



An
Bord
Pleanála

Inspector's Report

ABP-315250-22

Development	Demolition of synagogue and external WC, construction of a synagogue, internal alterations to office building and all associated site works.
Location	77 Terenure Road North, Terenure, Dublin 6W, D6W DW73
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4930/22
Applicants	Dublin Hebrew Congregation
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Weihui Li
Observers	None
Date of Site Inspection	8 th June 2023
Inspector	Margaret Commane

1.0 Site Location and Description

- 1.1. The site at No. 77 Terenure Road North, Terenure, Dublin 6W, is located c. 150 metres to the north of the intersection of Terenure Road North, Terenure Road East, Rathfarnham Road and Terenure Place. The area surrounding the subject site features a mix of residential, retail and commercial uses. There is a mix of two and three storey dwellings and retail/commercial buildings in the vicinity of the site in a variety of architectural styles. With regards to public transport, Terenure Road North is served by Bus Routes No. 16, 16D and 49 and Bus Routes No. 15, 15A, 65 and 65B run along Terenure Road East to the south.
- 1.2. More specifically, the subject site is a 570sqm corner site located on the eastern side of Terenure Road North, immediately north-east of the intersection of Terenure Road North and Rathmore Villas. The subject site currently comprises of a c. 173sqm end of terrace two storey nineteenth century house fronting Terenure Road North, which is currently in separate office use, and a c. 90sqm single storey synagogue to the rear, which is currently accessed via Rathmore Villas. 2 no. car parking spaces are provided to the front of the site, accessible off Rathmore Villas to the south.
- 1.3. To the immediate north of the site is No. 75 Terenure Road North, a terraced two-storey house with later rear extension. To the immediate east of the site is No. 19 Healthfield Road, a large detached two-storey house featuring a very large rear garden. The majority of the site's southern boundary is flanked by Rathmore Villas, a short cul de sac. To the south, on the opposite side of Rathmore Villas, is a row of 9 no. single and double storey terraced dwellings (Nos. 1-9 Rathmore Villas). Of these, No. 1 Rathmore Villas immediately abuts the subject site (the easternmost section). These dwellings/Rathmore Villas cul de sac are located within a residential conservation area. Save for No. 1 Rathmore Villas, these dwellings rely on on-street parking.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following: - demolition of the existing rear single storey synagogue (89.8sqm) and external WC accommodation (13.6sqm); construction of a new single storey synagogue (149.8sqm) to the rear; internal alterations to the existing 2 storey office building to the front; construction of a

new single storey porch (4.6sqm) to the existing office building; relocation of pedestrian entrance from Rathmore Villas; and all associated site works.

- 2.2. In terms of operation, the synagogue will cater for a small regular congregation on a daily basis for small prayer meetings. An approximate attendance of 50 members on the Sabbath could be expected from Friday sunset to Saturday sunset. The existing office building on site will continue in office use (although now is association with the synagogue) with no further intensification of the established use proposed.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council granted planning permission subject to 8 conditions. These conditions are generally of a standardised format and relate to issues including surface water drainage, construction hours and bicycle parking provision.

3.2. Planning Authority Reports

3.2.1. *Planning Report*

- The proposed development as a 'place of public worship' is consistent with the Z1 zoning objective for the area.
- Third party concerns regarding overdevelopment of the site are noted. The stated plot ratio is 0.57 and site coverage is 50%. It is considered that the proposed development accords with the indicative plot ratio and site coverage standards as set out in the City Development Plan 2016-2022.
- Third party concerns regarding the scale of the development and subsequent overshadowing are noted. The proposed extension extends a further 5.5 metres into the rear garden of the property. Having regard to the existing structures on the site and the scale of the proposal it is not considered that the proposed development would unduly impact on adjoining residential amenity by overshadowing or by appearing overbearing or have a negative impact on the character of the area.
- The applicant proposes no changes to the vehicular access to the front. With regards to car parking, submitted information states that 3-4 car parking spaces

will be provided. Having regard to the existing and proposed nature of the use and the location of the site in Terenure Village, as well as controlled parking on surrounding roads, the Transportation Planning Division have no objection to limited car parking being provided within the front area. Further to this, the relocation of the pedestrian access along Rathmore Villas is also deemed appropriate.

