



An  
Bord  
Pleanála

## Inspector's Report 315575-23

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<b>Development</b>	Protected Structure: Demolition of buildings, restoration of Leirim Lodge, construct a 5-storey apartment block with 23 apartments and all ancillary site development works
<b>Location</b>	Leirim Lodge, Martin's Row, Chapelizod, Dublin 20
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4260/22
<b>Applicant(s)</b>	Infield Developments Ltd.
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	COVA Leo Collins
<b>Observer(s)</b>	St. Laurence's National School
<b>Date of Site Inspection</b>	11 <sup>th</sup> March 2024
<b>Inspector</b>	Mary Kennelly

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## **1.0 Site Location and Description**

- 1.1.** The site is located in Chapelizod village in Dublin 20, which is located approx. 6km to the west of the city centre, on the River Liffey, and is just to the south of the Phoenix Park. Chapelizod village is a heritage village with a linear form and is situated between the Liffey to the south and the Phoenix Park to the north. The historic centre of the village comprises an eclectic mix of buildings with a variety of architectural styles. It includes several 3-4 storey houses fronting onto the main street which are clustered around the Church of Ireland (St. Laurence's Church) and its medieval tower and a small village square. Martin's Row is a continuation of Main Street (R109) and Chapelizod Road. The site is located on the northern side of this road.
- 1.2.** The proposal relates to a backland site which is located to the rear of Nos. 1-7 Mulberry Cottages, Nos. 39 and 40 Martin's Row and to the north-east of St. Laurence's Church and St. Laurence's School. The Phoenix Park is located immediately to the north and the northern boundary of the site is formed by an historic stone wall. Drummond House Terrace, a row of 3 no. Georgian houses and a Victorian extension, which are set back from the main road, immediately adjoins the site to the west. The site is accessed from Martin's Row to the southeast by means of a narrow lane, Church Lane, which serves as access to both the church grounds and to a row of cottages which front directly onto the lane.
- 1.3.** Chapelizod Village and Environs is an Architectural Conservation Area and there are several Protected Structures in the vicinity. It is also a Zone of Archaeological Potential. St. Laurence's Church is a historic building which is a Protected Structure and includes a medieval tower and a historic graveyard. St. Laurence's School is a small 2-class school which dates from the 19<sup>th</sup> Century. Drummond Terrace is also a Protected Structure, as is No. 34 Main Street, which is located immediately to the east of the access to Church Lane. The northern boundary wall with the park is also a Protected Structure. The western side of the lane has a narrow footpath in front of the row of cottages and the eastern side is bounded by a stone garden wall to No. 34 Main Street. To the north of this lies the entrance to the church and church grounds. There is an iron gate (closed) just beyond the church which leads to a widened section of the lane. This area is used as informal car-parking associated with the school which is adjacent.

**1.4.** The site area is given as 4.094ha. It is an irregularly shaped site which is largely overgrown and includes several buildings, one of which is a Protected Structure, Leitrim House, which is located in the northwestern corner of the site. Leitrim Lodge is an early to mid-19<sup>th</sup> Century house, which is 2-storeys in height with a gable-ended façade and a half-hipped roof. It is currently in a derelict state. The other buildings within the site include a daycare centre, a workshop, a glasshouse, a steel container and four sheds. The gradient of the site rises sharply at the northern end towards the park, such that Leitrim Lodge is elevated above much of the site to the south.

## **2.0 Proposed Development**

**2.1.** It is proposed to restore Leitrim Lodge, to demolish the existing structures and sheds on the site and to erect a five-storey building providing 23 apartments. The main elements of the proposed development are as follows:

- Demolition of the daycare centre adjacent to the northern boundary, the glass house and steel container immediately adjacent to Leitrim Lodge, a workshop adjacent to the school site, a store close to the western boundary and four small sheds in various locations within the site.
- Restoration of Leitrim Lodge to provide a four-bedroomed single dwelling house with two parking spaces and a small private amenity area of 115m<sup>2</sup>.
- Construction of apartment building with 23 units comprising 15 no. duplex units and 8 no. apartment units. The accommodation will consist of 3 no. 1-bed units, 16 no. 2-bed units and 4 no. 3-bed units. The majority of apartments will be dual aspect.
- Private amenity space is provided in the form of terraces and balconies for the apartments. A communal garden (241m<sup>2</sup>) is provided to the southwest of the apartment building and a public open space (459m<sup>2</sup>) to the north-east with additional roof terrace areas.
- Surface parking for 28 cars, of which 26 are reserved for the apartment building and two for Leitrim Lodge. A total of 64 secure bicycle spaces will be provided to serve the apartment building.

- It is proposed to widen Church Lane by reducing the depth of porches to the front of two houses and by the demolition of part of the boundary wall of No. 34 Main Street and setting back the reconstructed wall for a distance of c.13m. A pedestrian path with a width of 1.8-2.0 metres (apart from a pinch-point) will also be provided along the western side of the lane.

**2.2.** The proposed 5-storey apartment block is located immediately to the rear of the Mulberry Cottages properties and would rise to a maximum height of c15.8m and has a gross floor area of 2,434m<sup>2</sup>. The building would have a red-brick façade to match that of Drummond House Terrace with a similar fenestration pattern and a recessed glazed finish at the fourth-floor level. The ground floor level would have a colonnade to shelter the ground floor balconies. The rear façade facing Leitrim Lodge would have coloured render at the lower four floor levels with brick on the top-floor level. The balconies are generally recessed behind the outer brick layer.

**2.3.** The proposed layout shows the main front elevation generally aligned with, but set back slightly behind, the front building line of Drummond House. The area to the front of the apartment block would incorporate the communal garden and the bicycle store. A pedestrian arch through the centre of the building provides access to the rear of the building where most of the parking spaces are located. The proposal takes account of the contours of the site by lowering the ground level for the new building and creating a retaining wall which separates Leitrim Lodge and its garden area from the apartment building and associated parking area.

**2.4.** The proposed density is stated as 59 units per hectare. The plot ratio is given as 0.67 and the site coverage as 26.9%.

**2.5.** The application was accompanied by the following documents:

- Planning Statement
- Archaeological Assessment Report
- Daylight and Sunlight Assessment
- Landscape Design Statement & Outline specification
- Schedule of Accommodation
- Architectural Heritage Impact Assessment

- Conservation Assessment
- Architectural Design Statement
- Bat and Bird Assessment
- Traffic and Transportation Assessment
- Engineering Planning Report.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The planning authority decided to **grant** permission subject to 15no. conditions, the most notable of which are as follows: –

- Cond 2.      Dev. Contribution €188,497.92 (GDCCS).
- Cond. 4      Leitrim Lodge to be restored prior to occupation of any apartments.
- Cond 5      No short term residential letting.
- Cond 6      Transport Division – various including detailed design of junction of Church Lane and Martin’s Row and an RSA with detailed specifications; 26 car parking spaces max.; 47 bicycle spaces.
- Cond 13      Architectural Heritage – various requirements including submission of further details of internal and external repair works to Leitrim Lodge, alteration to porches on Church Lane and Repositioning of wall on Church Lane; All works to be scheduled and carried out by experienced conservators of historic fabric; development to be managed by Grade 1 Conservation Architect; all works to comply with Architectural Heritage Protection Guidelines.
- Cond 14      Archaeological Heritage – various including a requirement to carry out an Archaeological Impact Assessment of the site prior to any site clearance or construction works and to include an analysis of the impact of the development on the southern boundary wall of the Phoenix Park with appropriate mitigation measures.

Cond 15 Applicant to enter into agreement re Section 96 of P&D Act regarding the provision of social and affordable housing.

### 3.2. Planning Authority Reports

#### Planning Reports

- 3.2.1. The planning report considered that the proposed development comprising restoration of a Protected Structure (Leitrim Lodge) to its former use as a 4-bedroomed dwelling, the demolition of several outbuildings and the construction of a 5-storey residential building containing 23 apartments use was acceptable in principle, having regard to the previous planning decisions on the site and the Z1 zoning objective. It was noted that the residential accommodation had not changed from that proposed under Reg. Ref. 3010/19 (ABP-306791), whereby both the P.A and the Board's Inspector had concluded that the residential development management standards had been exceeded. However, it was acknowledged that the current proposal would have to be assessed against the Dublin City Development Plan 2016-2022 policies and the relevant S28 Ministerial Guidelines.
- 3.2.2. The Area Planner's report had noted that the proposed development met the standards for Plot Ratio (0.67), Site Coverage (26.9%) and that the density at 59dw/ha was generally appropriate. The height at 15.8m was also in accordance with the 16m height threshold for the Outer City (Fig. 39) and the Building Height Guidelines.
- 3.2.3. In terms of compliance with the apartment standards in the **Apartment Guidelines** including Apt. Size - SPPR 3, Dual Aspect - SPPR4 and Ceiling Height - SPPR 5, no issues were raised. In addition, the standards for Lift and Core Stairs, Internal Storage, Private Amenity Space and Security considerations were also met or exceeded. The Refuse storage arrangements and minimum floor areas and widths for living/dining/kitchen area and bedrooms were noted as being in compliance with the standards. The proposed communal open space of 241sq.m and the communal terrace of 130sq.m were also noted.
- 3.2.4. The restoration of Leitrim Lodge was welcomed as it would ensure that the integrity and character of the Protected Structure would be restored and maintained, given that it is currently suffering from water penetration and dry rot. The overall design,



scale, bulk and massing of the apartment building was considered to be acceptable. It was considered that it has had regard to the existing features in the streetscape and surrounding ACA, and that it was sufficiently set back from Leitrim Lodge to respect its setting. However, further information was required in respect of the impact on No. 4 Drummond House in terms of the interrelationship between the buildings.

