



An
Bord
Pleanála

Inspector's Report

ABP-315317-22

Development	4 terraced dwellings each with a southern facing balcony. New vehicular access point, surface car parking and all associated site development works.
Location	Lands to the north and east of No. 726 South Circular Road, Dublin 8.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3486/22
Applicant(s)	Tom Rowley
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Tom Rowley
Observer(s)	<ol style="list-style-type: none">1. Catherine Courtney & Katie Smith2. St. James's Wood Management Company3. Donnchadh Woulfe

4. Anthony & Margaret Hyland
5. Muriel Flewett
6. Jane Joyce & Others
7. Mark Lawler & Others

Date of Site Inspection

21 February 2024

Inspector

Paula Hanlon

1.0 Site Location and Description

- 1.1. The proposed development within a backland site is located at the western end of South Circular Road (SCR), 57 metres (approx.) north of Bulfin Road/SCR junction (R111) and 61 metres (approx.) south of Old Kilmainham/Emmet Road junction (R810) within an urban neighbourhood in Dublin 8.
- 1.2. The site (0.118 hectares) which comprises an irregular shape, lies to the rear (northeast) of number 726 SCR and partially to the rear (northeast) of number 730 SCR. It has some roadside frontage, by way of a narrow tract which encompasses lands located between 726 and 730 SCR and is currently fully enclosed along its roadside frontage with an unrendered, capped block wall. The site is vacant and unkempt with overgrown scrub vegetation and is enclosed by a high wall along its eastern boundary (adjoining St. James's Wood apartment scheme), a lower wall along its southern boundary (adjoining private rear gardens of residences along SCR) and has no defined physical boundary between adjoining lands to its immediate north (adjoining a pocket of vacant backland) and west (adjoining the rear of 726 SCR). The topography of the site is predominantly flat, with ground levels slightly higher than adjoining lands.
- 1.3. The serving road (SCR) is a very busy traffic artery into and out of the city, with a speed limit of 50kph and has a segregated-on road cycle lane by way of bollards. A signalized pedestrian crossing is located approximately 2 metres north and a mature street tree is sited immediately south of the proposed shared access to serve this development on SCR. A footpath & indented on-street parking bay align with the site's roadside frontage. Its location is very accessible by public transport, with the luas redline (Suir Road stop) and several bus routes within walking distance and further service enhancements envisaged, being on a radial route for a Quality Bus Corridor.
- 1.4. The immediate surroundings are typified with a mix of residential types. Number 726 SCR sited NE of site is a 19th century detached two-storey three bay house set behind a front garden, with gates and railings on the frontage and laneway access to the south, whilst a substantial 3-storey/4-storey apartment development (119 units) abuts the site to the east, a row of private rear gardens which front onto the SCR (nos. 706-

712) abut the site to the south and a pocket of vacant backlands adjoin the site immediately to the north. Lands on the western side of SCR and opposite the proposed shared access comprise an active streetscape with a mix of village retail and service units at ground floor level (zoned Z4 'Key Urban Villages/Urban Villages').

1.5. The site is not located within an architectural conservation area or zone of archaeological interest.

2.0 Proposed Development

2.1. The construction of 4 terraced houses with stated GFA 156m² - 159 m² , external brick finish, new vehicular access point onto SCR, surface car parking, boundary treatment and associated works.

2.2. The application was accompanied by the following documentation of note –

- Architectural Design Rationale
- Engineering Assessment Report
- Flood Risk Assessment Report
- Construction & Waste Management Plan
- Certificate of Exemption from provision of Social and Affordable Housing
- Quality Housing Assessment
- Stage 1 Road Safety Audit
- Sunlight Daylight & Shadow Assessment
- Written confirmation on landownership for this site and adjacent lands.

3.0 Planning Authority Decision

3.1. Further Information

The PA sought further information on 3 May 2022 on a number of matters including details on -

- Land ownership (site and adjoining lands), boundary treatment, design (overbearance, separation distances, internal space, omit balconies) private open space, CWMP and submit a Daylight/Sunlight Report.
- Roads and Traffic;
 - Ownership/right of way (subject site & adjoining lands) and details to allow assessment of access in context with adjacent undeveloped land.
 - Revised engineering drawings to –
 - (i) Reflect the current SCR road layout (cycle lanes/bollards) and comment on impact of proposed access to the existing road layout
 - (ii) provide pedestrian priority at entrance and footpath connectivity between existing public and proposed footpath.
 - (iii) relocate stop line marking
 - (iv) reduce car parking - 4 spaces (maximum) & EV charging points
 - (v) clarify conflict shown with shared surface layout and a carriageway/ segregated footpath layout in particulars
 - (vi) revised details on bike storage/cycle parking.
 - Carry out a Stage 1 Road Safety Audit.