- Having regard to the limited car parking and location of the site, the Transportation Planning Division would request the provision of cycle parking to a minimum of Development Plan standard be provided. This can be located within the rear of the site with access from the new pedestrian access from Rathmore Villas.
- Third party concerns regarding demolition and construction phases are noted. A construction management plan should be submitted which can be addressed by way of condition.
- Subject to compliance to conditions the proposal is deemed acceptable and accords with the development standards of the Dublin City Development Plan 2016-2022 and thus the proper planning and sustainable development of the area.

3.2.2. **Other Technical Reports**

Drainage Division (11/11/22): No objection, subject to condition.

Roads & Traffic Planning Division (01/11/2022): No objection, subject to condition.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

2 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Car parking.
- Asbestos roof removal.
- Security concerns.
- Overdevelopment of the site.

- Proposed height.
- Amenity impacts.
- Drawing anomalies.
- Contrary to zoning objective.
- Water supply.

4.0 Planning History

4.1. Appeal Site

4.1.1. The following applications pertaining to the subject site are of relevance:

PA Reg. Ref. 2238/21

Permission was granted by Dublin City Council on 17th May 2021 for a change use from commercial offices and reinstatement of a residential unit.

This grant of permission has not been acted upon.

PA Reg. Ref. 3906/15 (ABP Ref. PL29S.246055)

This application relates to an application for retention of a store/office extension at first floor level to the rear of the existing building.

Permission was granted by Dublin City Council on 18th December 2015. The Planning Authorities decision was appealed to An Bord Pleanala by a third party (Appeal Reference PL29S.246055). The development was granted permission by the Board in April 2016.

PA Reg. Ref. 0066/00 (ABP Ref. PL29S.118969)

This application relates to an application for the provision of off-street car parking for two cars to front of the site accessible off Rathmore Villas.

Permission was refused by Dublin City Council on 8th March 2000. The Planning Authorities decision was appealed to An Bord Pleanala by the applicant (Appeal Reference PL29S.118969). The development was granted permission by the Board in August 2000.

4.2. Adjacent Sites

4.2.1. There have been two recent applications on sites adjacent to the subject site that are pertinent to the current proposal. They are summarised below.

75 Terenure Road North, Dublin 6W (north of the subject site)

PA Reg. Ref. 3009/13

Permission was granted by Dublin City Council on 18th September 2013 for a change of use from office to domestic dwelling, the installation of a new replacement front porch, the installation of a vehicular entrance and driveway to the front, internal alterations and repairs, and a sunroom to the rear.

19 Healthfield Road, Terenure, Dublin 6 (east of the subject site)

PA Reg. Ref. WEB1295/18

Permission was granted by Dublin City Council on 25th September 2018 for a two-storey extension to the front and side with a single storey rear extension and all associated site works.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The subject application was originally assessed having regard to the Dublin City Development Plan 2016-2022. This has subsequently expired.

5.2. Dublin City Development Plan 2022-2028

In the intervening period since the subject application was determined, the Dublin City Development Plan 2022-2028 has been adopted by the elected members on 2nd November 2022 and came into effect on 14th December 2022. The relevant provisions are discussed in turn below/overleaf.

5.2.1. Land Use Zoning

The site is zoned 'Z1' – Sustainable Residential Neighbourhoods in the Dublin City Development Plan 2022-2028 with a stated objective to '*protect, provide and improve residential amenities*'. The Development Plan details the following vision in relation to

this zoning objective: - *'vision for residential development in the city 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.'*

5.2.2. Other Relevant Sections/Policies

The following policies are considered relevant to the consideration of the subject proposal:

Section 4.5.5 - Policy 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.

Section 5.5.8 Social and Community Infrastructure

The Council recognise the need for a range of religious facilities as an important component of community infrastructure. Places of worship often provide a community resource through which the residents of a neighbourhood can gain information, education, medical or welfare assistance and social contact.

