



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314053-22

#### Development

Removal of the existing single storey rear extension and partial removal of the two storey external walls, external modifications to include repair & repointing of the existing brick façades to allow for the 3-storey extensions and all associated site works to 2no. existing two-storey terraced houses.

#### Location

3-5, Prospect Square, Glasnevin,  
Dublin 9 D09 AP62.

#### Planning Authority

Dublin City Council North

#### Planning Authority Reg. Ref.

WEB1356/22

#### Applicant(s)

Sinead Kavanagh

#### Type of Application

Planning Permission

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant(s)

Sinead Kavanagh

#### Observer(s)

Iona & District Residents' Association  
Anu Meehan

Maura Penston  
Eoghan Beecher  
Julia Beecher

**Date of Site Inspection**

28<sup>th</sup> November 2023

**Inspector**

Conor Crowther

## 1.0 Site Location and Description

- 1.1.1. The site is located approximately 2.5km north of Dublin City Centre within the established residential suburb of Glasnevin at 3-5, Prospect Square. Nos.3-4 Prospect Square are derelict terraced dwellings, and no.5 Prospect Square is a vacant end of terrace dwelling. Immediately adjacent to the site is the John Kavanagh's (Gravediggers) Pub and the renowned Glasnevin Cemetery. The Botanic Gardens are also located to the north of the site and is a site of importance for botanical purposes.
- 1.1.2. The site is bounded to the south by Prospect Square, to the east by an access laneway between the site and the Office of Public Works (OPW) maintenance depot, to the north by residential gardens and to the west by the Gravediggers Pub. The site is located within the Architectural Conservation Area of DeCourcy Square- Prospect Square & Environs. A protected structure relating to the Glasnevin Cemetery lies to the west of the site (RPS No. 6871).

## 2.0 Proposed Development

- 2.1.1. The proposed development involves 1 no. ground floor one bed apartment, 1 no. two bed duplex apartment and 1 no. three bed three storey house, and is described as follows:
- Removal of the existing single storey rear extensions to the rear (north) and partial removal of the two storey external walls to the rear and side;
  - A 3-storey extension to the rear (north) and side (east) of nos.3-5 Prospect Square;
  - Full removal of roofs at nos. 3-5 Prospect Square to allow for the subsequent new second floor extension to the front, rear & side, including roof terraces to the entire front façade, two bay windows to side, one balcony and two Juliet-style balconies to the rear;
  - The 2 no. terraced houses at nos. 3 & 4 Prospect Square to be reconfigured to allow for a one-bed residential unit on ground floor and a two-bed duplex on first and second floor;

- Reconfiguration of no. 5 Prospect Square to provide for a three-bed house;
- 2 bicycle spaces to one-bed unit within a private rear yard, 3 bicycle spaces to a 2-bed unit within rear service yard; and
- New balustrade and planting to existing front parapets to all units.

2.1.2. The application is accompanied by:

- A Report on the Architectural/Historical Significance of Nos 3-5 Prospect Square; and
- A Design Report.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. A decision to refuse permission was issued by Dublin City Council on the 14<sup>th</sup> of June 2022, for the following reason:

- 1 The proposed demolition of the historic roofs of no's. 3-5 Prospect Square and the creation of a new third storey extension that extends across the three buildings would cause serious and permanent injury to the buildings, spaces and features that contribute positively to the special interest of the Prospect Square / De Courcy Square Architectural Conservation Area (ACA). The proposed development would result in the loss of the traditional roofscape and would cause irretrievable harm to the special architectural character of these modest but locally significant structures. The proposal would constitute a visually obtrusive and dominant form, causing serious injury to the setting of the Architectural Conservation Area and would therefore be contrary to Policies CHC4, and CHC5, and Sections 11.1.1.2, 11.1.5.6 and 16.10.17 of the Dublin City Council Development Plan 2016-2022 and Policies 5.0 and 6.5 of the Prospect Square / De Courcy Square ACA Plan. The proposed development would therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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

### **3.3. Planning Reports**

3.3.1. The Planning Officer's Report concluded that permission for the proposed development should be refused for the following reasons:

- Negative impact on the special interest and character of the ACA.
- Loss of traditional roofscape.
- Visually obtrusive and dominant form.

