



An
Bord
Pleanála

Inspector's Report 314311-22

Development	Construct a 3-storey over lower ground floor mixed use development comprising a 2-bed apartment at lower ground floor, medical suites at ground floor, and an apartment and a 1-bed apartment at first and second floors, respectively and all ancillary site development works
Location	22 Cameron Square, Kilmainham, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4019/22
Applicant(s)	Grobon Ltd.
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Grobon Ltd.
Observer(s)	Robert Harrison
Date of Site Inspection	24 th January 2024
Inspector	Mary Kennelly

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1.0 Site Location and Description

- 1.1.** The site is located in Cameron Square in Dublin 8, which is located immediately adjacent to St. James's Hospital campus. Cameron Square is a residential estate of 2-storey terraced houses and is located between South Circular Road to the south and Mount Brown (Old Kilmainham - R810) to the north. Brookfield Road, which provides vehicular access to St. James's and also to Cameron Square, links these two main roads. The entrance to Cameron Square is to the north of the access to the hospital campus. The site is situated in the north-eastern corner of the square. There is a pedestrian, stepped access lane, known as Faulkner's Lane, which connects Cameron Square with Faulkner's Terrace, and which exits onto the Square, immediately adjacent to the appeal site.
- 1.2.** The proposal relates to a corner site with a large side garden. No. 22 forms the end of a terrace of houses along the northern side of the Square. These houses back onto a row of houses which front onto Mount Brown, Faulkner's Terrace, and which are at a considerably lower level. The stepped access bounds the eastern side of the site and the eastern elevation of the house at No. 22 forms the western boundary. The northern boundary is with No. 84 Faulkner's Terrace, which is the third-party observer's property. The eastern boundary of the stepped access is with the construction site for the new Children's Hospital, which is visible from the site and surrounds.
- 1.3.** The site area is given as 160m². It is a rectangular shaped site and occupies the side garden, which immediately abuts the terrace of houses. There are currently two large sheds on the site, which are at right angles to each other. The larger of the two extends across the front boundary (southern end) of the site and projects beyond the front wall of the adjoining house (No. 22). The second shed extends northwards alongside the house. The remainder of the site is laid as lawn with a concrete block wall and trees along the eastern and northern boundaries.

2.0 Proposed Development

- 2.1.** It is proposed to demolish the existing sheds (floor area of 70m²) and to erect a three-storey building over lower ground floor. It is stated that the proposed floor area is 307.5m². The proposed use of the building is as a medical suite with reception

area on the ground floor with a two-bed apartment at lower ground floor level and two further apartments above. It is also proposed to provide bicycle parking and refuse storage and the site will be landscaped.

- 2.2.** The proposed medical suite has a floor area of 60m². It comprises four consulting rooms and a small reception area. The entrance area at ground floor level is from Cameron Square. It is proposed to provide a bicycle parking area to the front and bin storage at the rear. The proposed apartments can be described as follows:

Lower ground floor level – 2-bed apartment (64m²)

First floor level – 2-bed apartment (79.5m²)

Second floor level – 1-bed apartment (50m²)

- 2.3.** The proposal comprises a detached contemporary style three and four storey building. It reads as three storeys from Cameron Square, from where it will be visible through the gap between the two terraces. Due to the sharp fall in levels to the north, the building will read as four storeys at the rear. Thus, the building ranges in height from 7.539m at the front to 12.7m at the rear.

- 2.4.** The cover letter accompanying the application states that the proposal has been designed in response to the designation of the St. James Medical Campus & environs as a Strategic Development Regeneration Area and that it is intended to provide a satellite healthcare hub to the main National Children's Hospital facility offering treatment suites and accommodation for healthcare professionals that would complement the functions of the neighbouring medical campus. The planning application was also accompanied by a Design Statement.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to **refuse** permission for three reasons as follows: –

1. Having regard to the height, scale, massing and form of the proposal on a restricted site, it is considered that the proposed development would constitute overdevelopment of this corner site, would be visually incongruous in terms of design, would be out of character with the streetscape and

surrounding area and, by reason of its visual prominence. The proposed development would therefore be contrary to the zoning objective and to Chapter 16 of the Dublin City Development Plan 2016-2022, and to the proper planning and sustainable development of the area.

2. The proposal for a mixed-use development on a constrained and landlocked site which has no street frontage nor vehicular access and which cannot accommodate off-street car-parking and servicing arrangements, would generate unacceptable levels of overspill parking and servicing activity onto a narrow residential street which is already congested with parking on footpaths. The proposed development would therefore endanger public safety by reason of traffic hazard due to exacerbation of the existing situation on Cameron Square.
3. The proposed development by reason of lack of provision of off-street parking and servicing facilities does not comply with the Dublin City Development Plan 2016-2022, Table 16.1 'Car Parking Standards' or Table 16.2 'Cycle Parking Standards' in terms of car-parking and cycle-parking provision. Accordingly, the proposed development would set an undesirable precedent, and is therefore considered to be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning report considered that the proposed mixed-use development comprising residential and medical use was acceptable in principle, having regard to the Z1 zoning, subject to compliance with the Development Plan policies and standards for design, neighbouring amenity, transport and environmental effects. However, having regard to the policies in Chapters 11 and 16 of the CDP 2016-2022, and in particular to the policies on infill development and corner/side gardens, the proposed development was considered to be excessive and constituted overdevelopment of a restricted site. The restrictions were noted as including access and ground levels which fall sharply to the north, as well as the low scale character of Cameron Square.

- 3.2.2.** The Area Planner's report had regard to the previous permission on the site for a 3-storey single house in the side garden of No. 22. However, it was considered that the current proposal deviated considerably from that proposal in terms of the additional residential units, the inclusion of a medical suite and in terms of the increase height and scale of the building. It was considered that the proposed structure would be visually incongruous and appear dominating and overbearing due to the overall height and scale when viewed from Cameron Square and in longer views from Old Kilmainham and across the Carmac Valley.
- 3.2.3.** Concern was also expressed regarding the intensity of the use and the inability to provide any car parking on site. This was seen as being particularly problematic given the existing serious parking congestion in Cameron Square with cars parking on footpaths. There was concern also regarding access for emergency vehicles and for construction, given the constrained nature of the carriageway and the impacts on the pedestrian walkway. A shortfall in cycle parking was also identified.
- 3.2.4.** In terms of compliance with the apartment standards in the Apartment Guidelines and separation distances from the properties to the north, no issues were raised. However, it was noted that the bedroom window of the top floor apartment would overlook the rear garden of No. 22 and the light to the habitable rooms in the lower ground floor was quite poor. There was no sunlight/daylight assessment submitted.
- 3.2.5.** It was noted that no surface water management plan had been submitted and it was considered that this needed to be addressed as well as a flood risk assessment.