Section 5.5.8 – Policy QHSN56: Places of Worship and Multi-faith Facilities

To support and facilitate the development of places of worship and multi-faith facilities at suitable locations within the city and to liaise and work with all stakeholders where buildings are no longer required to find suitable, appropriate new uses and to retain existing community facilities where feasible. To ensure that new regeneration areas respond to the need for the provision of new faith facilities as part of their masterplans/Local Area Plans/SDZs where such need is identified.

Section 11.5.3 - Policy BHA9: Conservation Areas

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Section 15.4.2 Architectural Design Quality

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.

Key principles to consider are:

- *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.*
- *The suitability of the proposed design to its intended landuse and the wider land-use character of the area, along with its relationship with and contribution to the public realm.*
- *The design of new development should respect and enhance the Dublin's natural assets such as river and canal frontages, the River Liffey and many quality open spaces that contribute positively to the cityscape and urban realm, the settings of protected structures, areas of special interest and important views and that the design incorporates high quality detail, materials and craftsmanship.*
- *The need to protect and enhance natural features of the site, including trees and any landscape setting.*
- *The context and orientation in relation to daylight, sunlight and overshadowing and environmental performance including climate impacts such as downdraft or wind tunnelling.*

- *The main routes which should be distinguished by exploiting vistas, key buildings and landmarks with the activities and functions of the places made visible, thus bringing a sense of liveliness to spaces.*
- *Landmark features which can be used to give treatment to main entrances to a development, complement open spaces and assist in place-making and identity.*

Appendix 5 - Section 4 Car Parking Standards

A maximum car parking rate of 1 space per 25 seats is specified for places of worship located within Zone 2 as identified within Map J of the Dublin City Development Plan 2022-2028.

Appendix 5 - Section 3.1 Bicycle Parking Standards for Various Land Uses

A minimum bicycle parking rate of 1 space per 20 seats is specified for places of worship.

5.3. Natural Heritage Designations

- 5.3.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European site is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) located c. 5.4 kilometres east.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and its location in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- In light of the grant of permission under Reg. Ref. 2238/21, an application for change of use from residential to office should have been applied for as part of the application.
- The applicant references the provision of 3-4 car parking spaces within the frontage, however, there were only 2 no. car parking spaces granted under ABP Ref. PL29S.118969. Further to this, the car parking area to the front is compromised which restricts the no. of cars that can be accommodated. The lack of parking within the curtilage will negatively impact upon the amenities of the surrounding properties/street and overwhelm existing parking provision.
- The proposed development's impact on/overshadowing of my home has not been appropriately considered. The proposed building extends to 26 metres and to a height of 4 metres proximate to our garden.
- The proposal constitutes overdevelopment of the site, which is located on a residential street.
- The proposed commercial development is out of place in a residential area and contrary to existing zoning and good planning practise.
- The calculations for water usage outlined in the application are grossly underestimated. Water pressure is poor in the area at times.
- There are a no. of anomalies in the drawings accompanying the application.

6.2. Applicant Response

The applicant's response to the appeal, prepared on their behalf by Duignan Dooley Architects and Planning Consultants, can be summarised as follows:

- The grant of permission under Reg. Ref. 2238/21 has not been acted upon and the existing office use remains the established use of the front part of the building. The applicant did not carry out the change of use, therefore, permission is not

required to change the use from residential use to office use as suggested by the appellant.

- It is acknowledged that, in light of ABP Ref. PL29S.118969, the maximum number of car parking spaces permitted on site is 2 no. off-street spaces and not 3/4 spaces as suggested in the application material. Just to re-iterate, the religious ethos of the Hebrew Congregation does not allow vehicles to be driven on the Sabbath and therefore the applicants have no requirement for car parking for the synagogue. The site is appropriately served by public transport.
- It is incorrect to state that no consideration has been given to the scale of the new build as it relates to the impact on the private use and peaceful enjoyment of the adjoining owner. It is also incorrect to describe the works as a disproportionate commercial type building. The proposal seeks approval for a single storey reconstruction which extends 7.577 metres on the party wall boundary at a height of 4.02 metres. The remaining 14.29 metres of proposed wall is set back 1.5 metres from the party wall line, as is the existing building.
- The proposed building will feature green roof and stained glass windows. Overall, the appearance of the new build will vastly improve the existing construction.
- It is not correct to state that the respect for the appellant's family/private life will be breached if planning permission is granted. There will be no further intrusion as the proposal is essentially a reconstruction and rationalisation of the existing synagogue on the site. Every effort has been made to respect and maintain the appellants privacy in the replacement of the existing building on site.