### **3.4. Other Technical Reports**

- Conservation – Contravention of a number of policies within the City Development Plan and policies of the ACA. Visually obtrusive and dominant causing serious injury to the setting of the ACA. Refusal recommended.
- Drainage – No objection subject to 5 no. conditions.
- Roads – No objection subject to 3 no. conditions.

### **3.5. Prescribed Bodies**

- TII –The site lies within the area of the Section 49 Luas Cross City Light Rail Scheme Contribution Scheme. If the development is not exempt, a Section 49 Contribution should be added.
- An Taisce – No response received.
- The Heritage Council – No response received.
- An Chomhairle Ealaíon – No response received.
- Department of Housing, Planning & Environment – No response received.
- Fáilte Ireland - No response received.
- Irish Water - No response received.
- National Transport Authority (NTA) - No response received.
- Department of Arts, Heritage & The Gaeltacht - No response received.

### **3.6. Third Party Observations**

3.6.1. The Planning authority received nine submissions, six of which were opposed to the proposed development and three were in favour.

3.6.2. The six observations opposed to the proposed development are largely reflected in the 5 no. observations submitted to the Board, apart from the following:

- Introducing a large glass and steel 3<sup>rd</sup> floor to the buildings will materially alter the streetscape and will be unsympathetic to Prospect Square.
- The proposed development would deprive the area of ongoing usage for filming that is attracted to the location based on the fact that no modern structures or facades exist in the square.
- The applicant should consider extending to the rear of the site instead of extending above the existing buildings.
- The proposed internal layout reduces the access to natural daylight by the inclusion of staircases alongside front windows in nos. 4 & 5 Prospect Square.
- A new side window is indicated to the side of nos. 1 & 2 Prospect Square which does not form part of the application.
- A proposal not including a 3<sup>rd</sup> storey would be more acceptable.
- The appellant's report on the Architectural/Historical Significance of Nos 3-5 Prospect Square does not provide sufficient detail to justify the alterations to the roof.
- The proposed 3<sup>rd</sup> floor balcony will be exposed to views from multiple directions.
- The site should not be considered for high density housing.

3.6.3. The three observations submitted in favour of the proposed development can be summarised as follows:

- The proposed development will be a wonderful addition, adding a modern touch to the facades and bringing life to the square.
- The proposed development will serve to enhance the area once the finish and materials used are of a high standard.

- The proposed development, by way of its addition of a 3<sup>rd</sup> storey, will create a visual balance with the existing Gravediggers Pub.
- The architectural drawings do not allow for a full analysis of the visual effect of the 3<sup>rd</sup> storey.
- Returning the buildings to use is welcome.

## 4.0 Planning History

- 4.1.1. No planning history identified onsite or within the immediate vicinity of the site.

## 5.0 Policy Context

### 5.1. Sustainable Urban Housing; Design Standards for New Apartments (2023)

- 5.1.1. These guidelines were originally issued in 2018 and amended numerous times, most recently in 2023, they represent the government position on the design of new apartment developments. The following standards are applicable to the proposed development:

- ‘For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired.... For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location’.
- SPPR3 identifies the following minimum apartment floor areas of relevance to the proposed development:
  - 1-bedroom apartment (2 persons) – 45 sq.m.
  - 2-bedroom apartment (3 persons) – 63 sq.m.
  - 2-bedroom apartment (4 persons) – 73 sq.m.
- SPPR 5 ‘Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where

necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality’.

- ‘It is a policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. Where provided at ground level, private amenity space shall incorporate boundary treatment appropriate to ensure privacy and security... A minimum depth of 1.5 metres is required for balconies, in one useable length to meet the minimum floor area requirement under these guidelines... For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality’.
- ‘Sufficient communal storage area to satisfy the three-bin system for the collection of mixed dry recyclables, organic waste and residual waste’.
- ‘A general minimum standard of 1 cycle storage space per bedroom shall be applied. For studio units, at least 1 cycle storage space shall be provided. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units.... cycle storage facilities shall be provided in a dedicated facility of permanent construction, preferably within the building footprint or, where not feasible, within an adjacent or adjoining purpose built structure of permanent construction’.