3.2.6. Other Technical Reports

Transportation Planning – (01/07/22) Concern raised regarding constrained nature of site, which was considered to be virtually landlocked with no direct street frontage and pedestrian access only via the garden of No. 22. The car parking requirement was noted as a max. of 3 residential spaces and 8 spaces for the medical clinic. The absence of any car parking provision and the lack of capacity to provide any would exacerbate the existing significant congestion within Cameron Square, which raised serious concerns regarding overspill parking onto the square, which was considered to be at saturation point. A shortfall of 3 cycle parking spaces was also identified which was unacceptable. Furthermore, concern was raised regarding access for

emergency vehicles, collection of refuse and construction traffic. Refusal was recommended on the basis of the above issues.

Drainage/Engineering Division – (23/06/22) it was noted that no surface water management plan had been submitted and it was requested that the developer be asked to submit same, including drawings indicating how surface water runoff from the development is to be managed in accordance with SUDS. In addition, a Flood Risk Assessment with regard to all sources of potential flooding, together with mitigation measures was required to be submitted.

3.3. Prescribed Bodies

Irish Water – no report on file.

3.4. Third Party Observations

- 3.4.1 One third-party submission was received by the P.A. which was from the adjoining property to the immediate north, 84 Faulkner Terrace. The main concerns related to the demolition of the boundary wall, the excessive height of the building and overdevelopment of the site, overlooking, obstruction of access to the public sewer and additional access to the stepped lane.

4.0 Planning History

- 4.1.1. **WEB1348/16** – permission granted for a single 3-storey infill house in the side garden of No. 22, (two-and-a-half storey at Cameron Sq. level).
- 4.1.2. **PL29S.224867 (3307/07)** – Permission granted by the Board for a 3-storey infill house in the side garden of No. 22 following first party appeal against refusal.
- 4.1.3. **1140/07** – permission granted for retention of dormer window at attic level and decking with a storeroom at ground floor and garden level, all to the rear of an existing 2-storey end-of-terrace house at No. 22 Cameron Square.
- 4.1.4. **2942/04** – permission granted for a new 2-storey end of terrace house with dormer to rear, shed to side and 1 no. off-street parking bay, together with subdivision of existing site at 22 Cameron Square.

5.0 Policy Context

5.1. National Planning Framework 2018-2040

National Strategic Outcome 1 - Compact Growth - recognises the need to deliver a greater proportion of residential development within existing built-up areas.

Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objectives 3A and 3B direct new housing development to existing built up areas.

NP Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased heights.

5.2. Urban Development and Building Height Guidelines (2018)

These guidelines set out national policy on building height in urban areas.

Consolidation and densification, with greater building heights, can be considered in appropriate locations such as city and town centre areas, sites with significant public transport capacity and connectivity, but having regard to the need to achieve very high quality in terms of architectural, urban design and public realm outcomes.

5.3. Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2018, as amended)

- 5.3.1.** The purpose of these guidelines is to balance the achievement of high-quality apartment development with a significant increase in the overall level of apartment output. They provide guidance on matters such as locational considerations, mix of units, internal space standards, dual aspect, floor-to-ceiling heights, apartments to stair/lift core ratios, storage space, room dimensions, amenity spaces and car parking. The Guidelines are issued under Section 28 and the Board is required to have regard to them. In particular, the Specific Planning Policy Requirements (SPPRs) contained in the guidelines take precedence over any conflicting policy contained in development plans or local area plans.

5.3.2. Identification of suitable locations is guided by 2.4. which highlights three types of location, namely Central/Accessible Urban Locations, Intermediate Urban Locations and Peripheral/Less Accessible Locations. The central locations (suitable for the highest density) are generally within easy walking distance of city centres/significant employment zones or high quality/frequency public transport and the Intermediate zones are suitable for smaller scale but higher density developments (>45dw/ha) and will be located within reasonable walking distance of principal town/suburban centres or employment locations or high quality/frequency public transport. The requirements set out in the SPPRs and in Appendix 1 of the Guidelines will be discussed in more detail in the assessment section of this report, where relevant.

5.4. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

5.4.1. These guidelines came into effect in January 2024 and replaced the Sustainable Residential Development in Urban Areas Guidelines (2009). The decision by the planning authority was made on the 13th July 2022 and the appeal was lodged with the Board on the 9th August 2022. The P.A. decision and the grounds of appeal were based on the previous Sustainable Residential Development in Urban Areas Guidelines and associated Best Practice Urban Design Manual (2009).

5.4.2. The **2024 Guidelines** support the application of densities that respond to settlement size and to different place contexts within each settlement recognising the differences between cities, large towns and smaller towns and villages. They also allow for greater flexibility in residential design standards. Whilst the 2009 Guidelines promoted a 3-tiered approach to residential density, with densities of up to 35 dw/ha in smaller towns, 35-50 dw/ha in outer suburbs of larger towns and cities and 50dph in more central urban locations, the 2024 Guidelines have expanded the density bands to ensure that they are tailored to settlement contexts.

5.4.3. **Table 3.1** states that the city centres of Dublin and Cork, comprising the city core and immediately surrounding neighbourhoods, are the most central and accessible urban locations nationally with the greatest intensity of land uses, including higher order employment, recreation, cultural, education, commercial and retail uses. It is a policy and objective of these Guidelines that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centres of Dublin and Cork.

5.4.4. In respect of City Urban Neighbourhoods, (Table 3.1) it is stated that

The city urban neighbourhoods category includes:

- (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses,
- (ii) strategic and sustainable development locations,
- (iii) town centres designated in a statutory development plan, and
- (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area.

These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.

5.5. Dublin City Development Plan 2022-2028

5.5.1. The decision by the planning authority was made on the 13th July 2022 and the appeal was lodged with the Board on the 9th August 2022. The P.A. decision and the grounds of appeal were based on the previous plan, Dublin City Development Plan 2016-2022. In the meantime, Dublin City Council has adopted a new City Development Plan on the 2nd November 2022. The **new Dublin City Development Plan 2022-2028** came into effect on the **14th of December 2022**. This is now the statutory Development Plan to which the Board must have regard.

5.5.2. The site is **zoned Z1 Sustainable Residential Neighbourhoods** the objective for which is

“To protect, provide and improve residential amenities.”

It is stated (14.7.1) that the vision for residential development is one where a wide range of high-quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services. Permissible uses include residential, medical and related consultants and buildings for the health, safety and welfare of the public.

5.5.3. Chapter 4 – Shape and Structure of the City seeks to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. Relevant policies are

5.5.4. 4.5.1 Approach to the Inner City and Docklands – Consolidation and development of brownfield lands.

SC2 – Develop the City’s Character – protect the grain, scale and encourage appropriate building heights to ensure efficient use of resources.

SC3 – Mixed Use Development – promote mixed-use including high quality sustainable residential development.

SC5 – Urban Design and Architectural Principles – promote UD and architectural principle as set out in Chap. 15 to achieve a climate resilient, quality, compact, well-connected city and to ensure that Dublin is a health and attractive city in which to live, work and visit.

5.5.5. 4.5.3. Urban Density – the objective is to provide opportunities for increased density in a sustainable manner whilst ensuring the highest standard of design as well as the protection of existing amenities and the natural and historical assets of the city. (See also Appendix 3 – Achieving Sustainable Compact Growth: Policy for Density and Building Height in the City).

