



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315907-23

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<b>Development</b>	Change of use for the existing building on site from a care home for the elderly/nursing home to residential (8 Apartments).
<b>Location</b>	30 Haddon Road, Dublin 3, D03 FN20
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	4532/22
<b>Applicant(s)</b>	Osdale Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant, subject to conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Haddon Road Residents Association.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	1 <sup>st</sup> February 2024.
<b>Inspector</b>	Terence McLellan



## 1.0 Site Location and Description

- 1.1. The appeal site refers to the building and plot located at 30 Haddon Road, Dublin 3. The site has a stated area of 1,017sqm and is currently occupied by a part two/part three storey semi-detached dwelling with a three storey rear return and a deep single storey addition. Originally a dwelling, the building was most recently in use as homeless accommodation, prior to which it was used as a nursing home (17 bedrooms). The site is bounded to the north by the adjacent dwelling (no. 29 Haddon Road), to the south by the adjoining dwelling (no. 31 Haddon Road), and to the west by Haddon Road and the adjacent two storey dwellings. To the east, the site is bounded by the rear garden space of the Rathmore Residence student housing centre on Castle Avenue.
- 1.2. Haddon Road is a tree lined residential street, characterised by two storey semi-detached period properties with rear returns. Several properties have off-street parking, but the greater balance of dwellings use on-street parking. Public Transport is available from Clontarf Road to the south which is served by bus routes 104 (DCU Helix to Clontarf Station) and 130 (Talbot Street to Castle Avenue Clontarf).

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the change of use of the building from a care home to residential in order to provide eight apartments (4 no. one bed and 4no. two bed). The proposal would involve alterations to the single storey rear extension in order to remove sections of the building on its southern façade in order to create private amenity space for some of the apartments. Four parking spaces would be provided on-site, inclusive of an accessible parking bay.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.2. Notification of the Decision to Grant Permission was issued by Dublin City Council on the 30<sup>th</sup> January 2023, subject to 16 conditions as follows:

1. Compliance with plans and particulars.

2. Development contributions.
3. Payment of a bond.
4. Compliance with schedule of accommodation.
5. Management company.
6. Open space shortfall contribution.
7. Drainage requirements.
8. Transport requirements.
9. Noise and air quality.
10. Compliance with Code of Practice.
11. Hours of work.
12. Orderly construction.
13. Noise control.
14. Street/development names.
15. Obscure glazing for living rooms in Apt 6 and 8.
16. Part V.

### **3.3. Planning Authority Reports**

- 3.3.1. The final Planner's Report was issued on the 30<sup>th</sup> January 2023 and confirms that the development would be acceptable in terms of the Z1 zoning objective of the site and that plot ratio and site coverage are in line with the CDP. The report considers the proposed density, at 75 units per hectare, to be acceptable in line with national guidance.
- 3.3.2. The works to the rear extension are considered to be acceptable and housing quality is determined to be acceptable in terms of unit mix, floor to ceiling heights, communal amenity space, dual aspect, and daylight/sunlight. The report notes that no open space would be provided and that the Planning Authority are satisfied that this can be dealt with by way of a financial contribution. With conditions requiring obscure glazing for some windows, the proposal is considered to be acceptable in terms of amenity

impacts on adjacent properties. Some transport issues were raised and ultimately resolved by way of Further Information. These are set out in more detail below.

### 3.3.3. **Other Technical Reports**

3.3.4. **Drainage Division:** No objection, subject to conditions.

3.3.5. **Environmental Health:** No objection, subject to conditions.

3.3.6. **Transport Planning:** Further Information was requested on the following issues:

- Submit a letter of commitment from a car club/share provider confirming the provision of 2 no. car club vehicles for this development.
- Submit swept path analysis/autotracking drawings demonstrating that vehicles can enter and egress the site in forward gear.
- Submit a Car Parking Management Plan outlining how car parking spaces will be managed.

3.3.7. This information was submitted by the developer and the issues were resolved to the satisfaction of the Transport Planning Division, who raised no objection to the development, subject to conditions.

## 3.4. **Prescribed Bodies**

3.4.1. No response.

## 3.5. **Third Party Observations**

3.5.1. A total of 41 observations were made on the planning application and are generally similar to the issues raised in the grounds of appeal which are set out in detail at Section 6.0 below.