## **5.2. Architectural Heritage Protection Guidelines for Planning Authorities**

5.2.1. These guidelines were initially issued in 2004 and have since been re-issued in 2011 by the Department of Arts, Heritage & Gaeltacht. The following guidance relates to the proposed partial demolition and alteration of the roof structure of buildings within an ACA:

- Promote the consideration of the potential impact of the proposed development on the character and setting of the ACA.



- Encourage the smallest possible loss of historic fabric.
- Consider whether partial demolition of a structure within an ACA would impact the special interest of the whole structure.
- Partial demolition of a structure within an ACA may be permitted where it does not adversely affect the structure.
- Avoid adversely affecting the principle elevations of the structure.
- Assess the reversibility of proposals to allow for the future correction of unforeseen problems without causing damage to the structure.

### **5.3. Dublin City Development Plan 2022-2028**

5.3.1. I note that the current Development Plan was not in force at the time of the original application made to Dublin City Council. In the intervening period between the date of the original application and the appeal application, a new Development Plan has been adopted.

5.3.2. The following are policies and objectives of relevance to the proposed development from the Dublin City Development Plan:

- Zoning Objective Z2 Residential Neighbourhoods (Conservation Areas) – ‘To protect and/or improve the amenities of residential conservation areas’.
- Policy BHA8 & Section 11.5.2 ‘There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit. In such exceptional circumstances, a proposal for demolition or substantial demolition will be considered having regard to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011). Where it is proposed to demolish a structure that contributes to the character of an ACA or to demolish behind a retained façade, the onus is on the applicant to make the case for demolition’.
- Policy BHA7 –
  - (a) ‘To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development

within or affecting an ACA 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. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.

- (b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.
- (c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged’.
- 15.5.3 – ‘Works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced and environmental performance and accessibility of the existing building stock improved..... alterations and extensions at roof level, including roof terraces and set back floors, are to respect the scale, elevational proportions and architectural form of the building. Key considerations include:
  - New development will respect terraces or groups of buildings with a consistent roofline.
  - Development will not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness.
  - Green roofs should be incorporated wherever they accord with the above, are structurally viable and have no adverse impact on historic structures – see Appendix 11.

- 15.15.2.4- 'In assessing applications to demolish buildings/structures of significance that are not protected, the planning authority will actively seek the retention and re-use of buildings and other structures of architectural, historical, archaeological, artistic, cultural, scientific, technical, social and/or local interest or those that make a positive contribution to the character and identity of streetscapes and the sustainable development of the city'.
- Section 3.1 of the Prospect Square / De Courcy Square ACA Plan – 'Prospect Square could be said to be the heart of the ACA... The buildings lining the 'square' are all two-storey in height, but of disparate forms and dates. To the north the collection of older vernacular buildings have the appearance of a rural settlement while to the south is a curving terrace of polite red brick dwellings, completely urban in character... The buildings adjoining the public house, Nos. 3 and 4, have very attractive brickwork to the façade, but are in poor condition and in need of extensive repair. These buildings and No. 5 next door may also warrant protected structure status. A part of this side and part of the square is enclosed by an attractive stone wall which is surmounted by an unattractive palisade fence'.
- Section 3.6 of the Prospect Square / De Courcy Square ACA Plan – 'The older vernacular houses of Prospect Square and Avenue are cheek by jowl with the polite red brick terraced houses of later times, either formally laid out as in De Courcy Square, or in simple rows as later interventions into Prospect Square and Prospect Avenue'.
- Policy 6.4 of the Prospect Square / De Courcy Square ACA Plan – 'Satellite dishes and solar panels will not normally be permitted on the front elevations, front slopes, front chimney stacks or above the ridge line of buildings'.
- Policy 6.5 of the Prospect Square / De Courcy Square ACA Plan – 'New development should combine positively with the historic fabric and be of a high design standard, using only materials and forms which compliment the character of the ACA'.

## **5.4. Natural Heritage Designations**

- 5.4.1. The closest site of natural heritage interest to the proposed development is the Royal Canal proposed Natural Heritage Area (002103), which is approximately 500m from the proposed development.

