition of the existing rear first-floor balcony will facilitate the construction of the proposed extension. This demolition would enable a link between the existing building and the proposed new upper ground floor level of the proposed extension.
- This proposed development provides an additional 878 sq.m. floor area over four floors in the proposed extension to the rear.
- The Applicant has differentiated between an office floor area of 584 sq.m. and 294 sq.m. of media rooms within the description of the proposed development. However, the floor plans submitted show only the office floor area and do not show which space will be used as media rooms or how these differ from office use. This should be clarified by way of further information.
- The Planning Statement details the 'ancillary media room space which is interconnected to the existing office space' is to be located on the upper ground floor. Notwithstanding this, the Planning Authority is concerned as the overall floor area proposed for office use exceeds the maximum office use limitation identified in the City Development Plan 2016 -2022 under the Z3 zoning.
- Within a neighbourhood centre, the objective is to provide for and improve neighbourhood facilities, and that a neighbourhood centre provides 'a focal point for a neighbourhood and provide a limited range of services to the local population within 5 minutes walking distance'.
- Given the quantum of office space existing (640sqm) and the quantum of office space proposed (584 sq.m.– 878 sq.m.) there is concern regarding the overall amount of office space within this site within the neighbourhood centre.
- No justification has been submitted for the proposed development besides the planning statement, which states 'the proposed development is considered necessary to ensure the protection and continued use of the building'.
- The Planning Authority considers that the quantum of proposed office space exceeds that acceptable on Z3 zoned lads.

- There is concern regarding the overall scale, height, and massing of the proposed building, which would have a larger floor area and be substantially higher than the existing building to which it would extend.

3.2.1.2. **Visual Impact**

- The existing 2-storey terrace building is attractive and visible from several views within the public domain.
- The proposed development will appear incongruous when viewed in the context of the existing two-storey terrace.
- The scale and massing of the proposed extension would dominate the existing building and would not read as an extension to the rear.
- Contemporary design and materials have been proposed. However, this application has submitted no CGIs or photomontages/visuals showing the proposed building as viewed from different viewpoints or on approach to the site.
- The CGI images submitted show only the proposed extension, while the contextual elevations submitted show the proposed development in relation to the existing buildings to the front.
- The Applicant has referenced a development previously approved under P.A. Ref. 5553/06 as a precedent. This permitted development was assessed under a previous City Development Plan, has not been enacted and has since lapsed.

3.2.1.3. **Future Metro Link Glasnevin station:**

- The application was circulated to the Transportation Planning Division, who have, in their report, recommended the refusal of the proposed development.
- There are several Strategic Regional Transport projects which interact with the application site. These include the MetroLink project, Dart+ West and Southwest and Bus Connects. These projects form a key part of the wider public transportation service for the Greater Dublin Area as outlined in the Greater Dublin Area Transport Strategy 2016-2035, as identified in the National Development Plan 2021-2030, the National Planning Framework, 2040, and the Eastern & Midlands Regional Spatial & Economic Strategy 2019-2031.

- In the most recent MetroLink preferred route (Published March 2019), Dart+ West (Published July 2021) and Dart+ South West (Published May 2021), the application site forms a critical Urban Transport Node comprising a rail interchange station with linkages to Bus Connects at surface level along the R108 (Prospect Road).
- The future planned station at this subject site is within the proposed MetroLink project, which then integrates with the Dart+ West and Dart+ South West projects.
- The timing/sequence of construction of all projects at this location is progressing, with each project preparing details for Railway Order applications.
- Due to the location of the site, on lands earmarked for acquisition and demolition as part of the MetroLink project, it would be inappropriate to further develop this land.
- Until such time as these applications are progressed, and given the significance of the location as a regional transportation interchange hub, the development on site is considered premature.
- The National Transport Authority (NTA) submission received details that 'permanent and temporary land acquisitions are proposed to facilitate these works including the permanent acquisition and demolition of all the structures on lands subject of this planning application'.
- The NTA submission details how the landowner has been notified of MetroLink's intention to acquire their property.
- No reference has been made to the future MetroLink Glasnevin station within the Planning Statement or documents or drawings submitted.
- Section 8.5.3 of the Development Plan refers to Public Transport and states that Dublin City Council policy on public transport will be implemented in collaboration with the NTA's Transport Strategy for the Greater Dublin Area 2016 -2035 and that 'it is policy to protect route alignments from inappropriate development'.
- The NTA have, in their submission, recommended that due to the location of the subject site, on lands earmarked for acquisition and demolition as part of the MetroLink project, that 'it would be inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project'.

Therefore, the proposed development would be contrary to Section 8.5.3 of the City Development Plan 2016 -2022.

- There is no reference within the submitted documentation that the Applicant has engaged with relevant Transportation Authorities.
- The submission received by Iarnród Éireann (I.E.) outlines that no prior engagement has taken place.
- The NTA submission received references that the Applicant is aware/has been notified that the application site is required to construct the future Glasnevin Station.
- Section 8.5.3 of the Dublin City Development Plan 2016 – 2022 outlines that Dublin City Council policy on public transport will be implemented in collaboration with NTA's Transport Strategy for the Greater Dublin Area 2016 – 2035 or any superseding document.
- Dublin City Council's policy is to consult with the NTA and TII in relation to all significant proposals along routes to avoid inappropriate development and ensure the protection of route alignments.
- Policy MT3 states that it is Dublin City Council policy to 'support and facilitate the development of an integrated public transport network with efficient interchange between transport modes, serving the existing and future needs of the city in association with relevant transport providers, agencies and stakeholders'.
- Policy MT4 of the Development Plan seeks 'To promote and facilitate the provision of Metro, all heavy elements of the DART Expansion Programme including DART Underground (rail interconnector), the electrification of existing lines, the expansion of Luas, and improvements to the bus network in order to achieve strategic transport objectives'.
- The Transport Planning Division recommends that the development be refused permission due to the inconsistency with Policy MT3 and Policy MT4 of the Dublin City Development Plan 2016-2022. The Planning Authority concurs with Transportation Planning Division in this regard.
- The proposed development would be contrary to Policy MT3, Policy MT4 and Section 8.5.3 of the City Development Plan 2016 -2022, re. Public Transport.