5.5.6. 4.5.4 Increased Height as Part of the Urban Form and Spatial Structure of Dublin – when considering building height, regard must be had to the prevailing context within which the site is located, and broader consideration must be given to potential impacts such as overshadowing and overlooking. Key considerations also include locations within the historic core, where it must be demonstrated that increased height will not adversely impact these sensitive environments and that they will make a positive contribution to the historic context.

SC10 – Urban Density – ensure appropriate densities and creation of sustainable communities in accordance with national guidance.

SC11 – Compact Growth – promote compact growth and sustainable densities through consolidation and intensification of infill and brownfield lands, particularly on public transport corridors subject to certain criteria.

SC12 – Housing mix – promote a variety of housing and apartment types.

SC14 – Building Height Strategy – ensure a strategic approach in accordance with Building Height guidelines.

SC16 – Building Height Locations - recognise the potential and need for increased height in appropriate locations including the city centre subject to achieving a balance between protection of amenities, environmental sensitivities and the established character of an area.

SC17 – Building Height – ensure that proposals for enhanced scale and height comply with certain criteria including responding sensitively to the historic city centre.

5.5.7. 4.5.5 Urban Design and Architecture - Well-considered urban design and architecture, including use of high-quality materials and finishes, and well-designed buildings, spaces and landscapes make a positive contribution to the urban environment and improve the environmental performance, competitiveness and attractiveness of the city.

SC19 – High Quality Architecture - To promote development which positively contributes to the city’s built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods.

SC21 – Architectural Design - To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city’s character, and which mitigates, and is resilient to, the impacts of climate change.

5.5.8. Chapter 5 – Quality Housing and Sustainable Neighbourhoods seeks to create a compact city with sustainable neighbourhoods. This requires the provision of quality homes and sustainable community facilities and amenities which meet the needs of communities and contribute to the making of good, connected neighbourhoods. The plan also promotes the principles of the 15-minute city.

QHSN 6 – Urban consolidation – Promote residential consolidation and sustainable intensification through consideration of applications for infill and backland development...subject to the provision of good quality accommodation.

QHSN 10 – Urban Density - To promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on

vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QHSN 36 – High Quality Apartment Development - To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.

5.5.9. Chapter 13 Strategic Development Regeneration Areas

This chapter sets out the overarching framework and guiding principles for the designated SDRAs, which are described as a key element in the delivery of compact growth. The location of SDRAs are shown on Map K of the CDP (Volume 3).

The site is located on the edge of **SDRA 14 St. James's Healthcare Campus and Environs**. It is stated that the **guiding principles** are not intended to be prescriptive but seek to set out an overall strategy for each site in terms of the appropriate form and scale of development, key routes and permeability, open space etc. (13.1). In addition to the guiding principles, development within the SDRAs is governed by a set of **overarching principles** (13.2.1) and all development proposals must have regard to the development management standards set out in **Chapter 15**.

5.5.10. Chapter 15 Development Standards

Section 15.4.2 Architectural Design Quality and Design Principles

Imaginative, innovative and contemporary architecture is encouraged in all development proposals, provided that it respects Dublin's heritage and local distinctiveness and enriches the city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance. Design Principles include:

- The character of both the immediately adjacent buildings, and the wider scale of development and spaces surrounding the site.
- The existing context and the relationship to the established pattern, form(s), density and scale of surrounding townscape, taking account of existing

rhythms, proportion, symmetries, solid to void relationships, degree of uniformity and the composition of elevations, roofs and building lines. The scale and pattern of existing streets, squares, lanes and spaces should be considered.

- The existing palette of materials and finishes, architectural detailing and landscaping including walls, gates, street furniture, paving and planting.

5.5.11. Section 15.5.2 Infill Development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. Specifically, it is required that –

- To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
- To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.
- Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.

5.5.12. 15.13.3 Infill/side Garden Housing Developments – encouraged when undertaken on suitable sites and to a high standard of design. In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements. In certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land is developed. The criteria that will be taken into account include the following:

- The character of the street.
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.
- Accommodation standards for occupiers.
- Development plan standards for existing and proposed dwellings.
- Impact on the residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed dwellings.
- The provision of a safe means of access to and egress from the site.
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- The maintenance of the front and side building lines, where appropriate.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas and the Council will support innovation in design.

5.5.13. 15.14.6 Medical and Related Uses – will be supported in urban villages and neighbourhood centres and within existing communities where appropriate.

- In mixed-use developments, which include community, service and retail facilities at ground floor level, the use of a unit as a medical centre of an appropriate size which contributes to the vitality of the area will be supported.
- Applications in these areas will be assessed on design criteria such as relationship with the street, accessibility to servicing, traffic management and shop front design criteria.
- In assessing proposals for conversions in residential areas, Dublin City Council will normally permit conversion of part of a dwelling to a medical or related consultancy provided that a local need has been demonstrated; that it

has been demonstrated and there are no adverse impacts to the residential amenities of adjacent dwellings and that adequate off street parking facilities.

- Residential buildings do not, in general, lend themselves well to efficient use as medical consultancy practice. Also, the complete conversion of residential premises as a medical consultancy can have adverse impacts on the residential amenity of a residential area, such as security problems, which will be taken into consideration.
- In certain circumstances, where there is a proven lack of such facilities in the local area; the property is of a sufficiently large size; the residential unit is located at an end of terrace or corner site; the proposal will be considered on its merits having regard to residential amenities of the local area. Generally converted house units for medical purposes should be located in close proximity to the entrance of the overall residential development with easy access.

5.5.14. Appendix 3 Achieving Sustainable Compact Growth Policy for Density and Building Height in the City – This section sets out a policy approach for the assessment of development of increased height, scale and density in the city that aligns with the Building Height Guidelines, including identifying areas where increased building height will be supported (SPPR 1) and providing a series of performance based development management criteria to ensure protection of residential, heritage, streetscape and landscape amenity (SPPR 3). All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3.

5.5.15. Section 3.2 Density –the highest densities should be located at the most accessible and sustainable locations. However, an urban design and quality led approach is required. The focus should not be just on maximising density to maximise yield, but on a range of qualitative criteria including consideration of architecture, urban design and quality placemaking. A net density range of 100-250 units/ha are recommended within the canals (Table 1). There is a general presumption against densities of over 300 dw/ha. A Plot Ratio of 2.5-3.0 and Site Coverage of 60-90% are recommended standards for city centre sites (Table 2).

5.5.16. In considering locations for greater height/density, regard must be had to the local prevailing context. This is particularly important in the lower scaled areas of the city where broader consideration must be given to potential impacts such as overshadowing and overlooking, as well as the visual, functional, environmental and cumulative impacts of increased building height. The performance criteria (Table 3) include respecting and/or complementing existing and established surrounding urban structure, character and local context, scale and built and natural heritage.

5.6. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA (004024) – approx. 6km to the east.

South Dublin Bay SAC (000210) - approx. 6km to the south-east.

North Bull Island SPA (004006) – approx. 9km to the east.