**3.2.5.** In terms of transport, the previous reason for refusal was noted and it was considered that the current proposal had sought to address this reason. However, FI was required regarding the potential to provide a continuous 1.8m wide footpath with associated swept path analysis and clarification on how priority for incoming vehicles would be ensured. Autotracked drawings were also required in respect of fire tenders and right turning vehicles entering and left turning vehicles leaving Church Lane, (simultaneously). It was noted that the site is currently heavily vegetated, and that the proposal would introduce a significant amount of hardstanding area which may require additional landscaping to address any drainage issues.

### **3.2.6. Other Technical Reports**

Drainage/Engineering Division – (04/07/22) no objection was raised to the development subject to conditions, including a requirement that the proposal to be drained on completely separate foul and surface water systems.

Transportation Planning – (28/07/22) The main issue was to determine whether the previous reason for refusal had been adequately addressed. Concern was raised regarding safe pedestrian access. The widened access route and raised pedestrian path was welcomed, but it was noted that there were some pinch points where the width of the path was reduced from 2.0m to 1.8m, and at one point, narrows to 1.2m (opposite the entrance to the church). Clarification required on how priority would be given to incoming vehicles at this pinch point. Autotracking submitted with application did not address fire tender access or simultaneous right-turning entries with left-turning exits.

Archaeology – (27/07/22) it was noted that the site is located within a zone of Archaeological Interest for the Recorded Monument DU018-027 (settlement) which is listed on the Record of Monuments and Places (RMP) and is subject to statutory protection under section 12 of the National Monuments (Amendment) Act 1994. This relates to Chapelizod Village where evidence of prehisotric, early medieval and

medieval settlement have been recorded through archaeological excavations. The boundary wall with the Phoenix Park is also both a Recorded Monument (DU018-00701) and a Protected Structure.

It was noted that the Archaeological Impact Assessment Report submitted with the application had identified the site as being of 'high archaeological potential' and had recommended that test excavation be carried out. Permission was recommended subject to a condition requiring that archaeological testing and assessment be carried out to establish the nature and extent of archaeological deposits and features, including human remains present at the location which it is proposed to develop, and to allow an archaeological impact assessment of the proposed development to be made. Testing should take place prior to commencement of site preparation works, which will serve to inform a detailed strategy for further archaeological mitigation if necessary. The assessment shall include analysis of the impact of proposed development on the southern boundary wall of the Phoenix Park with appropriate mitigation.

Architectural Heritage (29/07/22) – The Conservation Officer pointed out that Chapelizod village is now understood to be a significant early settlement potentially predating the settlement of Dublin, with a strong pattern of the use of the linear typology as the main characteristic. It was noted that the site is a sensitive one located in the heart of the ACA and within a Zone of Archaeological Constraint, and that it includes a Protected Structure within the site, which is in need of urgent attention. The proximity to a number of other protected structures, including St Laurence's Church, 34 Main Street and Drummond House, was also noted. The concentration of new development to the lower part of the site was welcomed as was the use of the materials palette and fenestration pattern of Drummond House to inform the design. The development would ensure the conservation and re-use of two Protected Structures, Leitrim Lodge and 34 Main Street, which was considered to be a critical outcome. It was noted as regrettable that there would be a loss of some historic fabric along Church Lane to facilitate safe access to the development. Permission was recommended subject to conditions.

### **3.3. Prescribed Bodies**

Irish Water (24/05/22) – a proposed connection can be facilitated.

### **3.4. Third Party Observations**

- 3.4.1.** Submissions received by the P.A. are summarised in the Area Planner's initial Report. The main concerns related to the impact of the development on the Chapelizod ACA and nearby Protected Structures, the excessive height and scale of the building, overdevelopment of the site, monolithic appearance, overlooking, overshadowing of adjoining residences and the local school, traffic and access issues, excessive pressure on existing infrastructure.

### **3.5. Further Information**

- 3.5.1.** FI request issued on 12<sup>th</sup> August 2022 relating to potential impact on No. 4 Drummond House, clarification regarding propriety for vehicles entering development, the potential for a 1.8m continuous footpath and additional autotracking matters.
- 3.5.2.** FI was submitted on the 24<sup>th</sup> November 2022 this included revised drawings and additional autotracking drawings and statements addressing the FI issues from the applicant's architects and engineers.
- 3.5.3.** The Area Planner, and other technical officers, were generally satisfied with the responses subject to conditions being attached to any permission.

## **4.0 Planning History**

- 4.1.1. ABP306791-20 (3010/19)** – Permission refused by the Board following first party appeal against refusal for (a) demolition of all structures on site, (b) restoration of Leitrim lodge (a protected structure) for use as a single residential unit and (c) construction of A5 story apartment block with 23 units providing 3 one-bed units, 16 two-bed units and four three-bed units. The single reason for refusal was as follows:

Having regard to the substandard width of Church Lane, which cannot accommodate two-way vehicular traffic and pedestrian movement simultaneously, and the existing junction with St Martin's Row and the extent to which traffic on Church Lane will be intensified, it is considered that the proposed development would give rise to serious conflict between vehicles and pedestrians and would, therefore, endanger public safety by reason of a traffic hazard.

4.1.2. **1238/92** – permission granted by P.A. for demolition of an existing house and stables to provide for 2 no. day care centres (circa 169sq.m) but refused on appeal.

4.1.3. **0484/94** – Permission granted for a Day Care centre (109sq.m).

## 5.0 Policy Context

### 5.1. National Planning Framework 2018-2040

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

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

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

**NP Objective 13** in urban areas planning and related standards, including in particular height and car parking would be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

These standards will be subject to a range of tolerances that enable alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

**NP Objective 33** seeks to prioritise the provision of new homes at locations which can support sustainable development at an appropriate scale of provision relative to location.

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

### 5.2. Urban Development and Building Height Guidelines (2018)

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

Consolidation and densification, with greater building heights, can be considered in appropriate locations such as city and town centre areas, sites with significant public

transport capacity and connectivity, but having regard to the need to achieve very high quality in terms of architectural, urban design and public realm outcomes.

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

- 5.3.1.** The purpose of these guidelines is to balance the achievement of high-quality apartment development with a significant increase in the overall level of apartment output. They provide guidance on matters such as locational considerations, mix of units, internal space standards, dual aspect, floor-to-ceiling heights, apartments to stair/lift core ratios, storage space, room dimensions, amenity spaces and car parking. The Guidelines are issued under Section 28 and the Board is required to have regard to them. In particular, the Specific Planning Policy Requirements (SPPRs) contained in the guidelines take precedence over any conflicting policy contained in development plans or local area plans.
- 5.3.2.** Identification of suitable locations is guided by 2.4. which highlights three types of location, namely Central/Accessible Urban Locations, Intermediate Urban Locations and Peripheral/Less Accessible Locations. The central locations (suitable for the highest density) are generally within easy walking distance of city centres/significant employment zones or high quality/frequency public transport and the Intermediate zones are suitable for smaller scale but higher density developments (>45dw/ha) and will be located within reasonable walking distance of principal town/suburban centres or employment locations or high quality/frequency public transport. The requirements set out in the SPPRs and in Appendix 1 of the Guidelines will be discussed in more detail in the assessment section of this report, where relevant.

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

- 5.4.1.** These guidelines came into effect in January 2024 and replaced the Sustainable Residential Development in Urban Areas Guidelines (2009). The decision by the planning authority was made on the 13<sup>th</sup> December 2022 and the appeal was lodged with the Board on the 17<sup>th</sup> January 2023. The P.A. decision and the grounds of

appeal were based on the previous Sustainable Residential Development in Urban Areas Guidelines and associated Best Practice Urban Design Manual (2009).

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

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

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

The city urban neighbourhoods category includes:

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

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

## 5.5. Dublin City Development Plan 2022-2028

5.5.1. The decision by the planning authority was made on the 13<sup>th</sup> December 2022 and the appeal was lodged with the Board on the 17<sup>th</sup> January 2023. The P.A. decision and the grounds of appeal were based on the previous plan, Dublin City Development Plan 2016-2022. In the meantime, Dublin City Council adopted a new City Development Plan on the 2<sup>nd</sup> November 2022. The **new Dublin City Development Plan 2022-2028** came into effect on the **14<sup>th</sup> of December 2022**. This is now the statutory Development Plan to which the Board must have regard.

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

“To protect, provide and improve residential amenities.”

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

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

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

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

**4.5.2 Approach to the Inner Suburbs and Outer City** – Strengthen the hierarchy of urban villages and consolidation and development of them as key focal points for the communities they serve.

**4.5.3. Urban Density** – the objective is to provide opportunities for increased density in a sustainable manner whilst ensuring the highest standard of design as well as the

protection of existing amenities and the natural and historical assets of the city. (See also Appendix 3 – Achieving Sustainable Compact Growth: Policy for Density and Building Height in the City).

#### **4.5.4 Increased Height as Part of the Urban Form and Spatial Structure of**

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

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

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

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

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

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

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

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

**SC19 – High Quality Architecture** - To promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking



and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.

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

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

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

**QHSN 10 – Urban Density** - To promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

**QHSN 11 – 15-Minute City** – promote the realisation of the 15-minute city to provide for liveable, sustainable urban neighbourhoods and villages that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible.