- Notwithstanding the conflict of the proposal with the MetroLink project and other rail infrastructure projects, additional concerns have been raised within the Transportation Planning Division report. These relate to access, car parking, bicycle parking, servicing of the site, and construction management.
- Both vehicular access points are outside the redline boundary as identified on the Proposed Site Layout Plan.
- The access serving the proposed under-croft car parking area to the rear of the site is via a right of way, identified in yellow, to the side of the adjacent property known as Des Kelly Interiors shop (1A Prospect Rd).
- The Transportation Planning Division note in their report that this right-of-way access conflicts with the pedestrian Royal Canal Greenway path at its intersection with Prospect Road, and that the space is undefined for users and appears to be used as a car parking area.
- There is concern that the intensity of operation of this space would give rise to serious conflict between vehicles, pedestrians, and cyclists. As such, the proposed access to the car parking area of the development would endanger public safety by reason of a traffic hazard.
- The Applicant has failed to address the bicycle parking requirement for the proposal adequately.
- Cycle parking for 16 no. bicycles would be required. These should be secure and conveniently located, sheltered and well-lit.
- Shower and changing facilities should be provided, and cycle parking design should allow both wheel and frame to be locked.
- Information in relation to the servicing of the site has not been submitted.
- The proposed waste storage area is shown within the ground level of the new extension. No information has been submitted in relation to the collection of waste.
- No Construction Management Plan (CMP) has been submitted with the application. Having regard to the nature of the R108 (Prospect Road), the vehicular access to the rear conflicting with pedestrians and cyclists using the Royal Canal and the

proximity of active rail lines, a Preliminary Construction Management Plan would be required.

- Several items of further information and amendments to the current proposed would be required if the proposed development was being considered favourably. These are outlined in the Transportation Planning Division report.
- The submission received from Iarnród Éireann notes that the Applicant does not have the consent of the owners (CIÉ) over the Royal Canal Greenway path.
- Concerns over the additional loads which will be applied to the railway bridge by construction traffic are raised, given that this bridge has only been used for light traffic in the past.
- The submission received from Iarnród Éireann raises a number of concerns and recommends refusal.
- The concerns relate to the proposed siting of the development, lack of detail on the drawings and concerns raised over the negative effect of the development on the railway's infrastructure.
- Both of the adjacent railway lines are due to be electrified as part of the DART+ Programme.
- The submission from the engineer states it is not possible to build the proposed structure without oversailing the railway property, and this includes oversailing the running of trains, given their proximity, particularly on the northern side.
- Due to the lack of adequate information submitted, the Drainage Department requested further information pertaining to surface water and flood risk assessment.
- A Stage 1 Appropriate Assessment Screening Report was submitted with the application.
- Having regard to the nature and scale of the proposed development and the proximity to the nearest European site, no Appropriate Assessment issues arise. It is not considered 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.

3.3. Other Departmental Reports

3.3.1.1. *Drainage Division:*

- Due to the lack of adequate information, it is not possible to state that satisfactory proposals for the management of surface water and flood risk can be provided for this development.
- The Applicant should be requested to submit by way of further information a detailed Site-Specific Flood Risk Assessment for the proposed development, which identifies and proposes design solutions to mitigate the potential risks from all sources, including coastal, fluvial, pluvial and groundwater. All surface water discharge from this development must be attenuated to two litres per second.

3.3.1.2. *Roads Streets & Traffic Department, Road Planning Division:* Observations summarised under the headings below.

Re. Transportation Projects

- There are a number of Strategic Regional Transport projects which interact with the application site, being the MetroLink project, Dart+ West and South West and Busconnects.
- These projects form a key part of the wider public transportation service for the Greater Dublin Area as set out under the Greater Dublin Area Transport Strategy 2016 – 2035, and identified under the National Development Plan 2021 – 2030, National Planning Framework, 2040 and the Eastern & Midlands Regional Spatial and Economic Strategy 2019 - 2031.
- According to the most recent MetroLink preferred route (Published March 2019), Dart+ West (Published July 2021) and Dart+ South West (Published May 2021), the application site forms a critical Urban Transport Node comprising a rail interchange station with linkages to BusConnects at surface level along the R108 (Prospect Road).
- The planned station at the subject site is proposed within the MetroLink project, which then integrates with the Dart+ West and Dart+ South West projects.

- The timing/sequence of construction of all projects at this location is progressing, with each project preparing detail towards Railway Order applications. Until such time as these applications are progressed, and given the significance of the location as a regional transportation interchange hub, the development on site could be considered premature.
- There is no reference within the submitted documentation that the Applicant has engaged with relevant Transportation Authorities.
- The submission by Iarnród Éireann outlines that no prior engagement has taken place.
- The NTA submission states that the Applicant is aware that the application site is required to construct the Glasnevin Station.
- Section 8.5.3 of the Dublin City Development Plan 2016 – 2022 outlines that it is general policy that public transport will be implemented in collaboration with NTA's Transport Strategy for the Greater Dublin Area 2016 – 2035 or any superseding document. On this basis, the City Plan policy is to consult and for Applicant's to consult with the NTA and TII in relation to all significant proposals along the routes to avoid inappropriate development and ensure the protection of route alignments.
- On this basis, the Road Planning Division recommends that the proposed development is refused permission due to inconsistency with Policies MT3 and MT4 of the Dublin City Council Development Plan.

Re. Access

- This right of way access to the rear of the property, to the side of the adjacent property known as Des Kelly Interiors shop (1A Prospect Rd), conflicts with the pedestrian Royal Canal Greenway path at its access with Prospect Road where the space is undefined for users and also appears to be used as a car parking area. This area appears to serve as an access and car parking area for the Des Kelly Interiors shop.
- The Road Planning Division has concerns about the intensity of this space's operation, which would lead to serious conflict between vehicles, pedestrians and

cyclists. As such, the proposed access to the car parking area of the development would endanger public safety by reason of a traffic hazard.

Re. Car Parking

- The application seeks permission for 8 no. car parking spaces within an under-croft parking level within the proposed new extension.
- There is an existing hardstanding area accommodating undefined car parking spaces to the front of the existing building. This area appears to accommodate a minimum of 8 no. car parking spaces for both the application site and the adjoining property.
- The site is located within Area 2 as identified within Map J of the Dublin City Development Plan 2016- 2022.
- The car parking standard would allow for a maximum of 1 space per 200sq.m. of office GFA. This standard is a maximum rather than a minimum.
- Since the adoption of the Development Plan, Luas Cross City was constructed and is now operational.
- The subject site is c. 900m from the Cabra Luas Stop and 50m from Bus stop no. 186 to the north.
- The promotion of car parking at the location, irrespective of the nature of office use, is inconsistent with the Development Plan and, thereby, the GDA Transport Policy 2016 - 2035.
- The existing office floor space on the application site requires a maximum of 3.2 car parking spaces. The proposed office floor space requires a maximum of 4.4 car parking spaces. Therefore, the overall office floor space on the site is 7.6 car parking spaces.
- Having regard to the central location of the application site, the existing car parking available to the front of the site and the continued emphasis on shifting modal transport away from private car, the Road Planning Division request that the proposed car parking area to the rear, accommodating 8 no. spaces are omitted from the proposal. This omission would help alleviate the concerns regarding conflict between pedestrians and cyclists along the Royal Canal Greenway.