## **5.5. EIA Screening**

- 5.5.1. Having regard to the limited nature and scale of the proposed development, and the location of the site within a serviced urban area at a remove from areas of environmental sensitivity, 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 stage (see Appendix 2) and a screening determination is not required.

## **6.0 The Appeal**

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

- 6.1.1. A 1<sup>st</sup> party appeal was submitted by O'Connell Mahon Architects, on behalf of the appellant, on the 11<sup>th</sup> July 2022 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:
- The buildings are in an advanced stage of dilapidation and have been unoccupied since the 1980s, in the case of nos. 3 and 4, and since 2013 in the case of no. 5.
  - No original fabric remains in the roofs of nos. 3-5 Prospect Square due to earlier replacements. The roofs of nos. 3 and 4 have particularly suffered from timber rot and weather action.
  - The older range of buildings to the northside of Prospect Square are separate to those later redbrick terrace buildings located to the south of Prospect Square.
  - The ICOMOS Charters support the contemporary redevelopment and evolution of buildings located within an ACA where they are not protected

structures but rather contribute to the sense of place, this is reflected in the heritage policies of the Development Plan.

- Modifications are proposed, as part of the appeal, to adjust the roof profile to align with the pitch of John Kavanagh's Public House gable.
- Modifications to the interior and exterior of the buildings are proposed to facilitate the retention of the original elements as follows:
  - Retention of the brick fronts to nos. 3 and 4 repointed in wiggled pointing, with restoration of existing granite copings and cills; and
  - Retention of all of the structural supporting elements, together with the parting wall between nos. 4 and 5 Prospect Square.
- The core elements of the structure of nos. 3-5 are proposed to be retained, as far as is practicable.
- The proposed development represents a change to the structures that is necessary and consistent with the character of the area.
- The proposed development is properly designed and retains a chimney to the side of no.5 which will act as a significant profile element in the architectural composition.
- The roofline is not broken by the proposed development as there is no consistent roofline on the northern element of Prospect Square.
- Illumination of the building is not an issue as the recessed fenestration is 48.5m from the nearest facing windows which is more than double the normal visual interface standards.
- The proposed development will not lead to overlooking, loss of privacy or overbearing impacts as the distance across the square is approximately 48.5m which is well in excess of the allowable distance for overlooking in urban settings. This is supplemented by planting on the green in the square.
- The proposed development is consistent with the policies of the ACA.

- The visual impact of the proposed development on the ACA is considered to be positive. The proposed development is subordinate to the Cemetery Gate and Lodge.
- The appellant does not possess the ability to extend to the rear of the properties as this land is not within the ownership of the appellant.
- The height of the proposed development is not out of scale and is further remedied by the proposed modifications.
- Doors and windows within the conserved elements are proposed as components reflective of the retained elements.
- The proposed development provides a modern architectural touch to the area, whilst retaining the structural coherence of the north terrace of Prospect Square.
- The proposed recessed mansard roof materials reflect a contemporary iteration to the buildings instead of 'seeking refuge in pastiche'.
- Modifications proposed in response to the refusal of permission allow for less demolition and more retention of the essential footprint of nos. 3-5 Prospect Square.
- The Local Authority Planning Officer is incorrect in their description of the form of nos. 3-5 Prospect Square, particularly the form of the roofs and chimney stacks.
- ACA Policy 5 has been incorrectly applied to the proposed development.
- The proposed development is of a high design standard in line with Policy 6.5 of the ACA.
- The Local Authority Planning Officer has misread the true nature of the proposed development and the grounds for refusal are thus unsustainable.
- The proposed development complies with Policy 6.1 of the ACA, as a result of proposed modifications.

## **6.2. Planning Authority Response**

6.2.1. The Planning Authority have not provided any further observations on this appeal.

## **6.3. Observations**

5 no. 3<sup>rd</sup> party observations were received:

- Maura Penston.
- Anu Meehan.
- Eoghan Beecher.
- Julia Beecher.
- Iona District & Residents Association.