North Dublin Bay SAC (000206) – approx. 9km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision to refuse planning permission. The main points raised may be summarised as follows:

- **Height, Design and Scale** - The height is not excessive for this evolving local landscape. It provides an architectural buffer between the mature residential area and the new National Children's Hospital. It acts as a connecting point between the hospital and the pedestrian access. The design includes a recessed top floor to ensure sensitivity with the parapet height of the adjacent terrace and as a transition to the height of the NCH. The Area Planner's assessment is refuted as National policy seeks to regularise a minimum height increase of 2 storeys relative to the prevailing local height.
- **Infill Housing (16.10.10 of CDP 2014)** – complies with criteria for infill housing and houses in side/corner gardens, apart from the lack of parking provision which is justified in this highly accessible location. Houses on Cameron Square are of nearly uniform design with no significant architectural

merit, and the wider square is capable of absorbing the proposal as it will have limited visibility from this viewpoint. It is stated that

“Whilst the proposed building will exceed the height/proportion of adjoining properties and be of different finishing materials, it will follow established building lines and utilise changing ground levels to read as a contemporary addition to the edge of the square with a modest increase in building height.”

- **Visually incongruous** – the assessment in the planning report is refuted. Due to the limited visibility from Cameron Square, it cannot be considered to have a visually dominating or overbearing impact on the square. The unique contemporary design provides definitive visual interest reflecting the site’s prominent ‘gateway-style’ location relative to the square.
- **Long range views** – it is refuted that the building would be highly visible from Old Kilmainham and across the Carmac Valley. Furthermore, the variance in height, building form and scale relative to the previously permitted house will be negligible in the context of the prominence of the adjoining hospital site.
- **WEB1348/16 – 22 Cameron Square** – PP granted by P.A. for construction of three-storey end-of-terrace dwelling of contemporary architecture. It was noted that the AP’s report had considered this proposed dwelling to be largely invisible from Cameron Square due to its location and stepping down of scale towards pedestrian laneway. It is acknowledged that the current proposal steps up in scale towards the laneway, but the increase is only marginally greater than the ridge height of No. 22. Furthermore, there has been a ‘seismic shift in national planning policy’ since this permission was granted (2016).
- **Efficient use of serviced land** – the proposal is in accordance with the National Planning Framework which seeks more balanced and concentrated growth within the urban areas of the five major cities. The proposed mix of units is consistent with the identified need in the NPF for smaller units to cater for smaller household size. The proposal is also in accordance with the policies in the NPF to achieve higher densities and increased building heights on zoned lands in urban areas. It will deliver sustainable residential

development representing more efficient use of serviced lands and will increase the vibrancy and vitality of the surrounding area.

- **Building Height Guidelines** – the proposed development is consistent with the guidance contained in the Government’s Building Height Guidelines which seek to greatly increase levels of residential development in urban centres and to increase building heights and overall density. The proposal represents a direct opportunity to consolidate the development of the site in an efficient and sustainable manner. SPPR 1 seeks increased building height and density in locations with good public transport accessibility, particularly in town/city cores.
- **Justification for increased height** - The site benefits from access to an excellent public transport network as it is within c.400m of several Dublin Bus Stops and within c.500m of a LUAS stop. It is noted that the CDP references a max. height of 16m for the ‘outer city’ and the proposed development reaches a max. height of 14.8m. notwithstanding the increased height relative to adjoining properties, an appropriate separation distance is achieved, and it represents an appropriate response to the evolving topography and densification in the immediate area.
- **Development management criteria** – the BH Guidelines (3.2) state that development proposals must satisfy the criteria at different scales. Thus, at the scale of the city/Town, the site must be one which is well served by public transport with high capacity, frequent service and good links to other modes of transport. The site meets this criterion.
- **Car Parking requirements** – the first party’s response to refusal reason no. 2 is that it is unreasonable given the site’s lack of street frontage and the central location with accessibility to a wide range of facilities and amenities by means of walking and cycling and public transport. The site is accessible by means of 5 no. bus routes and 1 Luas stop within c. 500m. the policy for such sites is for car parking requirements to be minimised.
- **Cycle parking requirements** - It is acknowledged that having regard to the CDP 2014-2022, the proposed development requires the provision of 10 no. cycle parking spaces. A revised proposal has therefore been provided with

the grounds of appeal which includes provision for 12 no. bicycle parking spaces within the development.

6.2. Planning Authority Response

6.2.1. The P.A. responded to the grounds of appeal on the 8th of September 2022. It was requested that the Board uphold the decision of the P.A.

6.2.2. In the event that the Board decides to grant permission, it was requested that the following conditions be attached:

1. Payment of a S48 development contribution
2. Payment of a bond.
3. Payment of a contribution in lieu of open space requirement not being met.

6.3. Observations on grounds of appeal

One observation has been submitted to the grounds of appeal. This was received from Robert Harrison on the 5th of September 2022. The points raised are similar to those raised in the submission to the planning authority and can be summarised as follows:

- **Overdevelopment and excessive height** – the building is too high with too many large windows and will overlook his garden which includes an apiary. The proposal will bring too many additional people into an already congested square.
- **Medical suite is inappropriate use** – as the site is only 100 yards from the hospital, it will attract rough sleepers and anti-social behaviour. The steps already attract drug users and there is human excrement on the steps. There is an existing problem with anti-social behaviour around the steps.
- **Inappropriate design** - The design of the building is totally out of scale and character with the houses on the Square and the terrace.
- **Boundary wall** - The observer objects to the wall being demolished and replaced by the large building. Demolition of the wall previously resulted in the applicant throwing building rubbish into the observer's garden which he is still

trying to remove. He wants a guarantee that there will be no land slippage arising from any demolition or construction works.

- **Noise and disturbance** – the proposal is likely to cause noise and disturbance to the bees in his apiary. He has several beehives attached to the boundary wall and more hives within his garden. The bees would be disturbed by the demolition of the wall and construction works.
- **Access to sewer** - There is a sewer under the appeal site which should be accessible to the owners of the adjoining houses and to the City Council.
- **Access to steps** - Objects to a new access onto the steps. The observer was previously refused access from the steps and if this is granted, he will also seek permission for a further access onto the steps.
- **EPA** – it is questioned whether the EPA will assess the noise impact and the code of practice for wastewater treatment systems. In addition, the EPA Radiological Protection Climate Science and Climate Change may be relevant in terms of greenhouse emissions, waste management and if there is any rubbish buried in the ground.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows: -

- Compliance with policy
- Density and mix of uses
- Height, scale, and design of building
- Residential amenity
- Traffic, Parking and Access
- Environmental Impact Assessment
- Appropriate Assessment

7.2. Compliance with policy

7.2.1. The **National Planning Framework** seeks to achieve more compact growth and sustainable development in our cities and towns with a greater proportion of development at higher densities in central and highly accessible locations. The **Building Height Guidelines** (2018) and the **Apartment Guidelines** (2018 as amended) have similar objectives and seek to reinforce the national policy objectives in the NPF. The recently published **Sustainable Residential Development and Compact Settlements Guidelines (2024)** re-emphasise the need to achieve compact growth which will require both the increase in the scale of buildings and more intensive use of existing buildings and infill sites, particularly in locations which are well served by existing facilities and public transport (1.3.2). However, it is also emphasised that it will be necessary to adapt the scale and form of development to the receiving environment and to ensure an appropriate response.