6.3. Planning Authority Response

- None.

6.4. Observations

- None.

7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Principle of Development
- Overdevelopment/Visual Impact
- Residential Amenity
- Parking/Access
- Other Matters
- Appropriate Assessment

7.1. Principle of Development

7.1.1. The appellant contends that the proposed commercial development is out of place in a residential area and contrary to existing zoning and good planning practise. The subject proposal involves the demolition of the existing single storey synagogue/external WC accommodation to the rear of the site and construction of a new synagogue in its place. The principle of the proposed development and nature of use has already been established on the site. The use is consistent with the Z1 zoning objective applying to the site ('place of public worship' being a permissible use as set out in Section 14.7.1 of the Dublin City Development Plan 2022-2028) and is a use compatible at this location which features a mix of commercial, retail and residential uses. In summary, I consider that the proposed development is acceptable in principle on the subject site.

7.2. Overdevelopment/Visual Impact

7.2.1. The appellant deems the proposed development to constitute overdevelopment of the site and is of the view that it would have a negative impact on the residential street on which it is located.

7.2.2. The synagogue currently featuring to the rear of the site has a floor area of 89.8sqm, while the adjacent toilet block occupies 13.6sqm. It is proposed to demolish these two structures and construct a 149.8sqm single storey synagogue in a similar location to

the rear of the subject site. It is also proposed to construct a 4.6sqm porch to the front of the existing office building. The proposed works will result in a total floor area of 328.2sqm when taken in conjunction with the existing office building featuring on site. More specifically, the proposed new synagogue will equate to a 46.4sqm or 45% increase in size/building footprint when compared to the existing synagogue featuring on site.

- 7.2.3. Appendix 3 of the Dublin City Development Plan 2022-2028 identifies 'Plot Ratio' and 'Site Coverage' standards. Plot ratio is described as a tool to help control the bulk and mass of buildings and site coverage as a control for the purpose of preventing the adverse effects of overdevelopment, thereby safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. For conservation areas (the subject site siting immediately north of 'Z2 - Residential Neighbourhoods (Conservation Areas)' zoned land), the development plan sets indicative requirements of 1.5-2.0 for plot ratio and 45-50% for site coverage. Based on the plans/information accompanying the application, the proposed development would equate to a plot ratio of 0.57 and a site coverage of 50%. Therefore, the proposed development is compliant with Development Plan policy regarding site coverage. The proposed plot ratio falls slightly short of the applicable development plan standards. This is considered appropriate in this instance given the nature of the existing buildings on site and the site context.
- 7.2.4. Consideration is needed in relation to the proposed developments potential visual impact on the immediately surrounding area. At present, the rear part of the site is occupied by a single storey synagogue which projects 16.24 metres eastwards from the rear wall of the double storey office building and extends to a height of 4.02 metres along its southern boundary/common boundary with Rathmore Villas. The question that arises is whether the proposed development can be comfortably integrated with the development currently featuring on adjoining sites. The area immediately south of the proposed synagogue, on the opposite side of Rathmore Villas, currently features a row of 9 no. single and double storey terraced dwellings known as Nos. 1-9 Rathmore Villas. These dwellings fall within a residential conservation area as outlined within the Dublin City Development Plan 2022-2028.
- 7.2.5. In constructing the new synagogue building, it is proposed to utilise this existing southern boundary wall and extend it 5.55 metres further east along Rathmore Villas.

This new section of wall will adopt the same height as the existing southern boundary wall (4.02 metres), be finished in the same manner as the existing wall and is devoid of windows. The existing pedestrian entry gate on Rathmore Villas will be repositioned further east to facilitate the construction of the new synagogue building.