The issues raised by observers are summarised as follows:

- The proposed development will destroy the unique character of the ACA and will have a negative visual impact on the ACA.
- The height and scale of the proposed development will not blend in with the existing 2 storey properties in the area.
- The proposed development is non-compliant with Dublin City Council and ACA policies.
- The 3<sup>rd</sup> storey element of the proposed development represents an unusually obtrusive and negative effect on residential amenity by means of lighting and overlooking.
- Modified proposal image No.3(c) is a misrepresentation as it does not display the 3<sup>rd</sup> storey element of the proposal without hedging.
- Modified proposal image No.4(c) is not modified and is the same as was originally submitted.
- The materials used on the roof are not appropriate, and will detract from, instead of enhancing, the ACA.
- The original design of the roofs is key to the heart and authenticity of the ACA.

- The proposed development is contradictory by way of its justification as a 21<sup>st</sup> century intervention into an ACA and is of no benefit to the ACA.
- The 3 no. houses subject to the proposed development have been allowed to fall into a dilapidated state.
- Analysis of impacts on surrounding properties has been excluded from the application.
- The proposed development appears to be defined as a commercial development, whereas it was defined as a residential development in the original application.
- The proposed development does not include any 'green' initiatives such as solar panels etc. therefore it cannot be regarded as 'evolutionary'.
- There is no precedent for 3 storey dwellings in the area.
- The proposed development is not in keeping with the aesthetics and principles of the ACA.
- Precedent examples provided by the applicant are not applicable.

## 7.0 Assessment

7.1.1. I consider the main issues in determining this appeal are as follows:

- Character & Setting of the ACA
- Justification for Demolition
- Design & Layout
- Acceptability of Modifications
- Other Matters

### 7.1. Character & Setting of the ACA

7.1.2. I note that the adjacent Gravediggers Pub is not listed as a Protected Structure in the Dublin City Development Plan 2022-2028. However, the National Inventory of Architectural Heritage (NIAH) lists it as a structure of regional importance. Policy 6.2 of the ACA states that it will be considered for inclusion on the Record of Protected



Structures. There is no protected status or proposed protected status attached to the structures of nos.3-5 Prospect Square.

- 7.1.3. I note that the original application was considered against the policies of the former Dublin City Development Plan 2016-2022, which included policy support resisting substantial loss of non-protected structures within ACAs. The current Dublin City Development Plan no longer includes this policy support; however, I note that Policy BHA8 of the current Development Plan states that there is a 'presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA'. I am therefore required to consider the contribution of the structures of nos. 3-5 Prospect Square to the character of the ACA, and whether the proposed development will lead to substantial loss of the structures.
- 7.1.4. Section 5 of the ACA Plan lists building features that contribute to the character of the ACA. Amongst the features listed are roofs, facades and exposed side elevations, windows and door frames, all of which pertain to the proposed development. I note that pitched form roofs are heavily utilised throughout the ACA and can be considered to contribute to the character of the ACA. However, as shown by the appellant in their submission to the Board, the description of the roofs as 'pitched form with no parapets' does not reflect the form of the roofs of nos.3-5 Prospect which although of a pitched form, are low-hipped in nature and include parapets. It is therefore questionable whether the roofs of nos.3-5 Prospect Square can be considered to be building features that contribute to the character of the ACA as described in Section 5 of the ACA Plan.
- 7.1.5. Notwithstanding this, no.5 Prospect Square is visually prominent when walking up Prospect Avenue and presents as a prominent feature at the end of the promenade. However, nos.3-5 Prospect Square are not as visually prominent from anywhere else in the surrounding area, except Prospect Square itself. Given the centrality of both Prospect Avenue and Prospect Square within the ACA, it is reasonable to conclude that nos.3-5 Prospect Square contribute positively to the character of the ACA due to their centrally prominent location.
- 7.1.6. Notwithstanding the retention of the facades of nos.3-5 Prospect Square, the remaining internal elements of the structures are proposed to be demolished which

will, in my view, result in a substantial loss of the structures. It is therefore incumbent on the appellant to demonstrate the justification for this, in line with Policy BHA8.