7.2.2. The site is located within the City-Urban Neighbourhood category of Dublin (Table 3.1), where the recommended density range is 50dph to 250dph (net). At 3.3.6 Exceptions, it is stated that there is a presumption against very high densities (300dph), densities within strategic and sustainable development locations may exceed the ranges on a plan-led basis and

In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.

Further refinement of density would be informed by the 'accessible location' being within 500m of a Luas stop and several bus stops (step 1) and the need to respond to the local receiving environment in a positive manner (step 2).

7.2.3. The Core Strategy of the current **Dublin City Development Plan 2022-2028** promotes 'compact growth' which 'involves the better use of available land within the built-up areas close to public transport and the city centre for development opportunities.' Various policy objectives seek to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. The Zoning objective for **Z1 is to Protect, provide and improve residential amenities.**

Although the site is located in the inner-city area of the city, it is not a City Centre site with a Z5 zoning, the primary purpose of which is to sustain life within the centre of the city through intensive mixed-use developments. Thus, the residential amenities of the Z1 zone are of primary importance.

7.2.4. A range of policy objectives in Chapters 4, 5 and 11 of the new City Development Plan 2022 support higher densities and increased height, as well as the development of mixed-uses, in inner city locations, particularly where they are well served by high quality public transport and easily accessible to facilities, services and amenities. These include SC3, SC10, SC11, QHSN 10 (as summarised in section 5.5 above). However, it is emphasised in the overall policy framework that, in tandem with these objectives to create a more compact city centre, it is essential to create sustainable communities and to achieve a balance between higher densities and protection of amenities, environmental sensitivities and contribute positively to the established character of the area and to achieve high standards of urban design and architecture, (policies SC16, SC19, SC22 refer). The policy framework also requires the creation of good quality urban design, high quality architecture and a high quality of apartment development (SC19, SC21 and QHSN 36).

7.2.5. The site is located at the extreme north-western edge of the **SDRA 14 St. James's Healthcare Campus and Environs** (Chapter 13 of CDP and Map K). The map at page 99 shows the eastern terrace of Cameron Square and a line extending northwards to Mount Brown as being included in the overall SDRA. However, it is a relatively high-level map and the Guiding Principle depicted on this section is 'Access and Permeability'. As the Mount Brown steps are due north of the eastern terrace of Cameron Square, it is assumed that this is the primary reason for the inclusion of the site within the SDRA boundary. It is noted that the Overall Objectives of Chapter 13 in respect of SDRAs is that all proposals must be governed by the Development Management Standards in the CDP and Objective SDRA01 specifically requires the highest architectural quality, good accessibility and permeability and

“where development adjoins lower scaled residential communities, development must be appropriately designed so that no significant adverse impacts on the residential amenities of adjacent residential properties arises.”

Furthermore, the future intensification and development proposals for the campus are required to be set out in the context of a Masterplan to be agreed with the Planning Authority, addressing specific points.

- 7.2.6.** The proposed mixed-use development, comprising 3 no. apartments and a medical suite (containing 4 consulting rooms) are 'permissible' in the Z1 zone. The inner-city location and proximity to high quality public transport would also support the ambition for increased density and building height, as it is well served by public transport and is adjacent to a large teaching hospital. It would, therefore, be consistent with the Core Strategy and with national policy to make the most efficient use of existing serviced urban land to create sustainable neighbourhoods.
- 7.2.7.** However, in terms of compliance with the overall policy framework, (as described above and summarised in 5.0 above), the acceptability of the proposed development on this site will depend on the appropriateness of the density and mix of uses proposed and of the height and scale of the building, together with the adequacy of the architectural response to the surroundings and to the capacity to protect, provide and improve residential amenities in accordance with the zoning objective. In particular, the recently published Sustainable Residential Development and Compact Settlement Guidelines (2024) and the overarching principles in the SDRA Chapter of the CDP (2022) both emphasise the need for a sensitive and proportionate response to the local receiving environment in assessing the capacity for significant change.
- 7.2.8.** This is a small infill site, which is not of a sufficient scale to define its own character and density, and which adjoins lower scaled residential communities. In such circumstances, the 2024 Guidelines state that the need to respond to the scale and form of surrounding development including the need to protect the amenities of surrounding properties, may have to take precedence to increased densities. The Development Management Chapter (15) and Appendix 3 of the Plan contain further policy guidance in relation to appropriate densities, plot ratios, height, accessibility and design/quality of layout. The emphasis is on the design of such development reflecting the existing character and built form, being compatible with the design and scale of adjoining buildings, protecting the residential amenity of existing properties and ensuring adequate amenity for future occupiers. These matters will be discussed in the following sections.

7.3. Density and Mix of Uses

- 7.3.1.** The provision of three residential units, together with the proposed medical suite represents a significant increase in the intensity of uses on this infill site, which is a side garden within an established residential estate of single houses. Cameron Square is a densely developed housing estate comprising approx. 50 no. 2-storey terraced houses of a very modest scale arranged as a series of terraces around a central block. No. 22 forms the eastern end of the northern terrace, which backs onto a row of 2-storey semi-detached dwellings at Faulkner's Terrace, which are at a significantly lower ground level. The eastern terrace of Cameron Square backs onto the internal road system within St. James' Hospital Campus, which is at an elevated level, but the campus is inaccessible from this location. It is likely, however, that in the future, an enhanced pedestrian access will be provided to the hospital campus via Mount-Brown steps (as indicated in the SDRA map).
- 7.3.2.** The appeal site is located at the meeting point of the northern and eastern terraces of the Square, immediately adjoining the top of the pedestrian steps linking Cameron Square with Faulkner's Terrace. The eastern boundary of the stepped accessway is with the construction site for the National Children's Hospital. The first party submits that this location provides for a 'transition' between the residential character of Cameron Square and the medical use of the hospital campus. The stated intention is to provide a 'satellite healthcare hub' to the NCH offering 'treatment suites and accommodation for healthcare professionals' to complement the hospital campus. This is justified on the basis of the location of the site just within the boundary of the St. James's Healthcare Campus and Environs SDRA.
- 7.3.3.** It is acknowledged that one of the objectives of the SDRA14 is to consolidate and support the vision for St. James's Healthcare Campus as a leading health and innovation hub, which includes supporting investment in the local area to provide new accommodation and amenities for healthcare workers. However, the guiding principles requires that a Masterplan setting out the blueprint for the future development of the SDRA is needed, (Chapter 13 CDP, Section 13.6, pg. 504). This Masterplan would identify the key connections, public open space and building frontages that will inform an urban-design led approach to the development of the overall site. It is required that the Masterplan would include a mobility management

strategy and would provide opportunities for enhanced pedestrian and cycle connectivity between the campus and the surrounding area. There is no indication how the proposed medical suite and accommodation would fit in with any Masterplan for the regeneration of the site.