The PA in its assessment were satisfied that the response to the further information addressed the items raised, notably in terms of design (subject to conditions) and other matters, however submitted details in regard to road and traffic safety did not satisfactorily address the concerns and requirements of the PA.

3.2. Decision

By Order dated 15 November 2022, Dublin City Council issued a notification of decision to refuse planning permission for 1(no.) reason, notably that the proposed development would endanger public safety by reason of traffic hazard.

The following is the stated reason for refusal:

The proposed development would endanger public safety by reason of traffic hazard due to location and design of the access junction in proximity to a signalised pedestrian crossing on a heavily trafficked public road network. The applicant has failed to demonstrate safe vehicular access and egress for the proposed development and would result in dangerous manoeuvring by vehicles creating vehicular conflict with cyclists and pedestrians. The development would therefore be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar developments in the area.

3.3. Planning Authority Reports

3.3.1. Planning Reports

Two Planning Reports are attached to the file.

The first planning report (dated 29/04/2022) recommended that further information be sought on a number of matters and reflected in the request of further information sought by the PA (as summarised in Section 3.1. above).

A final Planning Report (dated 15/11/2022) deemed that all matters raised, except details on requirements of the Transportation Planning Division to be acceptable, subject to conditions. A recommendation to refuse was put forward due to failure to demonstrate safe vehicular access.

The grounds for refusal stated by the Transportation Division are re-stated within the Planning Report. The matters of concern raised include-

- Impact with Loss of Parking Bay on SCR, given the restricted kerbside loading (opposite side of road) and the current highway environment
- Access/Junction Design

- Shared surface access road with segregated footpath is unsatisfactory & actively undermines the concept of a shared surface. Proposed shared surface is not apparent in the submitted drawings.

- Proposed junction with SCR issues include (i) shared surface design not indicated, (ii) unnecessarily wide junction radii at SCR, facilitating increased manoeuvring speeds for vehicles accessing/exiting the site, conflicts with the signalised crossing & creates uncertainty for cyclists & pedestrians crossing the junction, (iii) sightlines with 2m setback shown behind the existing street tree.

- Stage 1 RSA recommendations (relocation of pedestrian crossing or a 3-arm junction and a yellow-box) not included in application and the junction design does not appear to be addressed in the RSA.

- DCC TAG and ITS confirmed that the recommended interventions to the public road are not acceptable due to impact on SCR.

- Further Details

In regard to cycle parking and a detailed CMP can be addressed by condition.

3.4. **Other Technical Reports**

Drainage Division (28/03/2022) - No objection subject to conditions.

Environmental Health Officer (07/04/2022) - No objection subject to conditions.

Transportation Planning Division (10/11/2022) - Recommended refusal following receipt of further information.

3.5. **Prescribed Bodies**

None received.

3.6. **Third Party Observations**

The PA received 7 third-party submissions at application stage. The submitters highlighted a number of concerns including design, residential amenities, traffic safety,

spread of japanese knotweed and procedural matters, with similar concerns also raised within observations made to the Board in relation to this appeal.

4.0 Planning History

4.1. Appeal Site

There is planning history on this site insofar as it was part of a larger site that also encompassed number 726 SCR and a pocket of adjacent backland north of the site, which are now in separate ownerships.

The location of the proposed access was previously permitted by the PA and ABP as part of approved residential developments (PA Ref. 3672/13 (ABP PL29S.243410) and PA Ref. 1880/07) now withered, and road interventions were carried out on the adjoining SCR in more recent years.

PA Ref. 2174/21 (ABP-310074-21): Permission refused and upheld on appeal (2021) for 3 dwellings, 18 apartments (4-st block) & conversion of 726 SCR into 2 apartments, on grounds of design including overbearance, overlooking, residential amenities of future occupants, contrary to CDP noting 'Z1' land use zoning objective.

PA Ref. 4466/19: Permission refused (2020) 53 apartments "Build to Rent" residential scheme, basement car park and new vehicular entrance off SCR, with the grounds of refusal including overdevelopment, impacts on residential amenities and on the character and setting of an historic building.

PA Ref. 3950/14: Permission refused (2015) Demolish 726 SCR & construct 3 terraced houses, with modifications to permission 3672/13 (ABP PL243410), with

grounds of refusal on architectural merit, streetscape, impacts on residential & visual amenities and open space provision.

PA Ref. 3710/15: Permission refused (2015) Convert & extend 726 SCR into 2 houses, with grounds of refusal on impacts to original form, character & setting of historic building.