Cycle Parking

- The Applicant proposes a total of 8 no. cycle parking spaces to serve the office development.
- No details on the type/design of cycle parking are provided.
- The City Plan standards requires 1 no.space per 100 sq.m. at this location. This equates to a minimum of 16 no. spaces to serve the whole development.
- The Applicant has failed to adequately address the cycle parking requirement for the proposal.
- In the event of a further information request, the Applicant is requested to submit revised plans providing cycle parking to the minimum of Development Plan standards for the existing and proposed floorspace.
- Cycle parking should be secure, conveniently located, sheltered and well lit.
- Shower and changing facilities should be provided as part of the development.

Servicing and emergency vehicles

- No information has been submitted in relation to the servicing of the site.
- The proposed waste storage area is shown within the ground level of the new extension.
- No information has been submitted in relation to the collection of waste.
- The Applicant should be requested to submit an Operational Service Plan outlining how the Applicant proposes to service the site, including a swept path analysis for refuse and emergency vehicles and the type and frequency of vehicles proposed to serve the subject site.

Construction Management Plan

- A Construction Management Plan (CMP) was not submitted with the application.
- Having regard to the nature of the R108 (Prospect Road), the vehicular access to the rear conflicting with pedestrians and cyclists using the Royal Canal and the proximity of active rail lines, a Preliminary Construction Management Plan should be submitted by way of further information.

On the basis of the above, the Road Planning Division recommends that the proposed development be refused permission for the following reason:

1. Policy MT04 of the 2016-2022 Development Plan states that it is policy of Dublin City Council "to promote and facilitate the provision of Metro, all heavy elements of the DART Expansion Programme including DART Underground (rail interconnector), the electrification of existing lines, the expansion of Luas, and improvements to the bus network in order to achieve strategic transport objectives". Section 8.5.3 also states that it is policy to protect route alignments from inappropriate development.

The proposed development fails to take account the proposals for MetroLink rail infrastructure and the proposed Glasnevin MetroLink station, a regional transportation interchange hub, located on the application site. In the absence of information submitted, it is considered that the proposed development would compromise the delivery of the Metrolink and DART+ projects and therefore would contravene Policy MT04 of the City Development Plan and would be contrary to the proper planning and sustainable development of the area.

3.3.2. Prescribed Bodies

3.3.2.1. ***Iarnród Éireann*** Objection to the proposed development on the following grounds:

1. The Railway Safety Act 2005 obligates all persons carrying out any works on or near the railway to ensure that there is no increase in risk to the railway as a consequence of these works. Because of the site's proximity to the railway, the Developer must take into account this obligation in the scheme's design, construction and operation.
2. Iarnród Éireann had no consultation from the developer despite the development's close proximity to two railway lines, its potential effects on railway structures and the proposal to access the site through railway property across a railway bridge.
3. The site is located between the North Wall MGWR Branch to the south and the North Wall GSWR Branch to the north. The proposed building will be immediately behind a mass concrete retaining wall on the north side of the site. Iarnród Éireann would have major concerns over the loads which will be applied to this wall by a

development of this scale, including during construction. It is also close to a long masonry arch bridge (which is not shown on the Applicant's sections but runs under Des Kelly Carpets) on the southern side. Iarnród Éireann would also have concerns over the effect of the development, particularly but not limited to, due to vibration from piling.

4. Both of the adjacent railway lines are due to be electrified as part of the DART+ Programme. This will involve the probable erection of an electrical gantry to span the railway from the top of the retaining wall on the northern side of the site. Having the proposed building so close to such a gantry with live electrical equipment is incompatible in terms of safety.
5. The proposed development extends to virtually the entire area of the site, with construction taking place virtually to the boundary. It is not possible to build this structure without oversailing the railway property, and this includes oversailing the running of trains given their proximity, particularly on the northern side. Iarnród Éireann would recommend that the building be set back 4m from the boundary for constructability and maintainability reasons and in the interests of railway safety.
6. The Applicant refers to a "wayleave" through railway property to the site over a railway bridge on the southern side. This "wayleave" passes to the side of and behind Des Kelly Carpets. Iarnród Éireann would submit that the Applicant does not have the consent of the owners (CIÉ) over this property. The Applicant is required to prove that they have a legal right to use this access. Iarnród Éireann are additionally particularly concerned over the additional loads which will be applied to the railway bridge by construction traffic. This bridge has only been used for light traffic in the past.
7. Iarnród Éireann questions the extent of ownership shown by the Applicant, particularly on the northern side of the site. The Applicant should be required to prove their boundary with original deed plans and not with Land Registry maps which, by the Land Registry Authority's admission, are not conclusive on boundaries. Iarnród Éireann submit that the Applicant is encroaching on railway property not just with the site boundary they show but with the extent of the proposed building. A Map is submitted showing the railway land and ownership on the northern side.

On the basis of the above, Iarnród Éireann recommends that the proposed development be refused permission.

3.3.2.2. **Transport Infrastructure Ireland:** Condition recommended, as follows:

- The proposed development falls within the area of an adopted Section 49 Supplementary Development Contribution Scheme - Luas Cross City (St. Stephen's Green to Broombridge Line) under S.49 Planning and Development Act 2000, as amended. If the proposed development is permitted and is not exempt, include a condition to apply the Section 49 Luas Line Levy.

3.3.2.3. **National Transport Authority:** Observations are as follows:

- MetroLink, a strategic investment priority of the NDP, is now at an advanced stage of design development with an agreed final route and the preparation of a Railway Order application underway.
- The Preliminary Design of the MetroLink alignment is now finalised.
- Permanent and temporary land take requirements have now been established as well as the location of stations, such as Glasnevin.
- The proposed MetroLink Glasnevin Station, and the interchange with the proposed Glasnevin DART+ Rail, are located beneath the application site.
- Permanent and temporary land acquisitions are proposed to facilitate these works, including the permanent acquisition and demolition of all structures on lands subject to this planning application.
- The landowner has been notified of MetroLink's intention to acquire their property.
- Recommendation: The NTA recommends that due to the location of the site on land earmarked for acquisition and demolition as part of the MetroLink project, and that the landowner was made aware of these plans, that it would be inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project.

4.0 Planning History

4.1.1. Subject Site

P.A. Ref. WEB1756/21 and ABP Ref. PL29N.311564 Permission REFUSED ON APPEAL in 2021 for the installation of an externally mounted LED advertising display having a screen size of 6m x 3m x 0.3m deep to the northern gable wall of Prospect House, 2-3 Prospect Road, at first floor level of the property, and including all associated site works and services. The refusal reason was as follows;

The proposed externally mounted LED advertising display screen on the northern gable wall of Prospect House is considered to be contrary to Policy CHC4 and Section 19.6 of the Dublin City Council Development Plan 2016 – 2022 as it would be visually obtrusive and a dominant form within a designated Conservation Area, and would have a negative impact on the visual amenity of the streetscape. The proposed development would have a detrimental impact on the visual amenity and character of the Conservation Area and would set an undesirable precedent for other similar type advertisements, and as such would seriously injure the visual amenity and amenities of property in the vicinity, and is considered contrary to the proper planning and sustainable development in the area.