## **7.2. Justification for Demolition**

- 7.2.1. I note that the appellant has conducted an assessment of the current state of the structures at nos.3-5 Prospect Square. It appears as though the internal structures of nos.3-4 Prospect Square are severely dilapidated and arguably beyond a state of repair, although, I note the Local Authority Conservation Department's conclusion that the internal structures are repairable. Having conducted my site visit and assessed the level of dilapidation to the internal structures of nos.3-4 Prospect Square, which is at an advanced stage of dilapidation, I am of the view that there is potential to retain some of the internal elements of the structures.
- 7.2.2. With regard to the internal structures of no.5 Prospect Square, I note that the appellant has referenced non-compliance with minimum residential standards for some of the rooms as a reasoning for the demolition of internal structures. Whilst there is merit in this, it does not represent sufficient justification on its own to demolish the internal structures of the building. I am therefore of the view that sufficient justification for the level of demolition and loss of the internal elements of nos.3-5 Prospect Square has not been demonstrated by the appellant.
- 7.2.3. I note that the appellant has proposed a number of modifications to the proposed development as part of their appeal documentation, including the retention of original internal structural elements. The acceptability of these modifications is assessed in Section 7.4 below.

## **7.3. Design & Layout**

- 7.3.1. The design of the proposed development involves the retention of the facades of nos. 3-5 Prospect Square, with the demolition of the internal area, rear extensions and roofs to facilitate reconfiguration and extension of the internal area to the rear and the addition of an extra storey. I note that it is proposed to repair and repoint the existing brick facades of nos.3-4 Prospect Square. The roofs of nos.3-5 Prospect Square will be altered to allow for the additional storey by way of a setback metal clad roof, including roof terraces along the front and balconies to the side and rear.

- 7.3.2. I note that the Local Authority Planning Officer states in their report that there is a presumption against facadism in Dublin City Council, without citing any particular policy support as such. The Architectural Heritage Protection Guidelines for Planning Authorities states that 'The protection of a façade alone should generally only be considered where there is no surviving interior of any interest, for example where the building has previously been gutted and the façade is the only remaining feature of the original historic building'. In the case of the proposed development, I am of the view that the opportunity exists for the retention of some of the internal elements of nos. 3-5 Prospect Square. I am therefore minded to agree that the proposed development represents facadism.
- 7.3.3. Notwithstanding the above, I note that the form of the ground and first floors of the buildings are proposed to be retained and repaired. I consider this to be a positive element of the proposed development as it serves to retain the brick frontage of nos. 3-4 Prospect Square and the rendered frontage of no. 5 Prospect Square.
- 7.3.4. Whilst the roofline of the northern element of Prospect Square may be inconsistent in comparison to the roofline of the southern portion of the square, which is characterised by continuous terraced housing; the proposed roof design does not respect the pitched form of the existing roofs which are reflective of the character of the area. Considering that the proposed development is located within an ACA characterised by pitched form roofs, I am of the view that the design and layout of the roof of the proposed development would lead to a negative visual impact and would be detrimental to the character of the ACA. In this regard, I concur with the conclusions of the Planning Authority generally.
- 7.3.5. Although I do not find the proposed roof design to be acceptable, I do find that the proposed vegetation screening along the frontage of the roof terrace provides for an element of privacy for the future residents and serves to improve the visual appeal of the proposed development.
- 7.3.6. The retention of the gable end chimney stack of no.5 Prospect Square is a positive aspect of the proposed development, as it is prominently located within the proposed development and is considered to be of architectural significance. I do not consider that the loss of the chimney stack to the rear will impact the integrity of the building.