PA Ref. 3870/14: Permission granted (2015 – now withered) 3 houses including modifications to pl. ref. 3672/13 (PL243410).

PA Ref. 3672/13 (ABP PL243410): Permission granted following an appeal (2014 - now withered) 8 houses, including demolition of outbuildings/part rear extension at 726 SCR and new vehicular access.

PA Ref. 1880/07: Permission granted (2007- now withered) 37 apartments in five 3-storey blocks, including the demolition of rear extension & outbuildings at 726 SCR.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan 2023-2029 (CDP) which came into effect 14 December 2022 is the operative City Development Plan.

5.1.2. The site is in an area zoned 'Objective Z1 – Sustainable Residential Neighbourhoods' with the landuse zoning objective 'to protect, provide & improve residential amenities'. 'Residential' is a permissible use under the landuse zoning attached to this site.

5.1.3. The following Chapters are relevant in the consideration of this appeal:

Chapter 5 Quality Housing and Sustainable Neighbourhoods; Chapter 8 Sustainable Movement & Transport and Chapter 15 Development Standards.

5.1.4. Policies of particular relevance include:

Urban Consolidated Development

Policy QHSN6 Seeks to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development...

Policy QHSN10 Seeks to promote sustainable density that successfully integrates with the surrounding character on vacant and/or underutilised sites.

Policy CA3 Seeks to support the transition to a low carbon, climate resilient city by seeking sustainable settlement patterns, urban forms and mobility...

Policy GI41 Seeks to protect existing trees as part of new development, particularly those that are of visual, biodiversity or amenity quality and significance. There will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment.

Road & Traffic Safety and Active Travel

Policy SMT34 Street and Road Design Seeks to ensure that streets and roads within the city are designed to balance the needs and protect the safety of all road users and promote place making, sustainable movement and road safety providing a street environment that prioritises active travel and public transport whilst ensuring the needs of commercial servicing is accommodated.

Policy SMT1 Seeks to continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport....

Policy SMT16 Seeks to prioritise the development of safe and connected walking and cycling facilities and prioritise a shift to active travel ...

Policy SMT11 Seeks to protect, improve and expand on the pedestrian network...

Car Parking

Policy SMT25 Seeks to manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements.

Policy SMT27 Seeks (i) To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (see Appendix 5) so as to promote city centre living and reduce the requirement for car parking). (ii) To encourage new ways of addressing the transport needs of residents (such as car clubs and mobility hubs) to reduce the requirement for car parking.

Appendix 5: Table 2 - Houses Apartments/ Duplexes 0.5 car spaces per dwelling within Parking Zone 1.

5.1.5 Development Standards set out in Chapter 15 including standards on Infill Housing (Section 15.5.2), Backland Housing (Section 15.13.4) and Appendix 5 (Section 4.3.2) Impact on Street Trees are also relevant to the consideration of this appeal.

5.2. **Regional Spatial and Economic Strategy for Eastern & Midland Region (RSES)**

The RSES supports continued population and economic growth in Dublin City and suburbs, with high quality new housing promoted and a focus on the role of good urban design, brownfield redevelopment and urban renewal and regeneration. It outlines that there is an opportunity to promote and improve the provision of public transport and active travel and the development of strategic amenities to provide for sustainable communities.

Regional Policy Objective 4.5 Consolidation and Re-Intensification - Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

5.3. **Project Ireland 2040 – National Planning Framework (NPF)**

The overarching policy objective of the NPF is to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield

sites. It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities....

NPO 33: Seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy...infill development schemes....

5.4. Climate Action Plan 2023 (CAP 2023)

Plan implements carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve emissions by 2030 and reach net zero no later than 2050.

The Annex of Actions to CAP23 includes an action to prepare sustainable settlement guidelines and to review planning guidelines to ensure a graduated approach in relation to the provision of car parking.

5.5. National Planning Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the PA, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).
- Design Manual for Urban Roads and Streets (2013, updated 2019).

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

This site is within a 'City-Centre' area as defined within Table 3.1 of these Guidelines.

The guidelines set out that the city centre and immediately surrounding neighbourhoods, are the most central and accessible urban locations in their regions with the greatest intensity of land uses. An accessible location is defined in these Guidelines as lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.

SPPR 1 - Separation Distances

...Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces... In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

SPPR 3 - Car Parking

(i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

Applicants should be required to provide a rationale and justification for the number of car parking spaces proposed and to satisfy the planning authority that the parking

levels are necessary and appropriate, particularly when they are close to the maximum provision.