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

**5.5.5. Chapter 11 Built Heritage and Archaeology** – All works to protected structures shall be carried out to the highest standards in accordance with the Architectural

Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011). Relevant policies include -

**BHA2 – Development of Protected Structures** - development will conserve and enhance protected structures and their curtilage and will ensure that a range of specific measures (a) to (h) are achieved. These include sensitive siting and design, avoidance of any negative impact on the PS, retention of the form and structural integrity of the PS and ensuring that no adverse impact on the curtilage or special character of the PS occurs.

**BHA 3 – Loss of Protected Structures** – the total or substantial loss of protected structures will be resisted in all but exceptional circumstances.

- 5.5.6. 11.5.2 Architectural Conservation Areas** - ACAs are designated in recognition of their special interest or unique historic and architectural character, and important contribution to the heritage of the city. This character is often derived from the cumulative impact of the area's buildings, their setting, landscape and other locally important features which developed gradually over time. Relevant policies include –

**BHA 7 - Architectural Conservation Areas** – seeks to protect the special interest and character of all areas which have been designated as an ACA. Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Best conservation practice must be used and all trees which contribute to the character and appearance of an ACA will be safeguarded except where a tree is a threat to public safety and/or prevents universal access.

**BHA 8 – Demolition in an ACA** – there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit.

- 5.5.7. 11.5.3. Z2 and Z8 Zonings and Red-Hatched Conservation Areas** - Whilst red-line conservation areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application.

As with Architectural Conservation Areas, there is a general presumption against development which would involve the loss of a building of conservation or historic merit within the Conservation Areas or that contributes to the overall setting, character and streetscape of the Conservation Area. Such proposals will require detailed justification from a viability, heritage, and sustainability perspective.

**BHA 9 – 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.

**5.5.8. Archaeological Heritage Policy BHA 26 – Protect and preserve Monuments and Places (on RMP).**

To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of re-use of standing buildings, the construction of light buildings, low impact foundation design, or the omission of basements.

To seek the preservation in situ of all archaeological monuments and other archaeological features, or as a minimum preservation by record.

Where development proposals are located within the RMP, sites of over 0.5ha with potential underwater impacts and site on the Industrial Heritage Record will be subject to consultation with the City Archaeologist.

**5.5.9. Chapter 15 Development Standards**

**Section 15.4.2 Architectural Design Quality and Design Principles**

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

- The character of both the immediately adjacent buildings, and the wider scale of development and spaces surrounding the site.
- The existing context and the relationship to the established pattern, form(s), density and scale of surrounding townscape, taking account of existing rhythms, proportion, symmetries, solid to void relationships, degree of uniformity and the composition of elevations, roofs and building lines. The scale and pattern of existing streets, squares, lanes and spaces should be considered.
- The existing palette of materials and finishes, architectural detailing and landscaping including walls, gates, street furniture, paving and planting.

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

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

**Section 15.13.4 Backland Housing** – defined as development of land that lies to the rear of an existing property or building line. It is stated that this form of development requires more innovation and reinterpretation to enable comprehensive development of these spaces.

**Section 15.15** provides guidance in relation to new development in respect of Archaeology (15.15.1) and Built Heritage (15.15.2).

- 5.5.11. Appendix 3 Achieving Sustainable Compact Growth Policy for Density and Building Height in the City** – This section sets out a policy approach for the assessment of development of increased height, scale and density in the city that aligns with the Building Height Guidelines, including identifying areas where increased building height will be supported (SPPR 1) and providing a series of performance based development management criteria to ensure protection of residential, heritage, streetscape and landscape amenity (SPPR 3). All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3.
- 5.5.12. Section 3.2 Density** –the highest densities should be located at the most accessible and sustainable locations. However, an urban design and quality led approach is required. The focus should not be just on maximising density to maximise yield, but on a range of qualitative criteria including consideration of architecture, urban design and quality placemaking. A net density range of 100-250 units/ha are recommended within the canals (Table 1). There is a general presumption against densities of over 300 dw/ha. A Plot Ratio of 2.5-3.0 and Site Coverage of 60-90% are recommended standards for city centre sites (Table 2).
- 5.5.13.** In considering locations for greater height/density, regard must be had to the local prevailing context. This is particularly important in the lower scaled areas of the city where broader consideration must be given to potential impacts such as overshadowing and overlooking, as well as the visual, functional, environmental and cumulative impacts of increased building height. The performance criteria (Table 3) include respecting and/or complementing existing and established surrounding urban structure, character and local context, scale and built and natural heritage.
- 5.5.14. Chapelizod & Environs Architectural Conservation Area (7/12/09)** This document sets out the historical and architectural significance of the historic village and the individual elements that contribute to its overall character. In respect of new development within the ACA, Policy 6.3 states that such development is essential to the vibrancy and sustainability of the village. The following criteria will be taken into account when considering the impact of new development on the immediate surroundings of a site as well as the broader townscape and landscape setting:
- The height, scale and orientation of the proposed development.

- The bulk, massing and density of the proposed development and its layout in relation to any building line and the surrounding plan form.
- The quality and type of materials to be used in the construction of the development, any boundary treatments and landscaping.
- The design and detail of the proposed development.
- The retention of the traditional plot boundaries of the village.
- The retention and maintenance of historic street furniture, surfaces and boundary treatments.

## 5.6. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA (004024) – approx. 8km to the east.

South Dublin Bay SAC (000210) - approx. 9km to the south-east.

North Bull Island SPA (004006) – approx. 13km to the east.

North Dublin Bay SAC (000206) – approx. 13km to the east.

Rye Water Valley/Carton SAC (001398) - approx. 10km to the west

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. Two third-party appeals against the decision to grant planning permission have been received. One is from COVA and the other is from Leo Collins of 3 Drummond House. The main points raised may be summarised as follows:

#### **COVA (Chapelizod Old Village Association)**

- 6.1.2. The appeal was submitted by Greg Zakrzewski, Architect, on behalf of COVA. It comprises a critique of the planning authority's decision and includes an assessment of the massing and visual impact issues of the proposed design and a set of possible alternative designs. It also includes a report by Pinnacle Consulting Engineers on traffic/transport issues. The main points raised may be summarized as follows:

- **Insensitivity to built heritage** – The proposal is in the heart of the ACA and is surrounded on all sides by Protected Structures. These include Leitrim Lodge, Drummond House, St. Laurence’s Church, No. 34 Main Street and the Pheonix Park wall (also RMP). There are also several other historic structures such as St. Laurence’s School and Mulberry cottages. The backland site, in such a sensitive historic area, is unsuitable for the scale and design of the large monolithic block of apartments.
- **Design approach, density and housing typology** – the design approach comprising a single large 5-storey block of apartments is the wrong approach for this sensitive site. Neither a 2-storey suburban housing solution nor a single tall apartment block is the appropriate choice for this site, given the urban grain of the village which consists of tightly planned, small-scale cottages around small streets and squares. The site does not have the benefit of a street-frontage or a river frontage, and therefore needs an approach suited to backland development. The proposed development weakens connections with the existing fabric by ignoring basic principles of building lines and the apartment building towers over the surrounding properties.
- **Inappropriate massing, bulk and building lines** – the biggest mistake of the current proposal is to follow the building line and design approach of Drummond House, which has a direct relationship with the street and can therefore dominate its surroundings. The proposed apartment block has a very poor relationship with the surrounding buildings as the views from the proposed units are towards the rear elevations and back gardens of the houses on Martin’s Row. It will also destroy the amenity of the school.
- **Residential amenity** – the proposed development will result in poor quality residential amenity for the future occupiers by reason of poor outlook and inadequately sized open space. It will also adversely affect the amenities of the neighbouring properties due to overlooking.
- **Alternative design proposal** – The appellant has provided a comprehensive set of alternative design proposals for a low-rise medium density residential scheme comprising a mix of houses, duplexes and apartments, which would also include refurbishing Leitrim Lodge as a single dwelling. This would

provide for a total of 24 units (one more than is currently proposed) but is an alternative format with low height, shallow unit plans located around the perimeter of the site and overlooking a central courtyard. It would provide 10 no. 2-3 bed terraced housing units, 7 no. 2-bed duplex apartments and 7 no. 1-bed apartments. The submitted drawings are in 3-D form.

- **Leitrim Lodge Framework Plan** – the City Council commissioned Shaffrey Associates to prepare a (2006) a Framework Plan for lands at Leitrim Lodge, Chapelizod which included the development of the associated lands for housing. This design approach also involved lower-height housing arranged around a central square/courtyard.
- **Archaeology** – the north-eastern part of the site is reputed to have archaeological potential and may contain human remains as an informal medieval burial site, which may have been historically connected to the church and graveyard. The proposed drainage infrastructure will travel through this area and affect any sub-surface archaeology.
- **Drainage** – the drainage in Chapelizod is old and requires an upgrade. The existing system is a combined one and at times of heavy rainfall, large volumes of surface water running down from the Phoenix Park floods the drains. This means that untreated sewage ends up in the Liffey. No further development should be permitted in the village until this upgrade is complete.
- **Church Lane too narrow and contains pinch point** - Inaccuracies in the submitted drawings mean that it is not possible to fit both a compliant footpath and a compliant vehicular carriageway along Church Lane. It fails to comply with the DCC Taking in Charge Standards, with Appendix 5 of the Dublin CDP 2022 and with DMURS, as the width should be 4.8m if a footpath is included and 5.5m if not included.
- **Substandard road network** – the proposed development would be located on a substandard road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities. Sightlines at the entrance/exit of church Lane are substandard and may contribute to a collision involving a vehicle and vulnerable road users such as children attending the school.