7.2.6. Whilst noting the proximity of the site to a residential conservation area, I am not convinced that the new synagogue building would be so harmful to the setting of Rathmore Villas/the residential conservation area or the existing office building to warrant a recommendation of refusal. The new synagogue building would result in a minimal increase in the total floor area and a minor extension to the existing wall featuring along the southern boundary. The adoption of the same wall height/materiality as the existing southern boundary wall and the absence of windows means the new section of wall will be indiscernible from the existing southern boundary wall when viewed from Rathmore Villas.

7.2.7. With regards to the proposed porch, this aspect of the subject proposal will sit comfortably along Terenure Road North adjacent to the existing porches featuring at Nos. 73 and 75 Terenure Road North, particularly given its small scale and simple design. The other alterations proposed to the existing office building will be indiscernible from the streetscape, with no alterations to external windows and doors proposed. Similarly, the connection being provided between the office building and new synagogue building will be imperceptible from the streetscape and adjoining sites.

7.2.8. In light of the above, the proposed development would not constitute overdevelopment of the site nor would it seriously injure the visual amenity/character of the immediately surrounding area. I consider that the proposed development can be accommodated without detrimentally impacting on the character and visual amenity of the area.

7.3. Residential Amenity

Appellant's House (No. 75 Terenure Road North)

7.3.1. The appellant has raised concerns in relation to the potential negative impact the proposed development will have on their home, particularly by way of

overbearing/overshadowing. They contend that the proposed building, which extends to 26 metres and to a height of 4 metres, is excessive proximate to their garden.

- 7.3.2. Prior to assessing potential overlooking, overshadowing and overbearing impacts, I think it beneficial to discuss the subject site in the context of its current interface with the neighbouring property at No. 75 Terenure Road North. The existing synagogue on the subject site projects 16.24 metres eastwards from the rear wall of the double storey office building; is developed within 1.7-1.96 metres of the northern boundary, with a corrugated plastic roof enclosing the intervening space to create a walkway; and extends to a height of 2.75 metres adjacent to the site's northern boundary/common boundary with No. 75 Terenure Road North. The toilet block currently featuring on the subject site is developed flush with the common boundary for a length of 4.845 metres and extends to a height of c. 2.05 metres. A 2.2 metre high wall currently features along the common boundary of these 2 no. properties. To the north of this wall lies No. 75 Terenure Road North's outdoor terrace area.
- 7.3.3. It is proposed to construct the new synagogue building to the rear of the existing office building. It will project 21.867 metres eastwards from the rear wall and extend to a height of 4.02 metres. It is developed flush with the common boundary with No. 75 Terenure Road North for a length of 7.577 metres and adopts a 1.5 metre setback for the remaining 14.29 metres, with a glass roof (3.2 metres high) enclosing the intervening space to create a walkway.
- 7.3.4. With regards to overlooking, given the single storey nature of the proposed synagogue building and the existing wall featuring along the common boundary I do not consider the proposed development would result in any significant or undue overlooking impacts on No. 75 Terenure Road North's private amenity space.
- 7.3.5. With regards to the potential overbearing/overshadowing impacts on No. 75 Terenure Road North, upon review of the plans submitted with the application and having visited both sites, I would share some of the concerns raised by the owners of this neighbouring property regarding the proposed synagogue's overbearing/overshadowing impact. More specifically, I would have concerns regarding the 7.577 metre long wall associated with the proposed stores which is to

be constructed flush with the common boundary. This wall sits immediately south of No. 75 Terenure Road North's rear terrace and proximate to a no. of habitable room windows associated with their rear extension. It extends to a height of 4.02 metres, which is c. 1.8 metres taller than the boundary wall currently featuring along the common boundary. Given its projection above the existing boundary wall, this section of wall associated with the proposed stores would have an overbearing impact on/cause increased levels of overshadowing of No. 75 Terenure Road North's rear terrace/adjacent habitable room windows in my view. It is not considered that this issue necessitates refusal of the proposed development in its entirety but rather inclusion of a condition requiring that the northern wall associated with the proposed stores be reduced in height. Subject to the adoption of a reduction in height (to match the height of the existing common boundary wall), I am satisfied that this aspect of the proposed synagogue will not have an unreasonable overbearing/overshadowing impact on the property to the north. Therefore, it is recommended that the Board include a condition requiring that this section of wall be reduced in height to protect the residential amenity of adjacent residents at No. 75 Terenure Road North.