- 7.3.4.** Cameron Square and Faulkner Terrace are established residential estates which appear to be exclusively residential in character. The site in question is a side garden of a densely developed, yet modest-scale housing estate. In accordance with the Z1 zoning objective, the amenities of such areas should be protected and improved. It is acknowledged that in due course, when the NCH is operational, the stepped accessway is likely to be enlarged and enhanced as part of the public realm to form a pedestrian-friendly access to the campus. However, this would then form an attractive buffer zone between the medical and residential functions of the areas on either side of the steps.
- 7.3.5.** It is considered that the proposed mixed-use development on this site would bring the medical function into the housing estate, which would alter its character. The intensity of the use with three apartments, which are likely to be used for healthcare professionals, and four consulting rooms, would potentially generate adverse impacts on the residential amenities of the area. The medical suite would attract patients and healthcare staff through the day, as well as servicing arrangements, resulting in increased activity and potential nuisance by reason of noise and disturbance. In addition, there is no on-site parking provision proposed and there is no capacity within the housing estate to accommodate any additional car parking or even drop-off areas for patients. The mixed-use development would be significantly more intense than the single house that had previously been granted on the site.
- 7.3.6.** Similarly, the proposed 3 no. apartments would generate increased levels of activity and visitors, compared with that of a single dwelling house, and the inability to provide any off-street parking would exacerbate the existing parking congestion on the Square. It is noted that in Chapter 15 of the CDP, Development Standards, impact on the residential amenities of adjoining sites is a material factor in considering infill development on side gardens (15.13.3) and development involving medical uses in residential areas (15.14.6). The provision of adequate off-street parking is also a relevant factor in the consideration of medical uses.

7.3.7. In conclusion, it is considered that having regard to the nature, scale and pattern of development of the residential area within which the site is located, the proposed development, comprising 3 no. apartments and 4 no. medical consulting rooms, would represent a significant intensification of the established use which would constitute overdevelopment of the site and would give rise to increased levels of activity, noise and disturbance, which would adversely affect the residential amenities of the area. Given the inability to provide off-street parking, the proposed development, by reason of the nature and intensity of the uses proposed, would also generate a demand for parking and drop-off facilities and servicing, which would add to the existing parking congestion on Cameron Square, and thereby give rise to a traffic hazard.

7.4. Height, scale and design of building

7.4.1. The proposed development seeks to erect a building which is 3-storeys in height at the front (Cameron Square) and is four storeys at the rear, taking advantage of the steeply sloping site. The architectural approach is contemporary in style with a two-storey box-like structure (c. 7.7m above ground level) of brick and render cantilevered over a recessed ground floor at the Cameron Square entrance which rises to the north to a height of 12.7m. The brick structure sits on a steel ring beam. The eastern elevation is a mainly brick façade, which comprises a mix of dark, light and brightly coloured brick and a panel of hit and miss bricks, with a largely glazed structure at the northern end which accommodates east-facing balconies and north-facing large, glazed windows. The top floor is also recessed at the southern end with a zinc roof, but which rises to the full 4-storey height at the northern end.

7.4.2. The proposed building would immediately adjoin No. 22 Cameron Square and would project slightly beyond the established front building line of the terrace of buildings, of which No. 22 forms a part. As stated previously, the ground floor element is recessed below the cantilevered section and the space above this contains a set of external stairs, which would be screened by the proposed brick façade to the south. This would mean that the front boundary wall of the shed which currently protrudes beyond the front building line of the terrace would be replaced by a more attractive structure which is set back from the boundary, but which would be considerably taller

than the single-storey shed. The height of this façade above ground level rises from c.6.3m adjacent to No. 22 to c.9m adjacent to the pedestrian walkway.

- 7.4.3.** It is considered that the visual amenities of the area around the walkway would be enhanced by the removal of the shed and by the introduction of a new contemporary building which would form a more attractive backdrop to the steps. However, the building would also be visible from Cameron Square and the juxtaposition of the design approach combined with the abrupt increase in height and scale of the building would draw attention to the infill building from the Square. It is considered, however, that it is the views from the north and north-east that the building would be most noticeable. Given the height of the northern elevation (c.12.7m) and its proximity to the boundary with No. 84 Faulkner's Terrace, together with the sharp drop in levels to the north of the common boundary, the proposed building would tower over the adjoining garden and 2-storey row of houses to the north. It would also be visually incongruous with the modest scale of the terrace of houses to the immediate west on Cameron Square.
- 7.4.4.** It is further considered that the building would be highly visible and visually jarring in views from Faulkner's Terrace, Mount Brown and Old Kilmainham due to its height, scale and design which deviate significantly from the local prevailing context. The building would also be visibly prominent in views from Kilmainham Hospital and IMMA, as has been demonstrated in the Design Statement which was submitted with the planning application (page 6). It is considered that by reason of the increased height and scale, combined with the design and use of materials, the proposed building would be visually prominent in long views as a discordant feature in the landscape.
- 7.4.5.** Appendix 3 of the CDP (Volume 1) identifies areas where increased building height will be supported and includes a series of performance-based criteria for proposals with significant increased height and density over the existing prevailing context to ensure protection of heritage, streetscape and residential amenity (Table 3). Given the highly accessible location in the inner city and close to high quality public transport, it is considered that the proposal would meet the locational requirements for higher densities. However, Appendix 3 states that the focus should not be just on maximising density to maximise yield, but on a range of qualitative criteria including consideration of architecture, urban design and quality placemaking.

- 7.4.6.** In Chapter 15 of the CDP, (15.4.2) Architectural Design Quality, (as summarised in Section 5.5 above), it is stated that the architectural quality of development should positively contribute to the urban design and streetscape through the use of high-quality materials and appropriate building form, and that it should respect and enhance its context. Some of the key principles include respecting the relationship of the development to the established architectural form, scale and pattern of the surrounding townscape and taking account of the existing rhythms, degree of uniformity and composition of elevations, as well as the existing palette of materials and finishes. Whilst the architectural character of the houses immediately surrounding the site is relatively unremarkable, which would allow for some flexibility in approach, the CDP still requires that new development respects and enhances the context and not detract from it.
- 7.4.7.** At 15.5.2, it is stated that infill development should complement the existing streetscape and, in particular, that it respects and enhances the context and is well integrated with its surroundings to ensure a more coherent cityscape. Specifically, it is required that new development would respect and complement the prevailing scale, mass and architectural design in the surrounding townscape. In addition, it is required that a positive response to the existing context (i.e., architectural form, detailing and materials) is demonstrated. It is emphasised that infill development within a terrace or group of buildings with a unified design should positively interpret and respect the existing architectural design/features.
- 7.4.8.** It is considered that the proposed development would not accord with the Design Principles (15.4.2 of the CDP), nor with the design advice in Sections 15.5.2. (Infill Development) or 15.13.3 (Side Garden Housing Development). It completely disregards the scale and character of the adjoining buildings and of the wider area, apart from the new hospital building. The scale and modern design of the NCH seems to be used as justification for the complete departure from the scale, architectural style and character of the residential development of which the site forms an integral part. However, the site is not a stand-alone individual plot, but forms part of a terrace and established housing estate. The proposed development should respond positively to the receiving context with reference to the prevailing scale and mass of the existing buildings, and the architecture and urban grain of the adjacent houses.