- **Road safety** – It would endanger public safety by reason of traffic hazard. Church Lane is incapable of catering for the quantum of development proposed. The lane is already severely congested due to school related and church related traffic. The generation of additional traffic on this substandard laneway without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard. A Road Safety Audit should be required to be carried out.
- **Parking provision and accessibility to public transport** – The proposal is located greater than 5 minutes walking distance from high-frequency transport services (6 minutes/500m) and the published bus timetable indicates 15-minute frequency rather than the recommended 10-minute frequency (Apartment Guidelines). Given the limited public transport locally, combined with the lack of major employers and/or supermarkets in Chapelizod, the development is likely to be car dependent. Thus, the limited parking provision could result in overspill parking on the congested roads leading to potential illegal parking.
- **Emergency vehicle access** - The proposal would endanger public safety due to the lack of emergency vehicle access. Church Lane, which has a section with a maximum width of 3.0m and no turning circle, is incapable of catering for the minimum standards set out in Technical Guidance Document B - Fire Safety (2006). Traffic congestion on Martin's Row would also make it difficult for emergency vehicles to access the site.

### **Leo Collins, 3 Drummond House**

**6.1.3. Drummond House** - was constructed in c.1840 and is of social and architectural importance, as it was part of the former Drummond Institution, a home for the orphan daughters of soldiers. It is a Protected Structure and the idyllic setting and enclosing walls of its early appearance add to the setting and contribute to the architectural and visual quality of Chapelizod.

**6.1.4. Height and scale of apartment block** - The scale of the proposed development would dramatically affect the appearance of No. 3 and 4 Drummond House and would be out of character with the scale of the Protected Structure. There is no objection to the redevelopment of the site for housing, but the height of the building

immediately adjacent to Drummond House will effectively make his property a terraced building and change the overall appearance of the PS. It is requested that the height of the building be reduced and that a gap be provided between it and the adjoining building to protect its architectural appearance.

## **6.2. Planning Authority Response**

**6.2.1.** The P.A. responded to the grounds of appeal on the 15<sup>th</sup> of February 2023. It was requested that the Board uphold the decision of the P.A.

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

1. Payment of a S48 development contribution
2. Payment of a bond.
3. Payment of a contribution in lieu of open space requirement not being met.
4. A social housing condition.
5. A naming and numbering condition.

## **6.3. Observations on grounds of appeal**

One observation has been submitted to the grounds of appeal. This was received from the Board of Management of St. Laurence's School on the 9<sup>th</sup> of February 2023. The points raised are similar to those raised in the submission to the planning authority and can be summarised as follows:

- **Traffic safety issues** – the traffic plan for the development has not adequately considered the current use of Church Lane. These include:
  - Access to school by pupils on foot, scooter, bicycle (8.45, 13.30, 14.30)
  - Churchyard used as fire gathering point for school.
  - Church used by school for religious education/performances and is accessed by foot via Martin's Row and Church Lane.
  - Churchyard used for school staff parking (c. 5 cars) which is accessed by means of manually operated gate. This requires stopping and opening and

closing the gates. Frequently staff vehicles have to reverse out onto Church Lane.

- Church goers often congregate in the churchyard and on the adjoining paths and laneways before and after the service.
- Boundary wall to 34 Main Street is 2m high (existing and proposed) but no visibility is possible until vehicles are right on the footpath. The inadequacy of the sightlines results in a serious traffic hazard especially to school children.

A series of photographs illustrating the lack of sightlines and the traffic congestion in the mornings (Appendix A).

- **Impact on historic setting of the school** – The inherent character of Chapelizod village created by the sequencing of public spaces (including church Lane and the churchyard), provides a sense of place within the village. As the site forms an integral part of the village nucleus of Chapelizod, incorporating the school, church and other surrounding historic buildings, the proposed development will permanently damage this inherent character of the village.
  - **Church Lane** - The character of Church Lane will be irrevocably changed by the demolition of the boundary wall to No. 34 Main Street and the potential loss of stone setts along the surface. The removal of the porches to the houses fronting the lane will also alter its character. The widening of the lane will irrevocably alter the character of the lane which forms part of the sequencing of spaces within the village.
  - **St. Laurence's Church** - the church, including a secluded mature churchyard, enclosed by high boundary walls and gates, is a Protected Structure which includes a medieval church tower and forms an integral part of the character of the historic village. The setting of the church will be permanently altered by the realignment of the boundary wall of No. 34 Main Street leading to the gates and by the construction of a 5-storey apartment block.

- **St. Laurence's National School** – this is a small, single-storey 2-room school, which was previously used as a catholic chapel. The building retains its original form, masonry walls, slate roof and window openings. The proposed apartment block will introduce a 4-storey (16.6m long) gable wall immediately adjacent to the schoolyard wall. This will result in an overbearing and dominant feature to the historic school building and its setting. It will also cause overshadowing of the school building. Given the important role that the school and church play in the cluster of buildings at the nucleus of the historic village, it is considered that a more respectful relationship is required.
- **34 Main Street** – this early Georgian (c.1730) 3-storey over basement building is in a prominent position on the main street at the entrance to Church Lane. Its boundary walls, of roughcast render, run to meet the church gates. It has been allowed to deteriorate to a dangerous state. The proposed development will permanently change the boundary of this Protected Structure and of the historic plot grain of the village site. Notwithstanding its poor condition, no works, other than the demolition and rebuilding of the boundary wall, are proposed to this historic building.
- **Medieval finds** – the archaeological dig in 1992 at Stewart's Hospital, identified a medieval ditch dating to the 13<sup>th</sup> Century and some human burial sites. The proposed development will cause potential disruption to the archaeological environment. It would also have a strong impact on the heritage-related urban layout and physical appearance of the site.
- **Historic buildings and structures** – the proposal does not take into account the historic plot grain of the village which was set out during medieval times. The impact on No. 4 Drummond House, a single-storey PS, from the close proximity of the apartment block has not been adequately addressed. The 4-storey gable wall of the apartment block would be only 215mm from the gable wall of the protected structure, which would result in unacceptable impacts on this historic building.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1.** A very similar development proposal was considered by the Board in August 2020 (ABP.306791-20). The applicants have not altered the density, design, scale or layout of the proposed apartment scheme in the current submission, and the quality and layout of accommodation also remains unchanged. The appeal in 2020 was a first party against refusal by the planning authority. Both the P.A. and the Board had decided to refuse permission based on a single reason which related to a traffic hazard arising from the substandard width of Church Lane, the inability of the lane to accommodate two-way traffic and pedestrian movement simultaneously, the existing junction with Martin's Row and the extent to which traffic on Church Lane would be intensified.
- 7.1.2.** The current application/appeal seeks to address this single reason for refusal by widening Church Lane, improving the junction with Martin's Row, providing for pedestrian facilities and traffic management. In these circumstances, it would be reasonable to confine the assessment of the case to the traffic impact and safety matters. However, the proposed amendments to the scheme involve alterations to a Protected Structure which occupies a central location within the Chapelizod Architectural Conservation Area and the impacts on the built heritage must also, therefore, be considered. Furthermore, there have been changes to the planning policy framework for the area in terms of a new Dublin City Development Plan (2022) which came into effect after the P.A. decision, and a new S28 Ministerial Guidelines document (Sustainable and Compact Settlements Guidelines for Planning Authorities, January 2024), published since the previous Board decision was made. The proposed development must also be assessed, therefore, against any relevant changes in planning policy.
- 7.1.3.** It is considered that the main issues arising from the appeal are as follows: -
- Traffic and access issues
  - Compliance with policy
  - Design and Architectural Conservation issues

- Residential amenity
- Biodiversity and nature conservation issues
- Archaeological impact
- Drainage issues
- Environmental Impact Assessment
- Appropriate Assessment

## 7.2. Traffic, parking and access

7.2.1. The proposed development seeks to address the single reason for refusal of the previous Borad decision (306791), based on traffic hazard. As the new CDP 2022-2028 has since been adopted and the Sustainable Residential Development and Compact Settlements Guidelines (SRDCSG) were published in January 2024, (including SSPRs relating to car parking and bicycle parking), it is also necessary to assess the proposed development in light of these new policies and standards.

7.2.2. The reason for refusal (306791) reads as follows:

Having regard to the substandard width of Church Lane, which cannot accommodate two-way vehicular traffic and pedestrian movement simultaneously, and the existing junction with Martin's Row and the extent to which traffic on Church Lane would be intensified, it is considered that the proposed development would give rise to serious conflicts between vehicles and pedestrians and would, therefore, endanger public safety by reason of a traffic hazard.

7.2.3. The Board's Inspector had identified several problems which had not been adequately addressed in the previous submissions. In summary, these related to

- **The inadequate width of the lane entrance (3.5m)** - although it had been proposed to increase the width to 4.3m by eliminating the footpath and porches, the width of the entire lane was found to have varied significantly with pinch points which would endanger pedestrians and would also hinder two-way traffic. The access was considered to be too narrow to accommodate an access to a multi-unit development.

- **Traffic levels on the lane** – the trip generation analysis, indicating 53 trips over 24 hours, did not account for the use of the lane by churchgoers and school related traffic.
- **Autotrack for fire tenders** – service vehicles, including fire tenders, would not be able to access the development safely as the swept path analysis indicates a requirement to mount the footpath buildout at the entrance and for vehicles to swing out onto oncoming traffic for both entering and existing traffic.
- **Restricted forward sightlines** – the proposal to incorporate a yield sign for vehicles exiting in order to give priority for traffic entering the lane was considered to be inadequate mitigation as the forward sight lines off Martin’s Row and at the yield sign would not prevent vehicles meeting on the lane and thereby causing one to reverse onto the main road.
- **Traffic congestion** - heavy volumes of traffic were noted on Martin’s Row, which appeared to be used as an alternative to the Chapelizod By-pass for city-bound commuters, which was observed during a site inspection.
- **Parking** – notwithstanding CDP policies which could facilitate minimisation of car parking spaces, it was considered that as the site is not located in a core city area or highly accessible location and given the traffic congestion and road safety issues observed, a reduction in parking levels would not address the issues outlined above.