## 4.0 **Planning History**

4.1.1. There is an extensive planning history of Section 5 Exemption Certificates for the site relating to the former use as both a nursing home and homeless accommodation which I have taken into consideration, and which are outlined in the Planner's Report. Other applications that are of relevance to the proposal are set out in detail below.

4.1.2. **ABP Ref – 308835/Planning Authority Ref - 2575/20:** Permission was refused by the Board in July 2021 for the change of use from a care home to provide 11 homes. Permission was refused for the following reason:

1. Having regard to the nature and design of the proposed development, including the revised plans and particulars received by An Bord Pleanála on the 6th day of July, 2021, it is considered that, arising from the deficiencies in the private amenity spaces for apartment numbers 2, 3, 4, 5, 6 and 7, which are considered to be substandard in size and orientation, the proposed development would result in a substandard level of amenity for future occupants, notwithstanding the relaxation of standards allowed for in the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued under Section 28 of the Planning and Development Act, 2000 (as amended) by the Department of Housing, Local Government and Heritage in December 2020. In this regard, it is considered that the proposed development would seriously injure the residential amenity of prospective residents and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.1.3. **Planning Authority Reference - 2638/16:** Permission was granted by Dublin City Council in July 2016 for internal alterations and the provision of a single storey extension to the side and rear.

4.1.4. **Planning Authority Reference - 3333/13:** Permission was granted by Dublin City Council in January 2014 for the retention of a built area to the rear and side, additional to that granted under 4166/09.

4.1.5. **Planning Authority Reference - 4166/09:** Permission granted by Dublin City Council in February 2010 for a new 138 square metre single storey rear extension.

*Adjoining Site at 31 Haddon Road*

4.1.6. **ABP Reference - 317739/Planning Authority Ref - 3769/23:** Planning permission was refused by Dublin City Council in July 2023 for the removal of grass area and planting to the front of the dwelling and its replacement with a proposed select finish surface and the provision of 1 car parking space and all associated site works. Permission was refused on the basis that the development would have a detrimental

visual impact on the streetscape/Haddon Road ACA and would set an unwelcome precedent. This decision is currently being appealed to the Board and a decision is pending.

### *32 Haddon Road*

4.2. **ABP Reference – 305559/Planning Authority Reference - 3507/19:** Permission was granted by Dublin City Council in March 2020 for:

- 1.) The demolition of a rear single storey annex.
- 2.) Reinstating the dwelling as a single residential unit from 5 no. apartments.
- 3.) The construction of a single storey extension to the rear and side of the existing house with associated rooflights.
- 4.) The construction of a new front vehicular entrance with new electric gates.
- 5.) Other minor works, boundary treatments and all associated site works.

Permission Granted with conditions.

4.2.1. An appeal against condition 4 was subsequently submitted to the Board. Condition 4 reads as follows:

4. The proposed vehicle entrance and off-street car parking space to the front of the structure shall be omitted from this permission.

Reason: In the interest of visual and residential amenity, and in the interest of public safety”.

4.2.2. Permission was granted by the Board in March 2020 with an amended condition 4 that permitted off-street parking.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The planning application was considered by the Planning Authority for compliance with the policies and objectives of the Dublin City Development Plan 2016 – 2022, which was the relevant policy document in force at the time. A new City Development Plan

came into effect on 14<sup>th</sup> December 2022 for the period 2022 – 2028, which will be considered herein.

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

5.1.2. The site is zoned Z1: Sustainable Residential Neighbourhoods, the stated objective of which is to protect, provide and improve residential amenities.

5.1.3. The site is located in the Haddon Road and Victoria Road Architectural Conservation Area and there is a recorded ancient monument 120 metres east of the site (Brian Boru's Well).