#### **7.4. Acceptability of Modifications**

- 7.4.1. I note that the appellant has proposed modifications to the proposed development in order to address the concerns of the Planning Authority, as indicated in the reasons for refusal. I note that the Planning Authority has not taken the opportunity to provide any comment on the proposed modifications.
- 7.4.2. The proposed modifications consist of modifications to the roof to allow for a recessed mansard type roof to align the style and slope of the roof with that of the existing pitched form and retention of some internal elements of the structures of nos.3-5 Prospect Square.
- 7.4.3. I note that some internal structural elements are proposed to be retained within the proposed development to somewhat reflect the internal layout of nos.3-5 Prospect Square. This is a positive modification to the original proposal as it seeks to retain some of the internal elements, despite their dilapidated state. I am therefore satisfied that the proposed development, as modified, no longer constitutes facadism.
- 7.4.4. The most striking modification proposed by the appellant is that to the roof design. The design of the roof is proposed to be modified to accommodate a recessed mansard type roof which differs from the original design in that it aligns with the pitched form of the existing roof and does not project above the roofline of the neighbouring Gravediggers pub. This serves to reduce the visual impact of the proposed development and harmonises the roof design with that of the surrounding area. However, I do retain reservations with regard to the colour of the material proposed to be used as part of the roof design but I am satisfied that this can be addressed by way of condition in the event of a grant of permission.
- 7.4.5. I note that the appellant has indicated that the redline boundary could be adjusted by 1m to the rear boundary of nos.3-4 Prospect Square, if required to facilitate the proposed modifications, with landowner consent. However, if the Board consider this to be a material change, they may be minded to condition the proposed development, as modified, to remain within the original redline boundary.
- 7.4.6. The addition of an extra storey to nos.3-5 Prospect Square does not, in my view, create a negative impact, as the design allows for an additional storey to be added without disproportionately impacting the roofline and is appropriately subsumed into the existing terrace. Thus, I am of the view that the scale, mass and height of the

proposed development, as modified, is appropriate when considering existing development in the surrounding area of the ACA.

## **7.5. Other Matters**

- 7.5.1. With regard to the breakdown of unit sizes for the one bed ground floor apartment and two bed first and second floor duplex unit, I consider that the proposed development meets the requirements of the Apartment Guidelines 2023. I note that the floor to ceiling height on the ground floor of nos.3-4 Prospect Square is less than 2.7m. However, I consider this to be acceptable in the interests of retaining the structural elements of the building and limiting the height of the proposed development. With regard to the breakdown of area sizes for the refurbished dwelling at no.5 Prospect Square, I am satisfied that the proposed development meets the requirements of the Quality Housing & Sustainable Communities standards.
- 7.5.2. I note that lighting overspill from the proposed second floor rooftop extension was raised as a potential issue by observers. I am of the view that this is a valid concern given the openness of the second floor rooftop and the likelihood of light overspill into the square. However, I am satisfied that this can be addressed by way of condition in the event of a grant of permission.
- 7.5.3. No car parking is provided as part of the proposed development, although I note the level of on-street parking available to the front of the proposed development. Given the location of the proposed development in an inner suburban area with access to frequent public transport, I am satisfied with this approach and I note that the Planning Authority did not raise any objection in this regard. In addition to this, ample cycle parking is provided which supplements the reduced level of car parking provided.
- 7.5.4. Whilst I note that sufficient cycle parking is provided as part of the proposed development, not all of the cycle parking is provided within the stated red line boundary. I note that the appellant has indicated that landowner consent to allow for cycle parking to the rear of the proposed development outside of the redline boundary can be provided.

- 7.5.5. I am satisfied that overlooking will not be an issue in the event of a grant of planning permission due to the distance between the northern and southern elements of Prospect Square, which is also interspersed by some mature and semi-mature trees.
- 7.5.6. I note that observations have been made relating to the installation of a new side window to the adjacent Gravediggers pub. Given the location of this proposed side window outside of the redline boundary of this application, I consider it to be outside of the scope of this application and I therefore do not consider it any further in my assessment.

## **7.6. Conclusion**

- 7.6.1. Having regard to the above, I consider the modifications proposed as part of this first party appeal would be acceptable and would help to address concerns outlined in my assessment relating to visual impact and the justification for demolition, I believe that they also satisfactorily address the reasons for refusal. The proposed development, as modified, allows for the smallest possible loss of historic fabric and will serve to bring 3 no. vacant buildings back into use. In addition to this, I am of the view that the proposed development, as modified, will not lead to adverse effects on the structures themselves or their principle elevations, and will positively contribute to the character and distinctiveness of the ACA. Thus, I conclude that a grant of planning permission should be issued, subject to conditions.