All new housing schemes include safe and secure cycle storage facilities to meet the needs of residents and visitors.

Policy and Objective 4.1

That PA's implement the principles, approaches and standards set out in DMURS (including updates) in carrying out their functions under the PDA (as amended) and as part of an integrated approach to quality urban design and placemaking.

5.7. Natural Heritage Designations

The site is located approximately 330 metres north of the Grand Canal pNHA (002104). The site is not located on any designated Natura 2000 site(s), with the nearest Natura 2000 sites, South Dublin Bay and River Tolka Estuary SPA (004024) located approximately 5.5 kilometres east and South Dublin Bay SAC (000210) (and pNHA) located approximately 6.3 kilometres east of the site.

5.8. EIA Screening

See completed Form 2 on file. 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 that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The first party appeal submission provides a statement in regard to the planning history, context, current proposal and grounds of appeal, attached to which is a document entitled 'Planning Appeal - Response to Engineering Related Issues raised by Dublin City Council' and revised drawings with alternative option on proposed access/junction.

6.1.2 The grounds of appeal are summarised as follows -

- Principle of developing this zoned site was accepted in the past by the PA and ABP. The site's planning history informed this proposal and is comparable to previous permissions on the site.

- Design respects its locational context, provides much needed housing in a sustainable form on backlands, utilising available lands efficiently, in accordance with zoning, standards on residential amenities (proposed & existing), and without impact or stymie further development on adjoining lands.

- The fundamental issues are resolved and the previous reason for refusal (PA Ref. 2174/21) (ABP310074-21) addressed.

The grounds of appeal raised in regard the PA's reason for refusal include-

- Justification of Vehicle Access

- A vehicle access point is required to develop these zoned lands and at this location due to site constraints, with no other acceptable alternative available.

- Its location and design accords with relevant guidance and best practice principles (including National Cycle Manual & DMURS) and it generally accords with previously deemed acceptable and permitted access (Pl. ref. 3672/13 /ABP ref. PL29 S.2434-10

(2014) and Pl. Ref.1880/07 (2007), and is similar to a number of existing developments in the immediate area.

- Independent Stage 1 Road Safety Audit

- A Stage 1 RSA & associated engineering drawings were submitted and discussed with DCC's Transportation Planning Section prior to being formally submitted.
- It demonstrated safe movement of vehicles, cyclists & pedestrians at the access junction, based on the direction received from DCC's Transportation Planning Section.
- The applicant was happy to implement the recommendations set out within the RSA and cover all costs of works, subject to receiving DCC's consent for works on lands in their control.
- The recommendations were rejected in favour of the Transportation Planning Section's own preferences, with stated reason due to impact on SCR and that an alternative access location should be considered.

- Proximity of proposed access/junction to Pedestrian Crossing

- The location of access and junction to the existing signalized pedestrian crossing on SCR is appropriate and does not set an undesirable precedent, as detailed within attached document 'Planning Appeal - Response to Engineering related issues raised by DCC'.
- DCC's Transportation Section's comments (10 Nov. 2022) which considered that details on pedestrian priority at the junction and stop line marking were acceptable in its assessment, are contradictory to the PA's final decision and reason for refusal. It cannot be considered to endanger public safety when proposals on pedestrian prioritisation and measures to stop vehicles at the junction have been considered acceptable by DCC.

- Alternative Option SCR Access/Junction
- An alternative option with associated drawings i.e. the applicant's initial proposal, as recommended in the Stage 1 RSA and rejected by DCC through informal discussions is attached to the appeal.
- Cyclist safety
- Existing cycle infrastructure on SCR would not be impeded by the proposal.
- Proposed kerbside hatching ensures safety of cyclist movement along SCR, accords with National Cycle Manual guidance, will prevent traffic from disrupting the junction and act as a warning to drivers that cyclists take priority.
- Sightlines and Corner Radii
- Sightlines are appropriate and safe with 2 metre set back in accordance with DMURS (Section 4.4.5), given limited traffic on the proposed arm and low vehicle speed on the major arm due to traffic. DCC's Transportation Section (10 Nov. 2022) outlined that the 2-metre setback is justified.
- Proposed corner radii comply with parameters recommended in DMURS for sites' with low design speeds and can be further reduced, by condition, if deemed required.
- The junction was designed to minimise impact on the existing street layout.
- Removal of Parking Bay
- The indented parking bay proposed to be removed is not used for loading.
- Its loss will not have a detrimental effect on parking.
- It can be relocated (outside number 726 SCR) and addressed by condition.
- A safe zone for deliveries is located on the western (commercial) side of SCR.
- A new replacement loading area (western side SCR) is not proposed.
- Street Trees
- The proposal will not result in the loss of any existing tree(s).