7.3.6. With regards to the remaining 14.29 metre portion of the proposed synagogue, I am satisfied that the 1.5 metre setback adopted from the common boundary sufficiently reduces potential overbearing/overshadowing impacts on the property to the north associated with this part of the building. Further to this, the enclosure of the proposed walkway using a 3.2 metre high glass canopy results in a similar situation to that currently featuring on site, with a corrugated plastic roof currently enclosing the northern walkway. In fact, the proposed glass canopy may improve on the current situation, being more lightweight/translucent in nature than the existing corrugated plastic roof.

Other Adjacent Houses

7.3.7. The site is adjoined to the east by No. 19 Healthfield Road which features a large detached two-storey house with later single storey extension to the rear. I do not consider the proposed development, in particular the new synagogue building proposed, will result in significant or undue overlooking, overshadowing or overbearing impacts on this property given the single storey nature of the proposed development,

the separation distance that exists between the proposed development and the common boundary (17.14 metres) and the large size/vegetated nature of No. 19 Healthfield Road's rear garden.

7.3.8. The easternmost part of the site's southern boundary is adjoined by No. 1 Rathmore Villas which features a semi-detached two-storey dwelling. I do not consider the proposed development, in particular the new synagogue proposed, will result in significant or undue overlooking, overshadowing or overbearing impacts on this property given the single storey nature of the proposed development, its positioning to the north-west of this property, the existing wall featuring along the common boundary and the fact that the northernmost part of this site is occupied by a car parking area/garage structure.

7.3.9. The remainder of the subject site's southern boundary is flanked by Rathmore Villas, a short cul de sac. To the south, on the opposite side of Rathmore Villas, are Nos. 2-9 Rathmore Villas. I do not consider the proposed development, in particular the new synagogue building proposed, will result in significant or undue overlooking, overshadowing or overbearing impacts on these properties given the single storey nature of the proposed development, the absence of windows on the southern façade, the orientation of the subject site to the north of these properties, the laneway which separates these neighbouring properties from the subject site and the incorporation of the existing wall featuring along the southern boundary into the proposed building design. Potential amenity impacts in regard to visual amenity have been considered in the previous section of this report.

7.4. Parking/Access

7.4.1. The appellant has raised concerns regarding the lack of parking within the curtilage having a negatively impact upon the amenities of the surrounding properties/street and overwhelming existing parking provision. They highlighted that the applicant references the provision of 3-4 car parking spaces within the frontage, however, there were only 2 no. car parking spaces granted under ABP Ref. PL29S.118969 and the car parking area to the front is compromised which restricts the no. of cars that can be accommodated.

7.4.2. The appeal response, prepared/submitted by Duignan Dooley Architects and Planning Consultants on behalf of the applicants, provides clarification regarding the no. of car parking spaces serving the subject site. They confirm that, in light of ABP Ref. PL29S.118969, the maximum number of car parking spaces permitted on site is 2 no. off-street spaces and not 3/4 spaces as suggested in the application material. In the same document, they re-iterate the religious ethos of the Hebrew Congregation, which does not allow vehicles to be driven on the Sabbath, and therefore the applicants have no requirement for car parking for the synagogue.

7.4.3. In terms of car parking provision, the proposed development is served by 2 no. existing car parking spaces accessible off Rathmore Villas. This falls short of the 4 no. car parking spaces required pursuant to Section 4.0 of Appendix 5 of the 2022-2028 Development Plan (noting that the Dublin City Development Plan 2016-2022 in place at the time of application determination has subsequently expired). Given the subject site's intermediate urban location, proximity to Dublin Bus services running along Terenure Road North and Terenure Road East, proximity to the Terenure Road Public Car Park (c. 45 metres north) and the religious ethos of those occupying the synagogue, the proposed car parking provision is considered appropriate at this location. This was the view shared by the Planning Authority. With regards to the porch being proposed to the front of the existing office building, given its limited size (4.6sqm), depth (2 metres) and its positioning relative to the parking area entrance, I do not consider this aspect of the proposed development will negatively impact upon use of the car parking spaces featuring on site.