## **7.7. Appropriate Assessment Screening**

- 7.7.1. I note that the application was not accompanied by a screening report for Appropriate Assessment. However, I note that the Local Authority undertook Appropriate Assessment Screening and concluded that the proposed development would not significantly impact upon a Natura 2000 site.
- 7.7.2. The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.7.3. This determination is based on the following:

- The size and scale of the proposed development;
- The location of the proposed development in an established urban area that is suitably serviced; and
- The separation from and lack of connectivity to any European Sites.

7.7.4. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

## 8.0 Recommendation

I recommend that planning permission should be GRANTED, subject to conditions, for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to nature of the proposed development, the zoning of the site for residential development within a designated ACA, the modifications to the development proposed in the appeal to the Board, it is considered that subject to the conditions set out below, the proposed development would be acceptable and in accordance with the provisions of the Dublin City Development Plan, the Prospect Square / De Courcy Square ACA Plan, the Sustainable Urban Housing Standards and the Architectural Heritage Protection Guidelines. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Board on the 11th day of July 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason: In the interest of clarity.</b></p>
2.	<p>Final revised detailed design drawings in respect of the modifications proposed in submission to the Board on the 11th day of July 2022 shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p><b>Reason: In the interest of clarity.</b></p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.</p> <p><b>Reason: In the interest of visual amenity.</b></p>
4.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason: In the interests of sustainable waste management.</b></p>
5.	<p>Any exterior lighting within the roof terrace of the proposed development shall be designed as such to be fixed downwards. Details of the proposed lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>



	<b>Reason: In the interests of the character of the Architectural Conservation Area.</b>
6.	All works to the structures, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.  <b>Reason: To secure the authentic preservation of the structures and to ensure that the proposed works are carried out in accordance with best conservation practice.</b>
7.	Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.  <b>Reason: In the interest of public health.</b>
8.	(a) All foul sewage and soiled water shall be discharged to the public foul sewer.  (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.  <b>Reason: In the interest of public health.</b>
9.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.  <b>Reason: In order to safeguard the residential amenities of property in the vicinity.</b>
10.	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise

	<p>management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason: In the interests of public safety and residential amenity.</b></p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</b></p>
12.	<p>The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City Light Rail Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<b>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</b>
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**Inspector - Declaration**

***Having reviewed the case assigned to me, I hereby declare that to the best of my knowledge I am satisfied that I do not have a conflict of interest in relation to this case and I am in compliance with the Board's Code of Conduct.***

**Print Name** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Conor Crowther  
Planning Inspector

15<sup>th</sup> December 2023

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-314053-22		
<b>Proposed Development Summary</b>	Removal of the existing single storey rear extension and partial removal of the two storey external walls, external modifications to include repair & repointing of the existing brick façades to allow for the 3-storey extensions and all associated site works to 2no. existing two-storey terraced houses.		
<b>Development Address</b>	3-5, Prospect Square, Glasnevin, Dublin 9 D09 AP62		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required

Yes	✓	Class 10(b)(i) and (iv)/ min. 500 dwelling units and/or an area greater than 10 ha		Proceed to Q.4
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<b>4. Has Schedule 7A information been submitted?</b>				
No	✓		<b>Preliminary Examination required</b>	
Yes			<b>Screening Determination required</b>	

Inspector: **Conor Crowther**

Date: **15<sup>th</sup> December 2023**

**Appendix 2 - Form 2**  
**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	ABP-314053-22	
<b>Proposed Development Summary</b>	Removal of the existing single storey rear extension and partial removal of the two storey external walls, external modifications to include repair & repointing of the existing brick façades to allow for the 3-storey extensions and all associated site works to 2no. existing two-storey terraced houses.	
<b>Development Address</b>	3-5, Prospect Square, Glasnevin, Dublin 9 D09 AP62	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?		No  No
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative		No

<p>considerations having regard to other existing and/or permitted projects?</p>		<p>No</p>
<p><b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>I note the cultural importance of the nearby Glasnevin Cemetery which constitutes a cultural heritage asset. However, due to the size and nature of the proposed development, and its location at a remove from the cemetery, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development.</p>	<p>No</p> <p>No</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p> <p>Yes</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p> <p>No</p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p> <p>EIAR required.</p> <p>No</p>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)