6.2. Planning Authority Response

A response has been received from the PA dated 04/01/23. It requests that the Board upholds its decision to refuse permission and in the event that permission is granted, that conditions be applied with regard to development contributions, bond, social housing and naming & numbering of scheme.

6.3. Observations

7(no) observations were received, with all of these observations made by or on behalf of concerned residents in the immediate vicinity of the site. The principle of the development of backlands is acknowledged within some observations. A summary of matters raised is as follows:

- Inconsistent with Z1 landuse zoning objective to 'protect, provide and improve residential amenities' attached to the site. It backs onto 706-716 SCR which form a designated residential conservation area.
- Impacts on private residential amenity and visual amenities of adjoining residents due to
 - (i) overshadowing,
 - (ii) overlooking of private gardens and internal rooms along 706-716 SCR & courtyard garden of St James's Wood residential complex,
 - (iii) overbearance wedged into SE corner of site & 1.2m separation distance to adjoining property to east and
 - (iv) noise and disturbance.

Other design concerns on bin and bike storage, bedroom sizes, balconies and potential destruction of a street tree.

- Proposal is not in accordance with the historic character of the area which is low rise and impacts on adjoining house types.

- Traffic & Pedestrian Safety
 - Impacts on traffic, parking, streetscape and functioning of SCR raised, given the proximity of proposed access/junction to pedestrian crossing/traffic lights, interference with segregated cycle lane, existing heavy traffic flow on SCR and poor visibility.
 - The gridlock will impact on the local community (the elderly in particular) and constitute a hazard in accessing shops & services on the opposite side of the road, and traffic flow into/out of the city, noting also that it is on a route to St. James's Hospital & the new Children's Hospital of Ireland (nearing completion).
 - Previous permissions are irrelevant given the site's context currently and the use of an existing vehicle access that serves the site currently to accommodate the proposed development is raised.

- Car parking

The loss of an existing parking layby regarded as a 'critical road resource' at this location and increased parking demands along SCR is raised in a number of observations.

One observation considers that proposed on-site parking spaces (1.5 per house) is excessive at this location and is inconsistent with the Climate Action Plan 2023 and the national climate objective.

- Procedural
 - Site Notice(s) - Non-compliance with Article 17(i)(b) Planning Regulations.
 - Accuracy of Details on Drawings - Rear extension onto 726 SCR omitted; differing client details; and dimensions provided to the furthest point of neighbouring houses is misleading.

- Land ownership and the requirement to delineate adjoining lands in blue and right-of-way in yellow (where applicable) is raised.
- No Construction Programme submitted.
- No sufficient proposals submitted to prevent the spread of japanese knotweed (present on this site) to adjoining lands and River Camac.

6.4. Further Responses

None received.

7.0 Assessment

7.1. Context

7.1.1. There has been a change in the Development Plan since Dublin City Council issued its decision (15 November 2022) on the proposed development. The Dublin City Development Plan 2023-2029 (CDP) which came into effect 14 December 2022 is now the operative Development Plan and my assessment is therefore based on the policies and objectives contained within the current operative plan. Furthermore, the Sustainable Residential Development and Compact Settlement Guidelines (January 2024) are relevant in this assessment, having replaced the Sustainable Residential Development in Urban Areas Guidelines (2009) which are now revoked.

7.1.2 Under the provisions of the CDP, the site is contained within an area zoned Objective 'Z1 - Sustainable Residential Neighbourhoods' whereby it is the Council's objective 'to protect, provide and improve residential amenities'. There is no dispute that the site is a serviced infill urban site which comprises underutilised, unkempt backlands,

surrounded by a mix of residential designs & form. In this regard, I am satisfied that residential development is acceptable in principle.

7.1.3 I have examined the application details and all other documentation on file, including the first party submission (the subject of this appeal) and observations received. I do not propose to carry out a de novo assessment of the proposed development. I concur with the PA that the principle of development proposed is broadly acceptable and will consolidate and provide for compact growth within this urban neighbourhood.

7.1.4 Accordingly, having regard to relevant national and local policies, objectives, standards and guidelines, I am satisfied that the main issues to be considered in determining this appeal are as follows:

- Principle of Proposed Access & Car Parking
- Other Matters.

7.2. Principle of Proposed Access & Car Parking

7.2.1 Locational Road Context

The proposed access/junction is directly onto the eastern side of South Circular Road. South Circular Road is an important strategic city route for traffic and forms part of the city Orbital Route network. It experiences significantly high traffic flows and congestion in both directions at this location in Dublin 8 and is located in a highly accessible location.