- 7.4.9.** It is accepted that an innovative and contemporary approach in architecture is to be welcomed, as it is not necessary to replicate the scale and mass of the existing buildings, and that some increase in height and density could also be justified given its location. The previous permissions granted by the Board (PL29S.224867) and by the P.A. (WEB1348/16) demonstrate that the site does have capacity to accommodate a taller building of a greater scale and mass, with a contemporary architectural approach, on the site. However, it is considered that the proposed development completely disregards the existing scale and character of the established form of development, and as such, it would neither respect nor enhance its context and would fail to make a positive contribution to the townscape and urban realm.
- 7.4.10.** I would, therefore, agree with the planning authority that the proposed development by reason of its design, height and scale, would be visually incongruous and would be out of character with the prevailing scale, height and architectural design of the surrounding townscape and by reason of its visual prominence, would result in a discordant feature in the landscape and in an incoherent cityscape. The proposed development would, therefore, result in overdevelopment of the site and would seriously injure the visual amenities of the area and contravene the policies of the CDP as expressed in 15.4.2 and 15.5.2 and in Appendix 3.

7.5. Residential amenity

- 7.5.1.** The planning authority raised concerns regarding the quality of accommodation, notwithstanding the general degree of compliance with the standards for individual units set out in the Apartment Guidelines and in the CDP (Chapter 15). The main concerns related to daylight availability to the habitable rooms in the Lower Ground Floor flat. Reference was also made to potential overlooking from the window at second floor level (on the north-western corner) over the retained rear garden of No. 22. It was further noted that no public open space or communal amenity space is provided and no justification for the absence of such amenity provision is made. Furthermore, it was noted that no shadow analysis or sunlight/daylight assessment was provided with the application.
- 7.5.2.** The third-party observer also raised issues relating to impact on his residential amenity from the large rear windows on the northern elevation which would overlook

his rear garden and from the demolition of the common boundary wall which would adversely affect his enjoyment of his garden, including the existing apiary.

7.5.3. Quality of accommodation – I would agree that the layout of the lower ground floor apartment is not of good quality. The southern bedroom window faces into a circulation space with bin stores and an external staircase. There are no windows on the eastern or western sides, as these walls are subterranean. The second bedroom is north-facing and fronts onto a small, shallow amenity space and the only opening to the living area is a patio door facing east into this amenity space. The galley kitchen is c. 1100mm wide and 2845mm deep. Thus, the layout would result in a poor-quality of accommodation for the kitchen and living/ dining area and for one of the bedrooms. Furthermore, the application was not accompanied by any sunlight/daylight assessment and no provision is made for public or communal open space. In addition, the outlook from the balconies of the first and second floor apartments is over the pedestrian steps and the hospital campus.

7.5.4. Impact on adjoining properties – The adjoining property to the north has a large garden which contains several beehives. It is at a considerably lower level than the appeal site. Some of the beehives are attached to the concrete block wall separating the two sites and others are free-standing within the garden. The observer is concerned that if the wall is demolished to facilitate the development, the beehives will be disturbed and would have to be relocated. The demolition of the party wall would undoubtedly cause disturbance to the adjoining property, particularly due to the current use of the wall for supporting beehives. It is considered, however, that this is a private matter between the parties.

7.5.5. The rear garden of No. 84 Faulkner's Terrace is currently overlooked at an oblique angle by the rear windows and decked balcony of No. 22. However, the northern elevation of the proposed building would contain windows on the ground floor to consulting rooms, a pair of very large (floor to ceiling) windows at first floor level and a further corner window at second floor level. These windows would directly overlook the adjoining garden at very close range and would seem overbearing. I would accept, however, that the distance between these windows and the rear windows of the observer's house would be sufficient to avoid any significant loss of privacy.

- 7.5.6.** Notwithstanding this, I would agree with the third-party observer that the proposed building would adversely impact the amenities of No. 84 by reason of the differential ground levels and the design, height and scale of the structure, and particularly due to the location of the north-facing windows. The building would loom over the neighbouring garden and result in a dominant and visually obtrusive structure. It would therefore have an overbearing presence, which would be exacerbated by the large windows overlooking the garden at close range.
- 7.5.7.** In conclusion, although the accommodation generally complies with the standards in the Apartment Guidelines, it is considered that the quality of accommodation is not ideal in terms of the amenities of future occupiers due to poor levels of daylight and outlook and the lack of public open space. In addition, the impact of the proposed development, by reason of the design, scale, height and the windows on the rear elevation, on the amenity of the rear garden to the north would be detrimental in terms of outlook and overlooking. Furthermore, the intensity of the use with the associated noise, disturbance and parking demand would have a negative impact on the amenities of the adjoining residential properties. It is considered, therefore, that having regard to these factors, the proposed development represents overdevelopment of this restricted site.

7.6. Traffic, parking and access

- 7.6.1.** The planning authority also refused permission on the grounds of inadequate car parking provision and inadequate cycle provision. As originally submitted the proposal includes zero parking provision and 6no. cycle parking spaces. It is noted that in the grounds of appeal, the appellant has proposed a solution to the cycle parking by providing an additional 6 no. cycle spaces. The first party has based the cycle and car parking provision on the policies and standards set out in the 2014-2022 CDP, with regard to Zone 2. As the new CDP 2022-2028 has since been adopted and the Sustainable Residential Development and Compact Settlements Guidelines (SRDCSG) were published in January 2024, (including SSPRs relating to car parking and bicycle parking), it is necessary to assess the proposed development in light of these new policies and standards.
- 7.6.2.** The **Dublin City Development Plan 2022** parking (car and cycle) standards are set out in **Appendix 5 (Volume 2)**. I would firstly draw the Board's attention to the

designation of parking zoned (4.0 Appendix 5 and Map J, Volume 3). The site is located within **Zone 1** which relates to the areas within the canals cordon. The **car parking standards for Zone 1** (Table 2 Appendix 5) are as follows:

Residential/apartments – 0.5 spaces per dwelling

Medical Clinics and Group Practices - 1.0 space per consulting room.

Thus, the required car parking provision for the development is 6 no. parking spaces. It should be noted that the residential standard is consistent with SPPR 3 of the SRDCSG (2024) which states that car-parking provision should be substantially reduced in city centres and urban neighbourhoods of the 5 cities with a maximum parking rate of 1 space per dwelling. The proposed development has a zero-parking provision and therefore does not comply with these standards. This will be discussed further below.

7.6.3. The **cycle parking space requirements** are set out in Table 1, Appendix 5 as follows:

Residential apartment - 1 space per bedroom + 1 visitor per 2 apartments.

Medical Clinic/Group practice - 1 space per 5 staff + Visitor spaces on case/case.

Thus, the required number of cycle spaces is at least 9 spaces (7 res/2 med). The revised provision of 12 no. spaces (as submitted with the grounds of appeal) is in accordance with these requirements and is also consistent with the requirements of SPPR 4 of the SRDCSG (2024).