**7.2.4.** The proposal currently before the Board, which includes the amendments submitted as FI to the P.A. on the 24<sup>th</sup> November 2022, includes the following elements:

- **Entrance to laneway** - A widened entrance to Church Lane (at Martin’s Row) from 6685mm to 7300mm (gable wall to boundary wall). This is achieved by demolishing a section of the existing boundary wall to No. 34 Main Street along Martin’s Row and along Church Lane as far as the church gates (distance of c.15m).
- **Entrance to site** - A widened entrance gateway to site to 3.3m (excluding footpath). This is achieved by demolishing part of the boundary wall and relocation of side entrance to No. 37 Church Lane.

- **Footpath** - Provision of a continuous footpath up to 2000mm in width between Martin's Row and the site entrance, with a minimum width of 1800mm, apart from a small section immediately in front of No. 37 Church Lane, where it is reduced to 1500mm for a distance of 1.5m. This is achieved by the demolition of the side boundary wall to No. 34 Main Street, the partial demolition of the two porches to the cottages fronting onto the lane and the partial demolition of the boundary wall of No. 37 Church Lane.
- **Stop and yield signs/markings on widened lane** – the siting of the proposed Stop and Yield signs at a point on the widened lane where forward visibility would no longer be restricted. This would ensure that priority would be provided to entering vehicles. Adequate queuing capacity has also been provided within the lane in the event that two cars would meet on the laneway, to avoid any reversing onto the main road.
- **Revised autotrack analysis** – the swept path diagrams of the improved and widened lane shows that the service vehicles and fire tender can enter and leave the site without mounting the footpath. Drg. No. NRB-RFI-22-01 also shows a minimum 3.0m road width with 0.3m hard strip at the entrance to the site, with a further yield sign at the exit from the development onto the lane.

**7.2.5.** It is considered that the proposed development has addressed the road safety issues associated with the inadequate width of the laneway at the entrance to both the lane and the site, the restricted sightlines and the adequacy of the access for servicing vehicles and fire tenders. The provision of a continuous footpath which is 1.8m in width for the majority of its length is also a significant improvement on the previous proposal. I do not think that a pinch point of 1500mm for a distance of 1500m is sufficient to give rise to a serious traffic hazard, particularly as there is a significantly wider section immediately to the north of the pinch point, and yield signs at either end of the stretch of laneway.

**7.2.6.** I inspected the site on a Monday morning arriving at 08.20. It was a normal school day, and I observed the school drop-off from Martin's Row during this time. I noted that the majority of children arrived on foot and entered the school via the pedestrian school entrance, which is located approx. 20 metres to the west of Church Lane. As there is no vehicular drop-off or parking area for the school, some parents parked on



a street parking space, at the entrance to the Mill Race Apartment block and one car parked at the entrance to Church Lane. However, I did not observe anybody using Church Lane to access the school either by foot or by car. There were some cars parked inside the church gate, with the gate closed and locked.

**7.2.7.** The use of the church may result in some conflict with pedestrians before and after church services. However, the churchyard does not appear to include a carpark apart from a small set-down area and there will be a footpath along the western side of the lane. There is also a second lane to the east of No. 34 which serves the church grounds. It is unlikely, therefore, that the proposed development would give rise to any significant degree of pedestrian conflict with the church and school users of the lane.

**7.2.8.** The traffic on Martin's Row in the vicinity of the site during the period from 8.20 to approx. 9.40 varied from very light to congested. There was little or no congestion during the school drop-off between 8.30 and 9.00, but traffic queues began to develop after 9.00. However, the congestion seemed to dissipate reasonably quickly adjacent to the site, and completely once past the village main street enroute to the city centre.

**7.2.9.** The **Dublin City Development Plan 2022** parking (car and cycle) standards are set out in **Appendix 5 (Volume 2)**. The site is located within **Zone 2** (Map J, Volume 3) which relates to the areas outside the canals cordon and alongside key public transport corridors. The **car parking standards for Zone 2** (Table 2 Appendix 5) are as follows:

Residential/apartments – 1.0 spaces per dwelling

Thus, the required car parking provision for the development is 24 no. parking spaces (23 no. apartments and one single dwelling). It should be noted that this is a maximum parking standard which is generally consistent with SPPR 3 of the SRDCSG (2024) which states that car-parking provision should be substantially reduced in city centres and urban neighbourhoods of the 5 cities with a maximum parking rate of 1 space per dwelling. However, in 'Accessible Locations' and 'Intermediate locations' (Table 3.8 of SRDCSG 2024), the relevant standard is 1.5 spaces and 2.0 spaces per dwelling, respectively, which are maximum standards.

**7.2.10.** The proposed development includes a car-parking provision of 23 spaces for the apartments with 6 no. visitor spaces, and 2 spaces for the restored Leitrim Lodge. This provision is slightly above the 2022 CDP standards. However, as noted by the Board's Inspector in the previous decision (306791), the site is not located in a highly accessible location. Although the site is located in the centre of the village, there is only a small supermarket and not very many shops. There is also little or no capacity in terms of on-street parking near the site. I also note that at the time that the application was decided by the P.A., the site was located within Zone 3, (2016 CPD), for which the parking standard was 1.5 spaces per dwelling (36 spaces required). Although the site is now located within Zone 2, it is not one that is highly accessible by means of high frequency and high-capacity public transport.

**7.2.11.** Notwithstanding this, I note that the P.A. decision (condition 6(e)) required a revised carparking layout with a maximum of 26 spaces with 3 visitor parking spaces. In light of the policies contained in the new CDP and Compact Settlement Guidelines, I would agree with this approach. It is considered, therefore, that the site is in an 'Intermediate Location' and having regard to the local context, subject to these revisions, it would comply with the requirements of SPPR3 and the 2022 CPD.

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

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

Thus, the required number of cycle spaces is at least 59 spaces (47 spaces for the apartments plus 12 visitor spaces). The proposed provision of 64 no. spaces exceeds these requirements and is also consistent with the requirements of SPPR 4 of the SRDCSG (2024). Provision should be made for cargo bikes and electric bike charging also. It is noted that secure parking space is provided for the cycle spaces.

**7.2.13.** In conclusion, it is considered that the proposed development has provided for an increased width of Church Lane which would facilitate two-way vehicular traffic and pedestrian movement simultaneously, would provide for improved forward visibility sightlines with measures to ensure that vehicles entering the site would have priority and provision for a continuous footpath along the lane. It is considered, therefore, that the proposed development has adequately addressed the reason for refusal based on traffic safety of the previous Board decision (306791). It is further

considered that having regard to the relatively low level of traffic that would be generated by the proposed development, together with the proposed enhancements to the traffic safety of the lane and the entrance, the proposed development would not endanger public safety by reason of a traffic hazard. The proposed development also complies with the relevant standards for car parking and cycle parking provision.

### **7.3. Compliance with policy**

- 7.3.1.** The **National Planning Framework** seeks to achieve more compact growth and sustainable development in our cities and towns with a greater proportion of development at higher densities in central and highly accessible locations. The **Building Height Guidelines** (2018) and the **Apartment Guidelines** (2018 as amended) have similar objectives and seek to reinforce the national policy objectives in the NPF. The recently published **Sustainable Residential Development and Compact Settlements Guidelines (2024)** re-emphasise the need to achieve compact growth including an increase in the scale of buildings, particularly sites in city centres and close to public transport nodes and interchanges (1.3.2). However, it is also emphasised that the scale and form of development will have to be adapted to the receiving environment to ensure a more proportionate response.
- 7.3.2.** Thus, whilst the tiered approach remains the primary factor in determining the appropriate residential densities, with the highest densities in central cores/highly accessible locations, the new Compact Settlement guidelines seek to tailor the policy approach to local circumstances. Broad density ranges are set out in Section 3.3 of the guidelines, with advice on how to further refine the density in Section 3.4. This refinement is based on a two-step approach, firstly, an assessment of the proximity/accessibility of a site to services and public transport nodes, and secondly, consideration of the character, amenity and natural environment of the local receiving environment under specific headings.
- 7.3.3.** The site is located within the City-Suburban/Urban Extension category of Dublin (Table 3.1), where the recommended density range is 40dph to 80dph (net), with densities of up to 150dph open for consideration at 'accessible' locations. These locations include being within 500m, (5–6-minute walk) of a planned high frequency, (10-minute peak hour frequency) urban bus service. Refinement of density (3.4) in accordance with accessibility of the location is set out in Table 3.8 of the guidelines.

Based on the limited information on the file, it is considered that the site is located in an 'Intermediate Location' as it is within 500m of a reasonably frequent (minimum 15-minute peak hour frequency) urban bus service. As such, the proposed density at 59dph is considered to be in the mid-point of the density range, which is appropriate.

**7.3.4.** Step 2 of the refinement process involves a more detailed consideration of character, amenity and the natural environment to ensure that the quantum and scale of development can integrate successfully into the receiving environment. It is stated (3.4.2) that new development should not result in a significantly negative impact on character (including historic character), amenity or the natural environment.