P.A. Ref. 1286/00 Permission GRANTED in 2000 for a new brick garden wall with railing over to the front of properties and for new carpark paving to the front gardens of Nos. 1, 2 & 3 Prospect Road, Glasnevin, Dublin 9.

P.A. Ref. 3868/99 Permission GRANTED in 2000 for a balcony to be erected at first floor level to rear of approved extension plans for office development.

P.A. Ref. 0994/99 Permission GRANTED in 1999 for a two storey office extension to the rear and for change of use and alterations of existing buildings from residential to office facilities for Internet, Publishing and Computer I.T. use. The existing extension and rear garage are to be demolished; car parking spaces are to be located in the rear with access via the side/rear of 1A Prospect Road.

4.1.2. Adjoining site to the south – No. 1 Prospect Road

P.A. Ref. 0732/02 Permission GRANTED in 2002 for the retention of a 40 sqm temporary office building to the rear of 1 Prospect Road, Glasnevin, Dublin 9.

5.0 Policy and Context

5.1. Development Plan

Dublin City Council Development Plan 2016-2022 is the statutory plan for the area.

Zoning: The site is located in an area zoned 'Z3: Neighbourhood centres' with the objective 'To provide for and improve neighbourhood facilities'. (Map E)

Conservation Area: The site is located within the Royal Canal Conservation Area.

The following relevant policies, objectives and standards in the Development Plan are noted:

5.1.1. Urban Design policy

Policy SC25: To promote development which incorporates exemplary standards of high quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate.

5.1.2. Commercial Space policy

Policy CEE11: To promote and facilitate the supply of commercial space, where appropriate, e.g. retail and office including larger floorplates and quanta suitable for indigenous and FDI HQ-type uses, as a means of increasing choice and competitiveness, and encouraging indigenous and global H.Q.s to locate in Dublin; to

consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city.

5.1.3. **Conservation Area policies**

Section 11.1.5.6 Conservation Area – Policy Application

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

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting...
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.

5.1.4. **Public Transport / Infrastructure policy**

Section 8.5.3 Public Transport DCC policy on public transport will be implemented in collaboration with the NTA's Transport Strategy for the Greater Dublin Area 2016–2035. Key public transport elements of this strategy include:

- Metro North and South, and the DART expansion programme including DART underground.
- Bus Rapid Transit Network and also core Bus Network.

Whilst delivery of these will take longer than the immediate development plan period, it is policy to protect route alignments from inappropriate development. The National Transport Authority and Transport Infrastructure Ireland will be consulted in relation to all significant proposals along these routes.

A number of key transport proposals have also recently been set out in the draft 'Dublin City Centre Transport Study', which has been jointly prepared by the National Transport Authority and Dublin City Council. Bus, rail, BRT, cycle and pedestrian

network proposals are all included, along with specific measures central to achieving these, which focus on key city centre areas such as College Green, Westmoreland Street, D'Olier Street, Suffolk Street, St Stephen's Green North, the Quays, and interchange locations. This has a clear focus on improving public realm in tandem with promoting both public transport and active travel. Dublin City Council will seek to influence the level of service and routing of public transport in the city and will safeguard lands required for future public transport corridors and nodes in association with appropriate zonings and land-use policies and objectives. Technical guidance and codes of practice for development alongside existing and proposed public transport route corridors should be observed.

The Council recognises that some areas of the city are currently better served by public transport than others and that a number of proposals under 'Transport 21' may not be realised. A large sector of the north city extending from the DART line on the eastern side to the Luas cross-city route on the western side lacks a rail or light rail corridor and would benefit from same in order to encourage modal shift and reduce congestion.

Policy MT3 To support and facilitate the development of an integrated public transport network with efficient interchange between transport modes, serving the existing and future needs of the city in association with relevant transport providers, agencies and stakeholders.

Policy MT4 To promote and facilitate the provision of Metro, all heavy elements of the DART Expansion Programme including DART Underground (rail interconnector), the electrification of existing lines, the expansion of Luas, and improvements to the bus network in order to achieve strategic transport objectives. Notwithstanding the conflict of the proposal with the MetroLink project and other rail infrastructure projects, this division provide the following additional comments on the submitted proposal.

Policy MTO5 (i) To facilitate and support measures proposed by transport agencies to enhance capacity on existing public transport lines and services, to provide/ improve interchange facilities and provide new infrastructure.

Policy MTO7 To promote and seek the development of a new commuter rail station at Cross Guns serving the existing rail line infrastructure. Such a provision may be a stand-alone facility or form part of a larger mixed use development.

5.1.5. **Design Policies:**

Chapter 16 Development Standards – relevant provisions include:

Section 16.2.2.3 Alterations and Extensions

Section 16.7.2 Height Limits and Areas for Low-Rise, MidRise and Taller Development* (See Building Height in Dublin): Phibsborough will remain a low rise area with the exception of allowing for (i) up to a max of 19 m in the centre of the Smurfit site and immediately adjoining the proposed railway station at Cross Guns Bridge;

Parking Policies:

Section 16.38 Car Parking Standards

Section 16.39 Cycle Parking

Section 16.39.4 Shower and Changing Facilities

5.1.6. **Other:**

Vol. 7 - Strategic Flood Risk Assessment

Appendix 21 - Land Use Definitions

5.2. **Other Relevant Government Policy / Guidelines**

National Development Plan 2021 – 2030

National Planning Framework: Project Ireland 2040

Eastern & Midlands Regional Spatial and Economic Strategy 2019 - 2031

Transport Strategy for the Greater Dublin Area, 2016-2035

Guidelines on the Planning Process and Flood Risk Management 2009

5.3. Natural Heritage Designations

- 5.3.1. The site adjoins the Royal Canal Proposed Natural Heritage Areas (Site Code: 002103). The North Dublin Bay SAC (Site Code: 000206) and North Bull Island SPA (Site Code: 004006) are located c. 3 km east of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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. A first-party appeal was received from Downey Planning Consultants representing the Applicant By-Tek Office Systems Ltd., against the decision made by the Planning Authority to refuse permission for the proposed development. The grounds of appeal are summarised under the headings below.

6.1.2. Revised Proposal submitted on Appeal

- The proposed development does not involve the demolition of any internal floor space. It provides for the demolition of an external metal balcony to the rear of the property.
- The proposed lower ground floor provides a total of 222 sq. m of under-croft car parking, cycle parking, bin storage, staircase, and a lift shaft to serve the proposed extension.
- Access to the site will be as per the existing access via a right-of-way adjacent to the Des Kelly commercial premises.