7.6.4. The issue of inadequate car parking was discussed at 7.1 above. I would agree with the first party appellant that the Development Plan policies seeks to minimise parking provision, particularly in areas, such as this one, which are very well served by public transport and are generally accessible to a range of amenities. This policy has been further strengthened in the new CDP adopted in 2022 (Chapters 8 and 15) and in the Sustainable Residential Development and Compact Settlement Guidelines (2024). However, Appendix 5 of the CDP sets out a comprehensive strategy for the development management of transport and mobility issues, which should be taken into account in the assessment of this issue.

7.6.5. At 2.5 it is stated that

“The management of car parking provision within a development is an integral part of ensuring there is limited impact or overspill onto the adjoining road network. Where car parking is provided for residential or non-residential developments, a Car Parking Management Plan shall be provided regarding the continual management and assignment of spaces to uses and residents over time.”

This is consistent with Policies SMT6 and SMT7 of Chapter 8 – Sustainable Movement and Transport, of the current Dublin CDP 2022, which require mobility management and travel plans in order to promote active travel and public transport use which managing vehicular traffic and servicing activity.

- 7.6.6.** In addition, it is noted that Section 2.1 sets out the matters which should be addressed in terms of provision of appropriate access which include the provision of a parking/drop off space adjacent to a building for disabled drivers/passengers, sufficiently wide parking bays to accommodate wheelchairs and a safe route from a parking place to the building which is unimpeded by obstacles or steps. It is stated at 2.3 that where zero or reduced parking is proposed, a proactive Mobility Management Strategy or Residential Travel Plan will be required to be submitted in support of the zero-parking provision. It is further stated that, in assessing such travel/mobility plans,

“Account will be taken of the location, scale of development, the precise nature of the uses proposed and the anticipated impact on the surrounding area, in terms of congestion and the existing and proposed transport network.”

- 7.6.7.** Furthermore, it is required (2.4) that in city centre and urban village areas, where there is limited capacity on the streets to accommodate the servicing of uses, facilities for servicing and delivery be provided and, where this cannot be achieved, it is required that details of all deliveries, including their time, frequency and manner be submitted to the planning authority.

- 7.6.8.** The grounds of appeal (section 5.2) consider that the refusal on the basis of inadequate parking is unreasonable given the lack of street frontage to road infrastructure. The justification for zero car parking provision and servicing facilities is stated as follows:

“Whilst we acknowledge that servicing arrangements to serve the proposed development will need to be accommodated on Cameron Square, we note that the proposal comprises uses which do not necessitate significant servicing, comprising only 3 no. small residential units and a medical centre.”

It is further argued that due to the site’s central location and widely available access to existing amenities by walking, cycling and public transport, the development does not necessitate the provision of car parking. Reference is made to the location of a Luas stop and 5 no. bus stops within 500m of the site. Reference is made to national policy guidance (Apartment Guidelines) which support the minimisation of parking provision in such locations.

7.6.9. I would agree that the location and configuration of the site, together with the design and scale of the development, are such that it is not possible to provide vehicular access and/or car parking on the site. However, as stated previously, the proposed development seeks to significantly increase the density of development on the site by providing 3 no. residential units and a medical suite with 4 no. consulting rooms. It is considered that no justification has been provided for the significant increase in the intensity of the use whilst at the same time failing to provide any off-street parking or drop-off areas for either the residential uses or the medical use.

7.6.10. There is no off-street parking in the properties fronting onto Cameron Square. The internal road network of the square is already seriously congested with parking, resulting in illegal parking on the footpaths, to the detriment of pedestrian safety. The proposed development comprises an increase in the residential density from one to three units compared to that previously permitted on the site. In addition, it introduces a non-residential use comprising 4 no. medical consulting rooms. No consideration appears to have been given to the likelihood of the need for parking and/or drop-off areas for people with mobility issues attending the clinic or the apartments. Similarly, inadequate account has been taken of the need for servicing and delivery for the clinic and the apartments. These matters are of particular relevance given the restricted vehicular access to the site which is constrained by the road network and lack of on-street parking and that the alternative access is via a long flight of steps from Mount Brown.

7.6.11. In conclusion, it is considered that insufficient justification has been provided to justify a zero-parking provision for the proposed mixed-use development. The proposal is likely to generate an increased demand for parking, including for people with mobility issues, and a demand for servicing which would seriously exacerbate the situation on the ground and would create a traffic hazard. Having regard to the location of the site, the scale of development and nature of the uses proposed and the anticipated impact on the surrounding area in terms of congestion, it is considered that the proposed development should be refused on these grounds.

7.7. Environmental Impact Assessment

7.7.1. Class 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required where more than 500 dwelling units would be constructed and where 10-hectare urban sites would be developed. The proposal is for the development of a site with a stated area of 0.0111ha to provide a café/retail unit and 4 no. dwelling units. Accordingly, it does not attract the need for a mandatory EIA.

7.7.2. (See completed Form 2 attached). The site is located within the built-up area of an existing city and is approx. 5km distant from any European sites or other sites of conservation interest. The site is within an existing terrace comprising established mixed-use commercial and residential developments. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination stage that there is no real likelihood of significant effects on the environment arising from the proposed development. Environmental Impact Assessment is, therefore, not required.

7.8. Appropriate Assessment

7.8.1. South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210) are located approx. 5-6km to the south-east. North Bull Island SPA (004006) and North Dublin Bay SAC (000206) are located approx. 8km to the east. Given the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

- 7.8.2. Having regard to the nature, scale and location of the proposed development, the nature of the receiving environment and the distances from the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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 planning permission should be **refused** for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the predominantly residential character of the area and to the prevailing modest scale and pattern of development in the vicinity, the proposed mixed-use infill development comprising 3 no. apartments and 4 no. medical consulting rooms would represent a significant intensification of the established use of the site which would give rise to an increased level of noise and disturbance to adjoining occupiers, to a poor quality of accommodation for the future occupiers and to serious injury to the residential amenities of the adjoining neighbour to the north by reason of overbearing and overlooking impacts. The proposed development would, therefore, constitute overdevelopment of this restricted site which would be inconsistent with the design principles and development management guidance for infill development in the current Dublin City Development Plan 2022 and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development, by reason of its design, height, mass and scale, would be visually obtrusive and out of character with the prevailing scale, height and architectural style of the surrounding townscape and, by reason of its visual prominence, would result in a discordant feature in the landscape and would contribute to an incoherent cityscape. The proposed development would, therefore, result in overdevelopment of the site and would seriously injure the visual amenities of the area and would contravene the policies of the current Dublin City

Development Plan 2022-2028 as expressed in 15.4.2 and 15.5.2 and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site within a traditional terraced housing estate with no off-street parking where parking congestion is currently prevalent, to the density and nature of the proposed development and to the proposed zero-parking provision and lack of loading/unloading areas or measures to cater for people with mobility issues, it is considered that car parking provision would be seriously deficient and would be inadequate to cater for the parking and loading demand generated by the proposed development, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion. The proposed development would, therefore, be contrary to policy objectives as set out in SMT 6 and SMT 7 and in Appendix 5, Volume 2 of the current Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

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.

Mary Kennelly
Senior Planning Inspector

13th February 2024