Evaluation of these matters should include the following -

- Consideration of the impact on the prevailing scale and mass of buildings, urban grain and architectural language, any particular sensitivities and the capacity of the area for change.
- Assessment of the impact on the historic environment including the historical evolution, urban form, street pattern, building typologies and building plots that define the historic environments and the requirement to protect the character and setting of a protected structure and architectural heritage.
- Evaluation of impact on the environment and on protected habitats and species and the protection of natural features and ecosystems.
- Consideration of the impact on the amenities of residential properties in close proximity to sites, including privacy, daylight and sunlight and microclimate.

**7.3.5.** The site is located in the heart of an established village with easy access to shops, cafes, community facilities and is served by a good quality urban bus service. Thus, the location is one which would support the ambition for increased density and building height, as contained in the proposed development. However, having regard to the refinement criteria set out in 3.4.2 of the new Guidelines, it is considered that the backland nature of the site, combined with its location in the heart of a historic and sensitive environment, close to several Protected Structures, is likely to require a more detailed assessment of the design approach in terms of its responsiveness to this sensitive historic environment. Prior to this, however, it is necessary to consider the policies of the new City Development Plan (2022), which came into effect following the P.A. decision.

- 7.3.6.** The Core Strategy of the current **Dublin City Development Plan 2022-2028** continues to promote ‘compact growth’ which ‘involves the better use of available land within the built-up areas close to public transport and the city centre for development opportunities.’ As in the 2016 Plan, various policy objectives seek to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. The Zoning objective for **Z1 is to Protect, provide and improve residential amenities**, which has not changed fundamentally from the 2016 CDP.
- 7.3.7.** A range of policy objectives in Chapters 4, 5 and 11 of the new City Development Plan 2022 support higher densities and increased height in appropriate locations, particularly where they are well served by high quality public transport and easily accessible to facilities, services and amenities. These include SC3, SC10, SC11, QHSN 10 (as summarised in section 5.5 above). Compact growth and sustainable densities are encouraged through consolidation and intensification of infill and brownfield sites. The policies and objectives set out in Chapter 11 also seek to conserve and enhance protected structures and their settings, and the special interest and character of ACAs, with a presumption against demolition.
- 7.3.8.** In general, these policies are similar to the policies and objectives of the 2016 CDP. However, there is a greater emphasis in the new CDP on the need to have regard to the prevailing context as well as the impact on residential amenity and heritage factors. It is emphasised that, in tandem with these objectives to create a more compact city, it is essential to create sustainable communities and to achieve a balance between higher densities and protection of amenities, environmental sensitivities and contribute positively to the established character of the area and to achieve high standards of urban design and architecture, (policies SC16, SC19, SC21, SC22 and QHSN 36refer).
- 7.3.9.** Building Height Strategy (Appendix 3 of the CDP (Volume 1) identifies areas where increased building height will be supported and includes a series of performance-based criteria for proposals with significant increased height and density over the existing prevailing context to ensure protection of heritage, streetscape and residential amenity (Table 3). The Building Height Strategy takes a similar approach to that set out in the Compact Settlement Guidelines. It is stated that the focus should not be confined to maximising density to maximise yield, but on a range of

qualitative criteria including respect for the existing character, context and urban form of an area and protection of residential amenity, as well as accessibility to public transport. The strategy encourages a varied typology of units and states that higher density does not necessarily equate to higher buildings.

- 7.3.10.** The third-party appeal submission from COVA, although pre-dating the adoption of these policies, makes similar points and includes an alternative design solution based on a mid-rise, 3-storey development of a mix of duplexes and apartments, which would be arranged around a central square. This alternative solution, it is pointed out by COVA, would be capable of achieving the same or a slightly higher density of development, yet it is submitted, would be more respectful of the established character, scale and urban grain of the surrounding development. However, the proposal that is before the Board is the one that was submitted by the first party, which has previously been assessed by the Board in 2020 as being appropriate to its context. I will, therefore, confine my assessment to the adequacy of the design approach of the proposed development currently before the Board with reference to any recent changes in policy and any changes to the proposed development.

#### **7.4. Design and Architectural Conservation Issues**

- 7.4.1.** The refinement of density in respect of the local context, as required by the Compact Settlement Guidelines and the 2022 CDP, involves a more detailed consideration of character, amenity and the natural environment to ensure that the quantum and scale of development can integrate successfully into the receiving environment, with particular reference to avoidance of adverse impacts on the historic environment and the need to protect the character and setting of protected structures.
- 7.4.2.** At the outset, it is worth reiterating that although the building may differ in height and scale to that prevailing nearby, it is well within the indicative plot ratios, site coverage and recommended densities for the outer suburbs in the CDP, having a plot ratio of 0.67, a site coverage of 26.9% and a density of 59dph. It is considered, however, that the height, bulk, scale and mass of the proposed apartment building deviates somewhat from the prevailing scale and mass of the buildings on adjoining sites, which are generally of a lower height, smaller scale with a much finer urban grain. It also contrasts with the scale and architectural design of some of the historic

buildings nearby such as Leitrim Lodge (PS), the medieval Church Tower (PS) and No. 34 Main Street (PS). However, it is similar in form and height to the central Georgian section of Drummond House Terrace (PS).

- 7.4.3.** The design strategy for the apartment building is stated as comprising the setting of the building into the lower part of the site, thereby maintaining a reasonable setting for Leitrim Lodge. It also takes its reference from Drummond House Terrace, the western (Georgian) section of which has a similar height, scale, bulk and mass and is set back a similar distance from Martin's Row. The proposed building is similar to the Georgian dwellings in height, scale and external finishes. The solid to void pattern created by the openings on the front elevation also follow the fenestration pattern of the Georgian buildings. The 3-storey over basement Georgian terrace is visually separated from the proposed apartment block by the single and 2-storey Victorian addition to Drummond House Terrace, which also forms part of the protected terrace.
- 7.4.4.** The third parties have argued that this element of the design approach detracts from the character and setting of the Protected Structures at Nos. 3-4 Drummond House Terrace. The FI submission to the P.A. (24/11/22) addressed this issue to some extent in that it was demonstrated that the proposed building would be set back from the side gable of No. 4 and that the front elevation of the apartment building would be set behind the established building line of the terrace. I also noted from my site inspection that the side gable of No. 4 is a plain smooth-rendered and unpainted gable with no windows and that the front elevations of 3-4 Drummond House Terrace are largely screened from the main street behind a high wall with mature vegetation. Although there would be glimpses of the apartment building to the rear of Mulberry Cottages from Main Street, it is considered that due to the siting of the proposed building at the lowest part of the site, generally in line with Drummond Terrace, and to the screening effect of a combination of existing buildings, walls and mature trees and vegetation, the apartment building would appear as an additional terrace to the rear, with only the top floors visible. It is considered, therefore, that the proposal would not detract unduly from the character and setting of the Protected Structure, Drummond House Terrace.
- 7.4.5.** A further fundamental element of the design approach is the setting of the building at a lower level, taking advantage of the natural slope and reducing the ground levels

further, which minimises the impact on Leitrim Lodge. This factor, together with the proposals to sensitively restore and upgrade the derelict PS and return it to residential use as a single-family dwelling, are important considerations in terms of conservation of historic buildings at this location. The site, which forms part of the curtilage and attendant grounds of Leitrim Lodge, is currently severely overgrown and in a derelict state, with extensive areas of scrub, derelict outbuildings, abandoned vehicles etc. Mulberry Cottages, which back onto the site, are also vacant and in a derelict state. Leitrim Lodge itself is in a very poor condition with evidence of dry rot and water ingress, which in the absence of appropriate intervention, would be likely to endanger the future conservation of this important Protected Structure. In addition to the restoration of Leitrim Lodge, it is proposed to demolish the outbuildings and to landscape the site as part of the redevelopment proposals. Thus, the proposed development would have significantly positive impacts on the Protected Structure, Leitrim Lodge, and its setting.

- 7.4.6.** It is considered that the impact of the proposed apartment building on the setting of St. Laurence's Church (PS) and the medieval church tower, when viewed from the site of the proposed building and from the adjoining Protected Structures of Leitrim Lodge and Drummond House Terrace, respectively, is mitigated by a combination of factors including the separation distance from the church tower (over 30m), the screening effect of intervening buildings (school house and cottages) and by the relative height of the proposed building (with recessed roof and sunken lower levels).
- 7.4.7.** The assessment of the likely impact of the proposed development on St. Laurence's Church (PS) and No. 34 Main Street (PS), as well as on the narrow and historically significant Church Lane, all of which form an integral part of the ACA, requires examination of different elements of the proposed development. Chapelizod has its origins in the prehistoric period as a strategic fording point on the River Liffey and takes its name from the chapel of Iseult. St. Laurence's Church, which dates from the 15<sup>th</sup> century, but may have been built on the site of a former medieval church, is an integral part of the foundations of the village. The character of the ACA is described in the Chapelizod and Environs ACA Report (3.0) as being formed by its ancient pattern and varied building types, which are two, three and four storeys in height, which generally retain their narrow plot widths and are clustered around the ancient church, with its narrow laneway leading to it.



**7.4.8.** Church Lane is bounded to the west by two cottages which front directly onto it with two protruding porches, and to the east by the site of No. 34 Main Street. It forms the main access to St. Laurence's Church and churchyard and is also the main access to the site of the proposed development and Leitrim Lodge. It includes two linear cobble-stone sets which run along each side of the lane. The Architectural Heritage Impact Assessment report submitted with the application indicates there were originally two attached dwelling houses, but No. 34 Main Street is the only surviving one, and that the boundary wall is likely to be the remnants of the house that was demolished (in the late 19<sup>th</sup> century). The house is described in the ACA report as an impressive three-storey over basement townhouse and is also known as 'The House by the Churchyard', being the childhood home of author Joseph Sheridan Le Fanu (1863), in which the house featured.