The street environment and road layout, adjacent to this site and its immediate surrounds is paramount in the consideration of the proposed development. A concrete footway, 2(no) indented parking bays (1 of which is required to be removed to facilitate proposal), continual double yellow lines and segregated on road cycle lane by way of bollards and delineator immediately south of proposed access point and mature street trees exist along the eastern side of SCR. A signalised pedestrian crossing located less than 2 metres north of the proposed access connects the eastern side of SCR with retail and services provided on its western side. The opposite side of the street (western side) comprises a concrete footway, on-road segregated cycle lane and on-road segregated loading area to front of retail and services by way of bollards and delineators. An established designated loading bay is also located on the eastern side

of the road, south of pedestrian crossing. It is my view that existing interventions on SCR were undertaken to address connectivity and legibility issues at a local level, however, the movement of traffic is given priority.

The character of the streetscape along the site's frontage and within its immediate vicinity is enhanced by virtue of its mature street trees, complemented with similar, albeit of a lesser amount of mature street trees on its western side.

7.2.2 Site Configuration

The site previously formed part of a larger landholding which encompassed 726 SCR and an adjoining pocket of backland north of the appeal site. I submit that the applicant confirmed land ownership for this site and note that all lands outside of the appeal site are in separate ownership(s).

In general, it is my view that the proposed residential layout meets requirements for developing these zoned and serviced backlands, such that it allows for its successful integration with adjoining established development and without impact or stymie potential future development on adjacent property, should it be so desirable or permissible in the future. Accordingly, the established vehicular access that serves 726 SCR is not adequate in accommodating the proposed development due to its location and configuration relative to the proposed layout.

7.2.3 Proposed Road & Access Junction Design

- *Overview*

The proposed new shared access would be located between existing mature residences at 726 and 730 SCR, with access junction directly onto SCR (eastern side). Currently, these lands are overgrown with scrub and grass, and the existing block wall along its frontage, in my view, is visually unsightly within an otherwise attractive streetscape.

I submit that the first party appellant seeks that the Board considers 2 design options with regard to the access/junction onto SCR i.e. the proposed access/junction arrangement submitted with the planning application and refused by the PA, and an

'alternative option' in response to the PA's reason for refusal, which incorporates the recommendations of the RSA is attached to this appeal.

I have undertaken a site inspection and examined the content and recommendations of the independent Stage 1 RSA and accompanying plans and particulars with regard to the proposed access. In the outset, it is my view that the interventions proposed to SCR in accommodating an access to serve this development must not be solely based on engineering solutions to road/traffic safety concerns, but that the design and interventions should also be influenced by the type of place in which it is located, functionality and balance the needs of all users in this urban neighbourhood.

- *Sightlines*

Documentation submitted with this appeal states that achievable sightlines of 2m x 49m as shown on submitted drawings comply with DMURS requirements (section 4.4.5 'Visibility Splays'), given the very low flows at the minor arm and low vehicle speeds on the major arm due to traffic in the local area. The PA noted that the sightlines are delineated behind an existing street tree. Having examined the documentation submitted, I am of the view that visibility is somewhat restricted due to the siting of street trees forward of the lines of sight, however I do not consider that this in itself would warrant grounds for refusal.

- *Proximity to Pedestrian Crossing*

I note that the proposed access/junction (5.7m wide with wide corner radii), a distance of less than 2 metres to the existing signalised pedestrian crossing on the SCR was raised as a problem within the independent Stage 1 RSA (July 2022). I further note that the Transportation Division, Dublin City Council confirmed that they were not in support of the 3-arm signalised junction and yellow box or the relocation of pedestrian crossing.

Having considered the documentation submitted and undertaking a site inspection, I accept that the proposal will generate low traffic volumes and note that the pedestrian

crossing is a traffic light controlled signalised crossing and that similar such layouts exist in other urban locations.

However, I also submit that the identified road safety problem was raised by both an independent road safety auditor, appointed on behalf of the applicant, and the Council's Transportation Division and I submit that this matter has not been satisfactorily resolved. I note the extent of interventions that have been carried out on the adjoining highway in accommodating traffic movements and I am also of the view that a bias towards sustainable transport modes as opposed to private car has not been included in this application, as set out within adopted policy SMT1 and SMT16 of the CDP.