- The proposed upper ground floor provides 272 sq. m of formal office floor space by extending the existing building to the rear. This part of the extension provides for a staircase, lift shaft, toilet facilities and formal office floorspace.
- As submitted to the Planning Authority, the original proposal at upper ground floor provided 'media rooms'. These are omitted in the revised proposal submitted on appeal.
- The proposed first-floor plan provides 146 sq.m office floor space, comprising a rear extension to the building, which includes a staircase, lift shaft, toilet facilities, and ancillary office space.
- The revised proposal removes the top floor of the original proposed development.
- The revised proposal reduces the height of the proposed development by a single storey and brings the extension's total height to 11.51m.
- The height of the revised proposal is 1.8m above the existing building, which is 9.64m in height.
- The revisions, taken together with the glassed elevation treatment of the extension and the proposed top floor setback, helps to make the development subservient to the primary building in form and scale and thereby complies with planning policy.
- A proposed station is not indicated in the Development Plan maps. This is presumably reflective of the formulaic stage of the transport node at the time of writing of the Development Plan.

6.1.3. **Re. Reason for Refusal No. 1**

- In light of the reason for refusal, the proposed development has been amended to provide 592 sq. m of office floorspace, or 370 sq. m of office floorspace when the 222 sq. m of under-croft car parking is deducted.
- As the proposal is less than 600 sq.m. of office floorspace, and significantly so when the under-croft car parking is deducted, the proposal fully complies with Zoning Policy Z3, 'open for consideration' uses.

- The objective of the zoning policy is to provide for and improve neighbourhood facilities which are sustainable forms of development for residential areas, provided that they are at a scale appropriate to the area.
- The revised scale of the proposed extension is appropriate for the area and the use of zoned lands to provide additional office space at the site.
- By-Tek is an I.T. support company experiencing considerable demand for its business services. The COVID-19 outbreak has led to an unprecedented change in working practices, with a substantial shift towards home working. This has resulted in significant growth in I.T. technical support and customer care, and in turn, demand for the business provided by By-Tek, which includes customer support, technical expertise, and I.T. services management.
- The need for the proposed development has arisen to support the significant shift towards remote working since the COVID-19 outbreak and the consequential expansion of I.T. support services.
- The business use at the subject premises supports the Government's National Remote Work Strategy, which confirmed in January 2021 that its objective is to "ensure remote work is a permanent feature in the Irish workplace" in the future. The proposed development is required to support this key facet of the modern Irish workplace and economy.
- Expanding the business at this location would further increase footfall in the area and increase the customer base for local neighbourhood shops and services to meet the zoning policy's requirements.
- The proposal would support the local economy and provide additional job creation for the neighbourhood.
- The proposal would accord with National Policy Objective 11 in the National Planning Framework, where

"There will be a presumption in favour of developments that encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth".

- The reduction in the scale of the proposed development complies with the requirement of the Development Plan Policy to support small-scale commercial facilities on land zoned for Neighbourhood Facilities under Policy Z3.
- The business function supports the National Remote Work Strategy (2021) and the National Planning framework, which supports economic development and home working.

6.1.4. **Re. Reason for Refusal No. 2**

- The building is not protected by way of heritage designation or otherwise.
- The proposed development forms part of a mixed-use area that includes large-format retail and commercial units and low-density residential terraces, including those associated with the Royal Canal Conservation Area and its previous industrial use.
- The reason for refusal does not cite a conflict with any Development Plan policy.
- The proposed development's scale and height have been reduced to respect the uniformity and make it more subservient to the existing building.
- A range of buildings characterises the area without any significant pattern, rhythm, or scale. This variety is typical of the intersection of key road and rail arteries, giving focus to greater uniformity seen in the residential terraces in the wider area. The proposal is appropriate to this context.
- A proportion of the existing hardstanding will be retained to the rear of the proposed extension.
- The building provides a mock Georgian building which is not listed or protected for its architectural quality.
- The revised proposal in reducing the extension's scale and height helps make the proposal subservient to the main building.
- The proposed development is confined to the rear of the building.

6.1.5. **Re. Reason for Refusal No. 3**

- Summary provided of the Metrolink project's history.

- The indicative programme for the delivery of the Metrolink, as detailed on the Metrolink Frequently Asked Questions (October 2021) is as follows:
 - In Q4 2021, Transport infrastructure Ireland (TII) plans to seek approval from the Government for the scheme's preliminary business case.
 - In Q2 2022, TII plan to submit a planning application to An Bord Pleanála for the approval of a Railway Order for the project. This application can only be submitted once approval has been received from the government for the preliminary business case.
 - In Q4 2023, the planning process with An Bord Pleanála is planned to be concluded (12-18 months).
 - In 2030 to 2032, it is estimated that the development will be completed, with the TII anticipating that the construction work will take between 6-8 years to complete. Construction work can only proceed when a Railway Order has been granted.
- At the very best case, in line with TII's estimations, the development will not be implemented until 2030 at the earliest.
- Economic growth should not be stymied by a national development proposal that, by TII's admission, may not be constructed for another 10 years.

6.2. Planning Authority Response

6.2.1. Transportation Planning Division

6.2.2. The Transportation Planning Division confirms its recommendation set out in its original report. Based on the information submitted with the planning appeal, this division has some additional comments to make:

- The report from the National Transport Authority notes that the proposed Metrolink Glasnevin Station, and the interchange with the proposed Glasnevin DART+ Rail, are located beneath the application site.
- The preliminary design of the Metrolink alignment has been finalised, and the landowner has been notified of Metrolink's intention to acquire the subject site.

- The Appellant's statement is flawed because it outlines how a national project should not impede the proposed development because of the time frame in which the project will be delivered.
- The Appellant fails to recognise that the project would require enabling works, demolition and construction, and most importantly, the strategic significance of the project as outlined in the National Development Plan and further supported in the Draft NTA Transport Strategy for the Greater Dublin Area 2022-2042.
- The Transportation Planning Division does not support the provision of excess parking for commercial development, especially near existing rail transport, such as the subject site.
- The appeal report notes that the working environment has changed as a result of the pandemic and a shift towards remote working. Therefore, the need for excessive car parking at the site conflicts with the Appellant's statement that the business has shifted towards remote working and, therefore, employees are not present full-time in the office.
- The proposed car parking exceeds Development Plan standards, does not present any proactive mobility strategy to promote sustainable travel, and, if permitted, would result in unsustainable car-based development and would be contrary to the Development Plan.

6.3. **Observations**

6.3.1. None

6.4. **Further Responses**

6.4.1. None

7.0 **Assessment**

7.1.1. I have reviewed the proposed development as submitted to the Planning Authority, the revised proposal submitted with the appeal, and all correspondence on the file. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. Having examined the application details and all other

documentation on file and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are the reasons for refusal as cited by the Planning Authority. These can be addressed under the following headings;

- Quantum of Office Floorspace
- Scale and Design
- MetroLink and DART+ West project
- Appropriate Assessment

These are addressed below accordingly.