**7.4.9.** The proposed development seeks to address the previous reason for refusal by widening the lane to 5.3 metres (excluding footpath) as far as church gates, involving the demolition and realignment of a substantial part of the boundary wall to No. 34 Main Street and by demolishing substantial parts of the porches of the two dwellings which front onto the lane. It is considered that the removal of the porches would not have a significant effect on the character of the lane or the setting of the Protected Structures. However, the views towards the church and tower from the street, as well as the character of both the narrow, enclosed lane and No. 34 Main Street (PS), would be altered significantly by the proposal to demolish part of the boundary wall of No. 34 Main Street. The demolition would result in the loss of historic fabric and construction of the wall, including the coping stones of the original parapet of the demolished house. It would also result in the potential loss of the stone cobble sets. It would result in a shorter section of front wall and in a much wider section of lane leading to the church, which would change the relationship of the church with the lane and the main street. The entrance from the lane to the grounds of Leitrim Lodge would also be altered by the demolition of a small section of wall on the western side of the gate and by the removal of the gates. However, the pier on the eastern side, which is integral to the churchyard wall would remain unaltered.

**7.4.10.** Mitigation is proposed by rebuilding the wall on its new alignment using traditional construction methods and materials and finishing it with wet-dash lime render. A method statement is set out in Section 6.1 of the AHIA report. It is also proposed to

relay the cobbled drain on either side of the new access lane using conservation methods and to carefully dismantle the porches and to rebuild them to a depth of c.200mm using traditional stone masonry, roof tiling materials and finishes. The justification for the works to the wall, porches and lane is stated as being essential works to provide safe pedestrian access as well as access for vehicles and fire tenders to the proposed development.

- 7.4.11.** I would agree that the removal of a section of the wall, together with the other changes to the lane, would alter the narrow, enclosed nature of the lane which forms a significant element in the secluded setting of the Protected Structures of St. Laurence's Church and its church tower and the character of the PS, No. 34 Main St. as well as the character of the Chapelizod ACA. However, the imposing church tower and the attractive stone boundary walls and gates associated with the church will remain the focus of the view from the street and the lane. No. 34 Main Street is in a poor state of repair with evidence of scaffolding and shoring up at the rear. The wall itself is also in poor condition with visible cracks in the render, evidence of damp penetration and vegetation growing over the top. Notwithstanding the loss of historic fabric and character, the reconstruction of part of the wall would result in a more secure and visually attractive boundary wall and would help to secure its conservation in the longer term. However, it is considered that should the Board be minded to grant permission, a condition should be attached requiring the remainder of the boundary wall to be made secure and to be restored using traditional methods.
- 7.4.12.** In conclusion, it is considered that the design approach would result in the introduction of a large single block of apartments into a backland site which would differ from the prevailing scale, mass and height of surrounding buildings, but following mitigation, could successfully integrate into the sensitive historic environment and would secure the preservation of some of the historic buildings in the surrounding area. This is due to the setting of the building at the lowest part of the site, the informing of the design and setback of the block by the Protected Structure at Drummond House Terrace and the relatively secluded nature of the site, which is largely screened from Main Street by existing buildings and mature vegetation. The most notable element of the proposal which would have a significant impact on the built heritage of the area are the changes to Church Lane and, in particular, the removal of part of the boundary wall. However, this is justified by the

need to provide for safe pedestrian and vehicular access and, with mitigation, would minimise the impact on the historic character of the area, and furthermore, the proposed development would ensure the conservation and long-term future of Leitrim Lodge.

## **7.5. Residential amenity**

- 7.5.1.** As stated previously, the proposed development has been assessed against the Apartment Guidelines (2018 as amended) and has been found to meet or exceed the standards contained in these Guidelines. COVA has, however, raised the issue of impact on residential amenity in respect of the poor-quality outlook and inadequately sized open space for the future occupiers. It should be noted that in terms of residential amenity, the proposed development does not differ in any material way from that proposal that was assessed by the Board under 306791. The Board's Inspector had concluded, in that case, that there would be no significant impact on either the residential amenity of the future occupiers or of the occupiers of adjoining premises. In the meantime, the City Council's new Development Plan 2022 has come into effect and the Sustainable Residential Development and Compact Settlement Guidelines 2024 have been published.
- 7.5.2.** The proposed development provides private amenity space with balcony depths of 1.5m and the floor areas meet or exceed the minimum requirements for each apartment type. Communal amenity space (communal terrace of 130m<sup>2</sup> and communal garden of 241m<sup>2</sup>) are provided and the Schedule of Accommodation indicates that the required minimum standards are exceeded in both cases. The P.A. was satisfied that the level of open space provision was satisfactory. I would agree that the open space provision is generally in accordance with the required standards.
- 7.5.3.** It is noted that the Board's Inspector (306791) had assessed the potential impacts on adjoining properties in respect of overshadowing and overlooking and had concluded that there would be no significant impact arising from the proposed development. The distance between the apartment building and the rear of the properties to the south ranges from 17m to 23m, which was considered to be generally in compliance with the standards contained in the Development Plan (2016), which sought separation distances generally of 22m. It is noted, however, that the Sustainable Residential Development and Compact Settlement Guidelines (2024) have

introduced a new SPPR 1 in relation to Separation Distances. This requires a minimum distance of 16 metres between opposing windows. It is further noted that this SPPR takes precedence over any conflicting provisions in a statutory plan. Thus, the proposed development complies with the updated guidance on this matter.

- 7.5.4.** St. Laurence's National School is located to the east of the site of the proposed apartment building, at a distance of approx. 8-10m. The school yard will lie between the two buildings and the windows of the school will face the side gable of the apartment block. The Board's Inspector (306791) considered that the loss of amenity to the school would not be significant due to the fact that there are no windows on the gable wall overlooking the school and that the schoolyard is already overshadowed by tall mature vegetation on its western boundary. I would agree with this assessment and note that due to the school's westerly orientation, any loss of light would be likely to be mainly in the evenings when the school would be closed.

## **7.6. Biodiversity and natural heritage**

- 7.6.1.** The site has been vacant for many years and is overgrown with scrub and undergrowth. It also adjoins the Phoenix Park with substantial mature trees to the north of the boundary wall. However, there are no trees of any significance on the site to be removed. It is proposed to demolish several disused outbuildings and to restore and bring back into use Leitrim Lodge. The applicant has, therefore, submitted a Bat Assessment with the planning application. This included a site survey carried out in April 2022.
- 7.6.2.** The survey data indicates that, although bats were present (commuting and foraging) within and near the site, no evidence of bat roosts were discovered on site and no bats were recorded entering or leaving any of the buildings. It is noted that although individual droppings were found in Leitrim Lodge (B6) and one other building (B1), the potential for roosts was considered to be low with moderate potential in B1 and moderate-high potential in Leitrim Lodge. It was recommended that a further summer survey be carried out, but there is no indication on file as to whether this was undertaken.
- 7.6.3.** As no bat roosts were recorded on site and the potential for bat roosting was generally considered to be low, apart from two buildings, there is no requirement for

a bat licence to be obtained. However, the survey was carried out in April 2022, which is a sub-optimal time of year to detect maternity roosts, and it was also carried out almost two years ago. It is reasonable to conclude, therefore, that the buildings on site are of low conservation significance for bats based on the criteria from Bat Mitigation Guidelines (NPWS, 2022). However, given the time that has elapsed since the survey was carried out and the sub-optimal timing of the survey, it is considered that a pre-construction survey should be required to be carried out. Should any evidence of bat roosting be found, it would then be necessary for the developer to cease works and to obtain a bat derogation licence. Should the Board be minded to grant planning permission, it is considered that a condition to this effect should be attached to any such permission.

## **7.7. Archaeology**

- 7.7.1.** The third-party appellant raised concerns regarding the archaeological potential of the north-eastern part of the site, which is reputed to have human remains. This is due to a belief that it may have been an informal medieval burial site, which may have been historically connected to the church and graveyard. The appellant was concerned that the proposed drainage infrastructure will travel through this area and affect any sub-surface archaeology.
- 7.7.2.** The City Archaeologist noted that the site is located within a Zone of Archaeological Interest for the Recorded Monument DU018-027 (settlement) which is listed on the Record of Monuments and Places (RMP) for Chapelizod Village. The boundary wall of the site was also noted as being both a Recorded Monument (DU018-00701) and a Protected Structure. However, the City Archaeologist had noted that the application had been accompanied by an Archaeological Impact Assessment Report, which had identified the site as being of 'high archaeological potential' and had recommended that test excavations be carried out.
- 7.7.3.** The AIA identifies several RMP's in the vicinity of the site including the church and graveyard (DU018-027001/02) and a tomb (DU018-027011). It was further noted that the proposed development would involve substantial groundworks to the west of the Church in an area of high archaeological potential and that it is not known how far the medieval remains discovered in 1992 extend across the site. It was,

therefore, recommended that an archaeological test excavation be carried out under licence.

- 7.7.4.** The City Archaeologist had recommended that permission be granted subject to conditions requiring the following -

Archaeological testing and assessment shall be carried out to establish the nature and extent of archaeological deposits and features, including human remains present at the location which it is proposed to develop, and to allow an archaeological impact assessment of the proposed development to be made. Testing should take place prior to commencement of site preparation works, which will serve to inform a detailed strategy for further archaeological mitigation if necessary. The assessment shall include analysis of the impact of proposed development on the southern boundary wall of the Phoenix Park with appropriate mitigation.