In assessing the 'alternative option' proposed for the access/junction, submitted to the Board which is stated as being consistent with the recommendations of the Stage 1 RSA, I wish to highlight that the works proposed require interventions to the existing heavily trafficked road. I note that the Transportation Division of DCC were not in approval of these interventions, notably the relocation of existing pedestrian crossing or inclusion of a 3-arm junction to include pedestrian crossing and site access. I consider that it has not been sufficiently demonstrated that the interventions proposed on this heavily trafficked artery can be implemented and consider that the movement of vehicular traffic entering/exiting the proposed development appears to be given priority in the proposed development, with no full, overall consideration given to likely impacts on the functionality of this neighbourhood in the event that such interventions are undertaken.

It is paramount that the city's road network is effectively managed in order to keep all road users interacting safely and efficiently while ensuring full accessibility and accordingly, in the absence of sufficient demonstration of an implementable safe access/junction arrangement, I am of the view and concur with the PA that the proposal if permitted would give rise to a traffic hazard.

7.2.4 Pedestrian Priority

I note that the applicant proposes to prioritise pedestrians by way of including a 5.7-metre-wide shared surface access road for vehicles and pedestrians and to adjoin this shared surface with a 1.3 metre wide segregated footpath along its southern side and provide a raised table crossing at the site entrance. I do not consider it either necessary or appropriate that a segregated footpath be provided along the proposed access road, given that a shared surface access is proposed, and I concur with the PA that it actively undermines the concept of a shared surface.

7.2.5 Car Parking

I note that the extent of parking proposed exceeds the maximum permitted standard set out within the current CDP, being 0.5 space per dwelling given the location of this site, within designated Parking Zone 1 of the CDP. I also wish to highlight that the recently adopted Compact Settlement Guidelines are now relevant in this case. Furthermore, DMURS places a focus on the role of streets in sustainable place-making and encourages layouts that are suited to all users.

The site is considered an 'Accessible Location' in the context of the Compact Settlement Guidelines, based on the frequency of bus services and luas service (Suir Road stop) within a 10-minute walking distance of the site and provision of cycle/pedestrian facilities. Overall, I am satisfied that public transport is of a scale and level of provision/frequency that could adequately support the resultant future population of this development without the need for private car. I therefore am of the view that in applying specific planning policy SPPR 3 to this site, that car parking should be wholly eliminated given its nature and scale, its locational context within a 'City-Centre' location that is highly accessible and lies proximate to local retail, services and employment centres within the area. I have also given consideration to the fact that public transport improvements can be strengthened by developments such as this development proposed on a backland site, by supporting a critical mass of population that will make services, including public transport, more viable. Should the Board be minded to grant permission for this development, I consider that this matter could be appropriately addressed by way of condition.

7.2.6 Loss of Existing Parking Bay

It is my view that the loss of an existing on-street indented parking bay, located to the front of this site, is acceptable as it facilitates a required access to a new backland development located on zoned lands which is consistent with adopted policy in transitioning to a low carbon, climate resilient city by seeking sustainable settlement patterns, urban forms and mobility (policy CA3). I submit that it is the Council's policy to facilitate the re-organisation and loss of spaces in these instances (Policy SMT25). I note that the appellant has identified that an alternative parking bay can be provided along this street, if required. I am also of the view that the PA's comments in relation to loading area(s) was in reference to the lack of any parking provision on the western side of the road due to restricted kerbside loading on the opposite side of the road and the impact of the loss of the parking bay proposed to be removed under this application, in the context of existing parking facilities at this location. Further, in considering the expressed concerns within observations regarding increased demands for on-street parking along SCR should the proposal be permitted, I reiterate the need to encourage and promote a modal shift to more sustainable transport modes, within this highly accessible urban neighbourhood.

7.2.7 Protection of Street Tree

The appeal documentation, specifically Section 8.6 of the first party written appeal and existing and proposed site layout (Dwg P571) reference that an existing mature street tree sited immediately to the south of proposed access will be retained and that the proposed access junction does not result in the loss of any existing trees on SCR. I note that no concerns were raised by the PA in respect of the proposal and its impact on this street tree. Section 4.3.2, Appendix 5 of the CDP requires a minimum clearance of 2.5 metres from the surface of the tree trunk of a medium tree to the proposed edge of the dish. Having examined the documentation submitted, I consider that the applicant has not satisfactorily demonstrated that the proposed access/junction will not result in the loss or damage of this street tree. I consider it necessary that should the Board be minded to grant permission, that a condition be attached which requires that the proposed access width be substantially reduced and sited along the northern most side of the site and that protective measures be included within an updated Construction & Waste Management Plan to safeguard the street tree against any

potential damage, which should be agreed by the PA prior to the commencement of any works.