7.1.2. Quantum of Office Floorspace

7.1.3. The proposed development, as submitted to the Planning Authority, comprises the construction of a three-storey extension, over parking level, to the rear of the existing building, comprising (inter alia) 584 sq.m. office space, 294 sq.m. media rooms, staff welfare facilities, and 8 no. car parking spaces and 8 no. bicycle storage spaces at lower ground floor level.

7.1.4. The revised proposal, as submitted on appeal, comprises the construction of a two-storey extension, over parking level, to the rear of the existing building, comprising (inter alia) 592 sq. m of office and ancillary office space, which includes 222 sq. m of undercroft car parking, staff welfare facilities, 8 no. car parking spaces and 8 no. bicycle storage spaces at lower ground floor level,

7.1.5. The Planning Authority refused permission for the proposed development on the grounds that the quantum of existing and proposed office space significantly exceeds the maximum 600 sq.m. of office space open for consideration under the Z3 zoning objective of the site. The Planning Authority concludes that such development would contravene materially a development objective indicated in the development plan for the Z3 zoning objective of the site and thereby would be contrary to the provisions of the Dublin City Development Plan 2016-2022.

7.1.6. The site is located in an area zoned 'Z3: Neighbourhood Centres', which has the objective 'To provide for and improve neighbourhood facilities', as detailed on Map E of the Development Plan. Under Z3 zoned lands, the use class office is open for

consideration, subject to a maximum floor area of 600 sq.m., as detailed under Section 14.8.3 of the Dublin City Council Development Plan 2016-2022.

7.1.7. The application form and revised floor plans submitted with the appeal state that the floor area of the existing (amalgamated) building Nos. 2-3 Prospect Road is 640 sq.m. The Appellant states in the Appeal Statement that the revised proposal submitted on appeal provides 370 sq. m of office floorspace and 222 sq. m of undercroft car parking, providing an overall total of 592 sq.m. The Appellant puts forward that the proposal is less than the maximum limitation of 600 sq.m. for office floorspace on Z3 zoned lands.

7.1.8. The floor plans of the revised proposal submitted with the appeal provide a schedule of net areas and details that the upper ground floor would provide 242 sq.m. net office floor space, and the first floor would provide 210 sq.m. net office floor space. The schedule details the overall net office floor space of the revised proposed extension is 452 sq.m. This represents an increase of 70.6% of the existing office building. Given that the floor area of the existing office building is 640 sq.m., the net office floor area of the proposed development combined with the floor area of the existing office building would significantly exceed the maximum 600 sq.m. office floor space limitation on Z3 zoned lands. On this basis, it is my view that the proposed development would materially contravene the zoning objective of the site and, therefore, should be refused permission on this basis.

7.1.9. **Scale and Design**

7.1.10. The Planning Authority refused permission for the proposed development on the grounds that the design and scale are incongruous with the existing two-storey period terrace fronting Prospect Road. The Planning Authority reasoned that the proposed development would dominate the existing building, detract from the visual amenities of the area, and be contrary to proper planning and sustainable development of the area. The Applicant contests these grounds as appeal, as detailed in Section 6.1.4 above.

7.1.11. The Site is located in the Royal Canal Conservation Area. Section 11.1.5.4 of the Dublin City Council Development Plan 2016-2022 refers to Conservation Areas and sets out the following;

Conservation Areas have been designated in recognition of their special interest or unique historic and architectural character and important contribution to the heritage of the city. Designated Conservation Areas include extensive groupings of buildings or streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core (in recognition of Dublin's international importance as a Georgian city), the 19th and 20th century city and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals and works by the private and public sector alike, which affect structures both protected and non-protected in these areas.

Dublin City Council will thus 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.

7.1.12. Under this Section, Policy CHC4 requires the following;

To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include: 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting 2. Re-instatement of missing architectural detail or other important features 3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area 5. The repair and retention of shop- and pub-fronts of architectural interest.

It is the Policy of Dublin City Council development will not:

- 1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area*

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

Section 11.1.5.6 sets out the policy application of Conservation Areas.

- 7.1.13. As detailed above, the appeal site comprises 2 no. terraced two-storey buildings, Nos. 2-3 Prospect Road on the western side of the road. These buildings form part of a terrace of 3 no. buildings. The subject buildings are amalgamated and currently in office use. The subject buildings (Prospect House) and adjoining building No. 1 Prospect Road are not recorded as Protected Structures in the Dublin City Council Development Plan or buildings of architectural heritage on the National Inventory of Architectural Heritage (NIAH). I note, however, that OSI Cassini 6-inch B&W maps (1829-41) show that these buildings date back to the 1830s. Both buildings, Nos. 2 and 3, present 2-bay Georgian elevations to the front, characterised by sash windows, fanlight over-door windows and brown brick elevation finishes. The original building has been extended to the rear under P.A. Ref. 0994/99, with a two storey pitched roof extension, extending for an overall depth of c. 18m.
- 7.1.14. There are several buildings and structures of architectural and historical heritage in the immediate vicinity of the appeal site. The tunnel over the railway line to the south is recorded on the NIAH (Ref. No. 50060112) with a rating of regional importance. The NIAH describes how the tunnel opened in 1864 and together with the adjacent canal bridge forms part of the history of transport development in the city. The building opposite the site, to the east, is recorded on the NIAH (Ref. No. 50130199) with a rating of regional importance. The NIAH describes how the building, a former garage now in use as a public house, dates from the c. 1930 and retains its original form and massing. The building to the north of the site is also recorded on the NIAH (Ref No. 50130022) with a rating of regional importance. This building, a public house, dates from c. 1855 and is described as a 'well-preserved mid-nineteenth-century public house, replacing an earlier pub on the same site'. Other notable buildings in the vicinity

recorded in the NIAH include the Cross Guns Bridge (Ref. No. 50060185) serving vehicular traffic over the Royal Canal, and the North City Flour Mills (Ref. No. 50060183), located along the southern side of the canal.

- 7.1.15. The revised proposed development, as submitted on appeal, comprises the construction of a two-storey over under-croft car parking extension. In effect, the proposal presents as a 3-storey extension. Proposed demolition works comprise the demolition of the existing first-floor rear balcony.
- 7.1.16. The existing roof ridge height of Prospect House, Nos. 2 and 3 Prospect Road, is 8.7m above ground, and their front façade parapet height is c.7.3m. The ridge height of the existing 2.5-storey extension to the rear is c. 9.7m above ground level, as measured from the northern side elevation.
- 7.1.17. The overall height of the proposed extension is 13m above ground level, as detailed on Dwg. No. APL-2001. The proposed extension would rise c. 3.7 metres above the roof ridge height and c.4.8m above the front parapet height of the original buildings, Nos. 2-3 Prospect Road. The roof profile of the proposed extension is flat.
- 7.1.18. The proposed extension would extend a total depth of 30.6m from the existing rear elevation. Given that the existing amalgamated building has an overall depth of 27.3 m, the proposal would more than double the overall depth of the building.
- 7.1.19. The form and design of the proposed 3-storey extension incorporate (inter alia) the following design features;
- Aluminium panels and louvres, stainless steel mesh and selected brickwork to the ground floor / under-croft car parking elevations.
 - A large floor-to-ceiling height aluminium framed window with stone string course surround on the front elevation at first-floor level.
 - 5 no. single pane window opens to the north-facing elevation and 1 no. window open to the south-facing elevation at first-floor level.
 - Brickwork finish to the elevations at ground (undercroft) and first floor levels.
 - Glass balustrade serving a roof terrace at second-floor level, to the front (north-eastern corner) of the proposed extension.