7.4.4. The drawings lodged with the application, do not indicate cycle parking provision to serve the proposed development. Dublin City Council's Transportation Planning Division have requested the provision of cycle parking to a minimum of Development Plan standard be provided (6 no. cycle parking spaces based on the Dublin City Development Plan 2016-2022 in place at the time of application determination), having regard to the limited car parking provided and location of the site. They consider these capable of being accommodated to the rear of the site, accessed from the repositioned pedestrian access off Rathmore Villas. As previously discussed, in the intervening period since the subject application was determined, the Dublin City Development Plan 2022-2028 has been adopted. Section 3.1 of Appendix 5 of the 2022-2028

Development Plan sets out a minimum bicycle parking rate of 1 space per 20 seats for places of worship. In the context of the subject development, this would equate to a requirement of 5 no. cycle parking spaces. I am satisfied that provision of cycle parking spaces to serve the proposed development could be easily addressed by way of condition should the Board be so minded to grant permission for the proposed development.

- 7.4.5. The proposed development looks to relocate the existing pedestrian entrance off Rathmore Villas 4.2 metres further east to facilitate construction of the new synagogue building to the rear of the site. The revised pedestrian entrance will utilise a slightly smaller gate than currently featuring but maintain the same height and a similar design as that currently featuring. From a visual amenity perspective, I have no issue with this aspect of the proposed development. However, the repositioned gate will be located c. 0.9 metres from the pedestrian gate associated with No. 1 Rathmore Villas. To ensure there are no impediments to access created by this aspect of the proposed development, I would recommend that should the Board be minded to grant permission that a suitably worded condition be attached requiring that entrance gates are inward opening.

7.5. **Other Matters**

- 7.5.1. *Procedural Issues* - I note that there is a procedural issue raised by the appellant. They contend that in light of the grant of permission under Reg. Ref. 2238/21, an application for change of use from residential use to office should have been applied for as part of the subject application. Having inspected the existing buildings on site, I can confirm that the grant of permission under Reg. Ref. 2238/21 has not been acted upon and the existing office use remains the established use of the front part of the building. Therefore, permission is not required to change the use from residential use to office use as suggested by the appellant.
- 7.5.2. *Drawing Anomalies* - The appellant has raised concerns about the anomalies featuring on the drawings accompanying the application. More specifically, the appellant contends that the proposed development extends beyond their property boundary, the position of the property boundary relative to the shared chimney is not consistently shown across the plan set and the existing roof is a corrugated asbestos roof and not

a corrugated steel roof as described. With regards to the first and second of the discrepancies referenced, any slight discrepancies or inaccuracies in boundaries is a legal matter and does not prevent the Board from proceeding to assess/determine the application in the normal manner. It is worth noting that there are no works proposed to the shared chimney as part of the subject proposal. With regards to the third of the discrepancies referenced, the roof of the existing synagogue was described in an appropriate level of detail to allow assessment/determination of the application. The presence of asbestos/its removal is dealt specifically by other legislative codes.

7.6. Appropriate Assessment

7.6.1. Having regard to the nature and scale of the proposed development (a replacement single storey building), the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Having regard to the foregoing, it is recommended that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below.

9.0 Reasons and Considerations

Having regard to the design, layout and scale of the proposed development and the existing site context it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of streets/properties in the area, would not detract from the character and integrity of the conservation area which it abuts and would be acceptable in terms of access/parking provision. The proposed development would, therefore, be in accordance with the Z1 zoning objective of the Dublin City Council Development Plan 2022-2028 and the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> a) The height of the northern boundary wall of the proposed stores reduced to match the height of the existing common boundary wall with No. 75 Terenure Road North. b) A minimum of 5 no. Sheffield style parking spaces provided to the rear of the site. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity and to ensure that adequate parking facilities are permanently available to serve the proposed development.</p>
3.	<p>Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
4.	<p>Gates to the pedestrian access shall be inward opening.</p> <p>Reason: In the interest of pedestrian safety.</p>

5.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
6.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>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 management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
8.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</p>

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. Reason: In order to safeguard the residential amenities of property in the vicinity.
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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.

Margaret Commane
Planning Inspector

13th June 2023