7.3 Other Matters

7.3.1 Residential Amenity

In reviewing the content of observations made including concerns of overlooking, overshadowing, overbearance and noise impact on adjoining residents, I concur with the PA that the proposal in terms of design is satisfactory on this backland site and I find no reason to dispute the findings of submitted Sunlight, Daylight & Shadow Assessment and the Architectural Design Rationale. The Board will note that the omission of balconies to prevent overlooking of private gardens to the north of the site was addressed at planning application stage, in response to the PA's request for further information. Further, should the Board be of the view that the development be permitted, I consider it necessary that a revised site layout be provided which omits parking spaces and repositions the terraced dwellings such that it provides for an increased rear garden depth and a communal landscaped area to front of houses.

Accordingly, I am satisfied with the quality of development proposed for future occupiers of these dwellings in terms of living accommodation, private open space provision and compliance with other development standards and consider that the proposed dwellings would integrate well with established development that adjoins this site without detracting from any residential amenities of the area.

In light of the above, I am of the view that the proposal is consistent with the 'Z1' zoning objective attached to this site, 'to protect, provide and improve residential amenities' and is consistent with the PA's stated aim to encourage and foster living at sustainable urban densities through creating attractive sustainable neighbourhoods, healthy placemaking and the delivery of high quality housing that is served by local services in keeping with the character of the area.

7.3.2 Land Ownership

A number of procedural matters were raised in the observations received with respect to the validity of site notice, legal interest associated with landownership and right-of-

way and inaccuracies shown on submitted drawings. Notwithstanding, I am satisfied that these matters did not prevent concerned parties from making representations and wish to highlight that in the event that the Board is minded to grant permission, that the applicant shall not be entitled solely by reason of a permission under this section to carry out any development (Section 34(13) of the Planning and Development Act 2000 (as amended)).

This assessment represents my de novo consideration of all planning issues material to the proposed development.

7.3.3 Part V

A Section 97 certificate of exemption in relation to the proposed development issued by Dublin City Council on 5th April 2022 (Decision Order P2836). Accordingly, there are no outstanding matters in relation to compliance with Part V of the PDA (as amended).

7.4 Appropriate Assessment

The site is not located on any designated Natura 2000 site(s). The nearest Natura 2000 sites are South Dublin Bay and River Tolka Estuary SPA (004024) located approximately 5.5 kilometres east and South Dublin Bay SAC (000210) (and pNHA) located approximately 6.3 kilometres east of the site. Taking into consideration the nature, extent and scope of the proposed development, separation distance to the nearest European site and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any 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.

7.5 Conclusion

Whilst the development of this backland site will provide for compact growth and the efficient use of zoned and serviced lands, I am of the view that the applicant has not satisfactorily demonstrated that a functional and safe access/junction at this location

can be achieved and implemented, and that the proposal is not consistent with policy SMT34 of the CDP. Accordingly, to permit the development proposed would endanger public safety by reason of traffic hazard.

8.0 Recommendation

I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to plans and particulars submitted, it has not been sufficiently demonstrated that an appropriate safe vehicular access to serve this development can be implemented. The proposed development by reason of road layout and traffic movements & activity arising from this development, would endanger public safety by reason of traffic hazard, would be contrary to Policy SMT34 of the Dublin City Development Plan 2023-2029 and would therefore 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.

Paula Hanlon
Planning
Inspector

3 March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315317-22		
Proposed Development Summary	4 terraced dwellings and associated works.		
Development Address	Lands to the north and east of No. 726 South Circular Road, Dublin 8.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No		X	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No			
Yes	X	Class 10 (Infrastructure Projects)	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315317-22	
Proposed Development Summary	4 terraced dwellings and associated works.	
Development Address	Lands to the north and east of No. 726 South Circular Road, Dublin 8.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is backland and infill in nature and is located in an urban area. The site is zoned with residential use permissible. The proposed development is not exceptional in the context of existing environment.</p> <p>The proposed development will not result in the production of any significant waste, emissions or pollutants.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having</p>	<p>No. The site area is 0.118 ha.</p> <p>There are no other developments under construction adjoining the site. All other developments are established uses.</p>	No

<p>regard to other existing and/or permitted projects?</p>		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No.</p> <p>The proposed development is not located on or within proximity to any designated natura 2000 sites or any designated NHA/pNHA.</p> <p>The nearest Natura 2000 sites are South Dublin Bay and River Tolka Estuary SPA (004024) located approximately 5.5 kilometres east and South Dublin Bay SAC (000210) (and pNHA) located approximately 6.3 kilometres east of the site. Taking into consideration the nature, extent and scope of the proposed development, separation distance to the nearest European site and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any 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.</p>	<p>No</p>
<p>• Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment. EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)