- 7.7.5.** I would agree with this recommendation and note that a similar conclusion had been drawn by the Board's Inspector in 306791.

## **7.8. Drainage**

- 7.8.1.** A third-party appellant raised an issue regarding drainage. It was stated that the drainage in Chapelizod is old and requires an upgrade. It was further stated that the existing system is a combined one and at times of heavy rainfall, large volumes of surface water running down from the Phoenix Park floods the drains, which means that untreated sewage ends up in the Liffey. It was submitted that no further development should be permitted in the village until this upgrade is complete.
- 7.8.2.** The application is accompanied by an Engineering Planning Report which outlines the proposed drainage design for the development. The report states that there are existing separate wastewater and surface water sewers in the vicinity of the site and that it is proposed to make separate connections to each sewer. No issues were raised by the City's Drainage Division or Uisce Eireann regarding capacity issues. The City Drainage Engineer (4/7/22 and 2/12/22) raised no objection subject to compliance with the Greater Dublin Regional Code of Practice for Drainage Works

Version 6.0. Permission was recommended permission subject to conditions including a requirement for completely separate foul and surface water systems.

- 7.8.3.** This seems reasonable and should the Board be minded to grant permission, appropriate conditions to this effect should be attached to any such permission.

## **7.9. Environmental Impact Assessment**

- 7.9.1.** Class 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required where more than 500 dwelling units would be constructed and where 10-hectare urban sites would be developed. The proposal is for the development of a site with a stated area of 0.39ha to provide an apartment block of 5-storeys comprising 23 no. residential units and the refurbishment of Leitrim Lodge as a single-family dwelling. Accordingly, it does not attract the need for a mandatory EIA.
- 7.9.2.** (See completed Form 2 attached). The site is located within the built-up area of an existing city and is approx. 8km distant from any European sites or other sites of conservation interest. The site is a backland site associated with a residential building and is surrounded by established residential developments, a church and graveyard and a small school building. It is situated in the heart of Chapelizod Village, which is an old established settlement. The northern boundary adjoins the Phoenix Park.
- 7.9.3.** Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination stage that there is no real likelihood of significant effects on the environment arising from the proposed development. Environmental Impact Assessment is, therefore, not required.

## **7.10. Appropriate Assessment**

- 7.10.1.** South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210) are located approx. 8-9km to the east/south-east. North Bull Island SPA (004006) and North Dublin Bay SAC (000206) are located approx. 13m to the east. Rye Water Valley/Cartron SAC (001398) is located approx. 10km to the west. Given the distances involved, that the site is located in an established urban area, on

serviced lands, it is considered that no appropriate assessment issues are likely to arise.

**7.10.2.** Having regard to the nature, scale and location of the proposed development, the nature of the receiving environment and the distances from the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

**8.1.** I recommend that planning permission should be **granted** for the reasons and considerations as set out below.

## **9.0 Reasons and Considerations**

Having regard to the location of the site in the centre of the historic Chapelizod Village, to the character and established pattern of development in the vicinity of the site, to the previous planning history on the site and to the proposals to address the previous reason for refusal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not adversely impact on the established character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 24<sup>th</sup> day of November 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of



development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The remainder of the boundary wall to No. 34 Main Street shall be repaired and restored in accordance with best conservation practice.

The revised drawings and construction methodology showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and architectural heritage conservation.

3. The restoration of Leitrim Lodge to a single-family dwelling shall be completed in full in accordance with the submitted drawings prior to the occupation of any of the apartment units.

**Reason:** In the interests of the restoration of the Protected Structure and the orderly development of the site.

4. Prior to the commencement of development, the following details shall be submitted to and agreed in writing with the planning authority: -
  - (a) Details of the design of the road layout and junction arrangements for Church Lane and Martin's Row, which shall include a Road Safety Audit, details of road signage, markings, kerblines, surface materials and finishes.
  - (b) A revised car-parking layout showing a maximum of 26 parking spaces inclusive of 2 no. accessible spaces and 3 no. visitor/drop-off spaces. At least 20% of the parking spaces shall be fitted with electrical vehicle charging equipment and the remainder of the spaces shall be ducted to future proof for electrical charging. The revised parking layout shall be accompanied by a Car Parking Management Plan. Parking spaces shall be permanently allocated

to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.

- (c) A revised cycle-parking layout with a minimum of 47 no. long terms resident cycle spaces and 12 no. visitor cycle spaces, including at least 3 no. non-standard cargo cycle parking spaces and shall include provision for electric bike charging facilities. Long term spaces shall be secure, conveniently located, sheltered and well-lit and have key-fob access. Visitor spaces shall be provided in a separate location in a convenient location with safe and secure locking facilities.
- (d) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.
- (e) A plan detailing the areas to be taken in charge by the local authority.

**Reason:** In the interest of public safety and visual amenity.

- 5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.

The developer shall also comply with the following requirements:-

- (a) An archaeological excavation shall be carried out on the site to establish the nature and extent of archaeological deposits and features, including human remains present at the location which it is proposed to develop and to allow an archaeological impact assessment of the proposed development to be made. Testing should take place prior to commencement of site preparation works, which will serve to inform a detailed strategy for further

archaeological mitigation if necessary. The assessment shall include analysis of the impact of proposed development on the southern boundary wall of the Phoenix Park with appropriate mitigation.

- (b) The archaeological excavation shall be carried out prior to commencement of development or at such later date as may be agreed in writing with the planning authority.
- (c) Satisfactory arrangements for the execution (or supervision) by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works, shall be agreed with the planning authority. This archaeologist shall advise on such measures as may be necessary to ensure that any damage to the remaining archaeological material is avoided or minimized. In this regard, the proposed locations of piled foundations shall be the subject of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works shall be submitted to and agreed in writing that the planning authority in advance of their incorporation within the development.
- (d) Satisfactory arrangements for post excavation research and the recording, removal and storage, of any archaeological remains which may be considered appropriate to remove, shall be agreed with the planning authority. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared and submitted to the planning authority within a period of six months or within such extended. As may be agreed with the planning authority. This report shall, in particular, include reference to the following matters:-
  - (i) The evidence (if any) of later medieval occupation or activity on the site.
  - (ii) The process of initial reclamation and subsequent of the site.

- (iii) The physical topography and natural environment of the site prior to medieval occupation.

In default of agreement between the parties regarding compliance with any of the requirements of this condition the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 6. (a) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. In advance of works commencing on site, the developer shall submit to the planning authority detailed Condition Assessments, Repair Specifications and Methodologies (including site exemplars) for the following -
  - All internal and external conservation and repair works to Leitrim Lodge.
  - Alterations to porches of existing dwellings on Church Lane.
  - Repositioning of portion of boundary wall at Church Lane.
- (b) A Conservation Architect (Grade 1) with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the historic buildings and structures and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building facades structure and/or fabric.
- (c) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ.
- (d) All existing original features in the vicinity of the works shall be protected during the course of the refurbishment works.

- (e) The architectural detailing and materials in the new work shall be executed to the highest standard so as to compliment the setting of the protected structure and the historic area.

These details shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** in order to protect the original fabric, character and integrity of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 7. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no apartment or room in the restored Leitrim Lodge shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

**Reason:** In the interest of residential amenity and traffic safety.

- 8. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

**Reason:** To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

- 9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be discharged to the public foul sewer.

**Reason:** In the interest of public health.

- 10. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interest of amenity and public safety.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual and residential amenity.

13. Proposals for an estate/street name, housing numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. The landscaping scheme shown on drawing Nos. 33-P-001A and 33-P-002A, as submitted to the planning authority on the 20<sup>th</sup> day of June 2022 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

15. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 20<sup>th</sup> day of June 2022. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

16. (a) Prior to commencement of development a bat survey shall be undertaken by an experienced bat expert which shall take place immediately in advance of any site works to ensure that no bats have taken up roost since the previous survey was conducted in April 2022. Should any bat roosts be recorded, all works shall cease immediately, and a bat derogation licence shall be obtained from the NPWS under Regulation 54 of the European Commission (Birds and Natural Habitats) Regulations 2011-2021 prior to recommencement of any site works.
- (b) Demolition works for Building B1 and Renovation works for Building B6 (Leitrim Lodge) shall be undertaken during the period 1<sup>st</sup> October to 1<sup>st</sup> May, in accordance with the Bat Mitigation Guidelines for Ireland -V2

**Reason:** In the interests of wildlife protection.

17. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works in Housing Areas issued by the Department of Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the Planning Authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

19. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

20. 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.

21. The construction of the development shall be managed in accordance with a Construction and Environmental 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

- Location of site/materials compounds including areas for the storage of construction refuse.
- Location of areas for construction site offices/staff facilities.
- Details of site security fencing and hoardings
- Details of on-site car parking facilities for site workers during the course of construction.
- Measures to obviate the need for queuing of construction traffic on the local road network.
- Details of appropriate mitigation measures for noise, dust and vibration and for monitoring of such levels.
- Containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spills are fully contained. Such bunds shall be roofed and exclude rainwater.
- Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil. No burning or burial of waste shall be permitted on the site.
- Means to ensure that surface water is controlled such that no silt or other pollutants enter any watercourses, local surface water sewers or drains.

**Reason:** In the interests of public safety and residential amenity.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

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Mary Kennelly  
Senior Planning Inspector

20<sup>th</sup> March 2024