- Aluminium framed curtain walling to the northern elevation and 1 no. window opening on the southern elevation, at the second-floor level.
- Aluminium wall cladding at second-floor level.

7.1.20. The Applicant states in the grounds of appeal planning statement that the proposed development was amended in light of the reason for refusal, as given by the Planning Authority. The Applicant sets out their need for additional office space at this location, given their expanding business in I.T. support.

7.1.21. Having regard to the foregoing, I consider the critical question before the Board is whether the proposed development, in terms of scale and design, would be incongruous and dominate the existing two-storey period terrace fronting Prospect Road and would detract from the visual amenities of the area, as reasoned by the Planning Authority.

7.1.22. Relevant policies regarding Conservation Areas are set out in Chapter 11 of the Dublin City Council Development Plan 2016-2022 and referred to in Section 5.1 above. Notable policy includes Policy CHC4, which refers to Dublin's Conservation Areas. Chapter 16 of the Development Plan sets out development standards.

7.1.23. Regarding building height, the overall height of the proposal at 13m above ground level is below the general height limit of 19m that applies to the site, which adjoins the Cross Guns Bridge, as stated in Section 16.7.2 of the Dublin City Council Development Plan 2016-2022. Notwithstanding this, having regard to (i) the building height of the proposed 3-storey development relative to the adjoining two-storey terrace of buildings Nos. 1-3 Prospect Road, (ii) the scale and extent of the proposed development relative to the existing building, (iii) the character and architectural heritage of Nos. 1-3 Prospect Road, which date from the 1830s, and (iv) the context and visibility of the site and proposed development within the Royal Canal Conservation Area and surrounding streetscape, it is my view that the scale, height, massing and design of the proposed 3-storey extension would be visually obtrusive and have an overbearing impact on the existing terrace of period buildings Nos. 1-3 Prospect Road. Such development would detract significantly from the character and visual amenity of the Royal Canal Conservation Area in which it is located.

7.1.24. In consideration of the foregoing, I concur with the Planning Authority that the proposed development by reason of its scale and design, bulk, massing and height,

would constitute a visually obtrusive and dominant form relative to the two-storey period terrace Nos. 1-3 Prospect Road, would appear visually incongruous and cause serious harm to the distinctive character and setting of the Royal Canal Conservation Area. Such development would be contrary to Policy CHC4 of the Development Plan, which seeks to protect the special interest and character of all of Dublin's Conservation Areas and requires that development within or affecting a conservation area contribute positively to its character and distinctiveness. On this basis, I recommend that the proposed development be refused permission for the same reason as that given by the Planning Authority.

7.1.25. MetroLink and DART+ West project

7.1.26. The Planning Authority refused permission for the proposed development on the grounds that the application site forms a critical future Urban Transport Node comprising a rail interchange station with linkages to Bus Connects at surface level along the R108 (Prospect Road). The Planning Authority reasoned that due to the proposed development being located on lands earmarked for acquisition and demolition as part of the MetroLink project, it would be inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project. The Planning Authority considered that the proposed development fails to take into account proposals for MetroLink rail infrastructure and the proposed Glasnevin MetroLink station, a future transportation interchange hub. On this basis, the Planning Authority considered that the proposed development would compromise the delivery of the Metrolink and DART+ projects and, therefore, would be contrary to Policies MT03 and MT04 and Section 8.5.3 (Public Transport) of the Dublin City Development Plan 2016 -2022. Policies MT03 and MT04 are detailed in Section 5.1.5 above.

7.1.27. The Applicant contests these grounds of appeal, as detailed in Section 6.1.5 above. In summary, the Applicant asserts that the proposed Metrolink scheme will not be implemented until 2030 at the earliest and that economic growth should not be stymied by a national development proposal that, according to Transport Infrastructure Ireland (TII), may not be built for another 10 years.

7.1.28. The National Transport Authority (NTA), in its report submitted to the Planning Authority, stated that MetroLink, a strategic investment priority of the NDP, was then at an advanced stage of design development with an agreed final route and the

preparation of a Railway Order application underway. The report noted that the preliminary design of the MetroLink alignment was then finalised and that permanent and temporary land take requirements were established as well as the location of stations, such as Glasnevin. The report states that the proposed MetroLink Glasnevin Station, and the interchange with the proposed Glasnevin DART+ Rail, are located beneath the application site. Furthermore, permanent and temporary land acquisitions were proposed to facilitate these works, including the permanent acquisition and demolition of all structures on the application site. The NTA states that the landowner was notified of MetroLink's intention to acquire their property. On this basis, the NTA recommends that due to the location of the site on land earmarked for acquisition and demolition as part of the MetroLink project, and that the landowner was made aware of these plans, that it would be inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project.

7.1.29. As detailed on the MetroLink website (www.metrolink.ie), MetroLink will

"deliver transformative public transportation infrastructure for Ireland and the Greater Dublin Area, the first of its kind for the country. MetroLink's high-capacity, high-frequency, modern and efficient metro railway with 16 new stations running from Swords to Charlemont will link Dublin Airport, Irish Rail, DART, Dublin Bus and Luas services and create a fully integrated public transport network with major interchanges at Glasnevin and Tara. MetroLink is being designed with full accessibility and active travel modes such as walking and cycling at its core.

As well as linking major transport hubs, MetroLink will connect key destinations including the Mater and Rotunda Hospitals, Dublin City University (DCU) and Trinity College Dublin (TCD) and serve such communities as Swords, Ballymun, Glasnevin, Ranelagh and all points in between. (underline emphasis added)

Much of the 18.8km route will run underground.

7.1.30. On the 30th September 2022, Transport Infrastructure Ireland (TII) lodged with An Bord Pleanála a Railway Order Application for the MetroLink (Estuary to Charlemont via Dublin Airport) under ABP Ref. NA29N.314724. The Planning Report submitted with this Railway Order Application states under Section 8.5.3 that;

The proposed Project will deliver a metro station at the location (named Glasnevin Station) that will interchange with the Kildare and Maynooth commuter lines. This

will be delivered as a standalone station. The future development of land above or surrounding the station, station lands or over the tunnel alignment will be subject to separate planning, assessment and consultation processes.

7.1.31. Section 4.5.8 of the Planning Report for the Railway Order refers to the Glasnevin Station and Associated Works and states the following;

Glasnevin Station will be a new multi-modal interchange station in Phibsborough, linking MetroLink, the two existing Iarnród Éireann heavy railway lines namely Western Commuter Line and the South-Western Commuter Line, BusConnects, and connections by car, walking and cycling. The existing heavy railway lines lie on the north bank and parallel with the Royal Canal which is aligned approximately east-west in this location. The proposed Project tunnel will run under and at right angles to the parallel alignments of the heavy rail lines, which are both in a deep cutting supported by concrete and masonry retaining walls.

The Glasnevin station box will be constructed under both the Western Commuter and the South-Western Commuter Lines. The Glasnevin underground station will have five levels comprising the Iarnród Éireann platforms, concourse, mezzanine, and platform levels. The arrangements give access from the Cross Guns Bridge on Prospect Road to the Iarnród Éireann and MetroLink platforms.

Access to the station from street level will be from Prospect Avenue where passengers will enter the new station building and go either directly to the Iarnród Éireann services at level 1 or to MetroLink. There will be 120 bicycle parking spaces provided together with public realm works at Prospect Road and adjacent to the Royal Canal.

7.1.32. Further to the above, Córas Iompair Éireann (CIÉ) applied to An Bord Pleanála for a Railway Order for the DART+ West project under ABP Ref. NA29S.314232. This project will see the DART network grow from its current 50km in length to over 150km, bringing DART travel with all its benefits to new and existing communities. The Planning Report submitted with this Railway Order Application states under Section 1.3.2 that the DART+ West project will interact with the proposed MetroLink project at the MetroLink Glasnevin station, as indicated on Fig.1-1 of this report. As detailed under Section 4.3.3 of the Planning Report, Strategy Measure RAIL6 of the DART+

Programme refers to New Rail Stations and states that "The NTA, in conjunction with Irish Rail, will develop new rail stations at...Glasnevin".

7.1.33. Further to the above, Policy MTO7 of the Dublin City Council Development Plan 2016/2022 seeks *"To promote and seek the development of a new commuter rail station at Cross Guns serving the existing rail line infrastructure. Such a provision may be a stand-alone facility or form part of a larger mixed use development"*. Policy MT05 seeks *"To facilitate and support measures proposed by transport agencies to enhance capacity on existing public transport lines and services, to provide/ improve interchange facilities and provide new infrastructure"*. Furthermore, National Strategic Outcome 4 of the National Planning Framework 2018 seeks (inter alia) to;

- *Expand attractive public transport alternatives to car transport to reduce congestion and emissions and enable the transport sector to cater for the demands associated with longer-term population and employment growth in a sustainable manner through the following measures:*
- *Deliver the key public transport objectives of the Transport Strategy for the Greater Dublin Area 2016-2035 by investing in projects such as New Metro Link, DART Expansion Programme, BusConnects in Dublin and key bus-based projects in the other cities and towns;*

7.1.34. Sections 5.3.1 of the Transport Strategy for the Greater Dublin Area 2016-2035 refers to the Metro North project where the *"new metro line will provide a high-speed, high-capacity, high-frequency public transport link from the city centre to Dublin Airport and Swords. New Metro North will serve a large number of significant destinations, including Ballymun, Dublin City University and the Mater Hospital, and will interchange with other rail and bus services in the vicinity of Drumcondra, O'Connell Street and St. Stephen's Green"*.

7.1.35. Having regard to the foregoing, I concur with the Planning Authority that the appeal site forms a critical future Urban Transport Node which will comprise a new multi-modal interchange station linking the MetroLink, DART+ West project, the two existing Iarnród Éireann heavy railway lines, i.e the Western Commuter Line and the South-Western Commuter Line, BusConnects, and connections by car, walking and cycling. The new multi-modal interchange station will be constructed under both the Western Commuter and the South-Western Commuter Lines. As detailed above, the

underground will have five levels comprising the Iarnród Éireann platforms, concourse, mezzanine, platform levels and will give access to the MetroLink platforms. Access to the new station from street level will be from Prospect Avenue, where passengers will enter the new station building and go either directly to the Iarnród Éireann services at level 1 or to MetroLink. Due to the proposed development being located on lands earmarked for acquisition and demolition as part of the MetroLink project, it would be inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project, which will deliver transformative public transportation infrastructure for the Greater Dublin Area. The proposed development fails to take into account proposals for MetroLink rail infrastructure and the proposed Glasnevin MetroLink station, a future transportation interchange hub. It is my view that the proposed development would compromise the delivery of the Metrolink and DART+ projects and, therefore, would be contrary to Policies MT05 and MT07 and Section 8.5.3 (Public Transport) of the Dublin City Development Plan 2016 -2022 and would be contrary to the proper planning and sustainable development of the area.

7.1.36. **Appropriate Assessment**

7.1.37. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any European site, no Appropriate Assessment issues arise, and it is not considered 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**

8.1. I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The proposed development is located in an area zoned 'Z3: Neighbourhood Centres' in the current Dublin City Council Development Plan 2016-2022, for which the objective is 'To provide for and improve neighbourhood facilities'. Under 'Z3' zoned lands, the use class 'office' is 'open for consideration' subject to a maximum floor area of 600 sq.m. The net office floor area of the proposed development combined with the floor area of the existing office building would substantially exceed the floor space limitation for office use on Z3 zoned lands and would thereby materially contravene the zoning objective of the site, as set out in the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development by reason of its scale, design, bulk, massing and height, would constitute a visually obtrusive and dominant form relative to the two-storey period terrace Nos. 1-3 Prospect Road, would appear visually incongruous and cause serious harm to the distinctive character and setting of the Royal Canal Conservation Area. Such development would be contrary to Dublin City Council Development Plan Policy CHC4, which seeks to protect the special interest and character of all Dublin Conservation Areas and requires that development within or affecting a Conservation Area contribute positively to its character and distinctiveness.
3. The application site forms a major strategic future urban transport node that will comprise a new multi-modal interchange station connecting the MetroLink, DART+ West project, the two existing heavy railway lines, i.e. the Western Commuter Line and the South-Western Commuter Line, BusConnects, and connections by car, walking and cycling. Due to the location of the proposed development on lands scheduled for acquisition and demolition as part of the MetroLink project, it would be inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project, which will deliver transformative public transportation infrastructure for the Greater Dublin Area. The proposed development fails to take into account proposals for MetroLink rail

infrastructure and the proposed Glasnevin MetroLink station, a strategic and crucial future transportation interchange hub. The proposed development would compromise the delivery of the Metrolink and DART+ projects and, therefore, would be contrary to Policies MT05 and MT07 and Section 8.5.3 (Public Transport) of the Dublin City Development Plan 2016 -2022 and would be contrary to the proper planning and sustainable development of the area.

Brendan Coyne
Planning Inspector

07th October 2022