5.1.4. Chapter 5: Quality Housing and Sustainable Neighbourhoods, seeks the provision of quality, adaptable homes in sustainable locations that meet the needs of communities and the changing dynamics of the city. The delivery of quality homes and sustainable communities in the compact city is a key issue for citizens and ensuring that Dublin remains competitive as a place to live and invest in. Relevant policies from this chapter include:

- QHSN6: Urban Consolidation - To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.
- QHSN8: Reduction of Vacancy - To promote measures to reduce vacancy and underuse of existing building stock and to support the refurbishment and retrofitting of existing buildings, including Dublin City Council's Estate Renewal Programme.
- QHSN10: 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.
- QHSN36: 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

5.1.5. Chapter 8: Sustainable Movement and Transport, seeks to promote ease of movement within and around the city and an increased shift towards sustainable modes of travel and an increased focus on public realm and healthy placemaking, while tackling congestion and reducing transport related CO2 emissions.

- SMT25: On-street Parking
- SMT27: Car Parking in Residential and Mixed Use Developments

5.1.6. Chapter 11: Built Heritage and Archaeology, recognises that the city's heritage contributes significantly to the collective memory of its communities and to the richness and diversity of its urban fabric. It is key to the city's character, identity and authenticity and is a vital social, cultural, and economic asset for the development of the city. The Development Plan plays a key role in valuing and safeguarding built heritage and archaeology for future generations. The plan guides decision-making through policies and objectives and the implementation of national legislation to conserve, protect and enhance our built heritage and archaeology.

5.1.7. Chapter 15: Development Standards, contains the Council's Development Management policies and criteria to be considered in the development management process so that development proposals can be assessed both in terms of how they contribute to the achievement of the core strategy and related policies and objectives. Sections of this chapter that are of specific relevance include:

- 15.5.5: Density
- 15.5.7: Materials and Finishes
- 15.7.1: Re-use of Existing Buildings
- 15.8: Residential Development
- 15.9: Apartment Standards

5.1.8. Appendix 5: Transport and Mobility

## 5.2. **Regional Policy**

## **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

5.3. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP), and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

### **5.4. National Policy**

#### **The National Planning Framework - Project Ireland 2040**

5.4.1. The government published the National Planning Framework (NPF) in February 2018. Objective 3a is to deliver 40% of all new homes nationally, within the built-up footprint of existing settlements. Objective 11 is to prioritise development that can encourage more people to live or work in existing settlements whilst Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 is to increase residential density in settlements through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### **5.5. Section 28 Ministerial Guidelines**

5.5.1. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011). The guidelines seek to encourage the sympathetic maintenance, adaptation, and re-use of buildings of architectural heritage. Chapter 13 deals with curtilage and attendant grounds whilst Section 13.8 of the guidelines relates to

development affecting the setting of a Protected Structure or an architectural conservation area.

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2023). These guidelines seek to achieve both high quality apartment development and a significantly increased overall level of apartment output. Standards are provided for apartment sizes, dual aspect ratio and private/communal amenity space.
- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages. They will also allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.

## 5.6. Natural Heritage Designations

5.6.1. The nearest European sites are located in Dublin Bay, approximately 200m to the south of the site, including:

- South Dublin Bay SAC (& pNHA) (site code 00210).
- South Dublin Bay and River Tolka Estuary SPA (site code 004024).
- North Dublin Bay SAC (& pNHA) (Site Code 000206).
- North Bull Island SPA (Site Code 004006).

## 5.7. EIA Screening

5.7.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A Third Party appeal has been submitted by Hughes Planning and Development Consultants of 85 Merrion Square, Dublin 2, for and on behalf of the Haddon Road Residents Association, c/o 11 Haddon Road, Clontarf, Dublin 3. The grounds of appeal can be summarised as follows:

- The proposed development would give rise to a loss of residential amenity that would be contrary to the zoning objective.
- The site is within the Haddon Road and Victoria Road Architectural Conservation Area and the preservation of the character of the area should be a primary objective of the development. An assessment of the impact of the development on the ACA has not been completed.
- The proposal is excessive in density and would be overdevelopment that would set a precedent for similar development, damaging the consistent pattern of development and character of the area.
- The proposed works to the roof are significant and there should be no timber screening to the front elevation (bins and bikes), to protect the visual amenity of Haddon Road and the ACA.
- The scale and layout of the proposed development substantially impacts on the residential amenity of the surrounding dwellings and does not respect the prevailing form and density of development in the area.
- The development would result in injurious impacts on the residential amenity of the area including overlooking, loss of privacy, loss of daylight/sunlight, reduced property values, noise, disturbance, and would be overbearing.
- The proposed homes would be poor quality with insufficient storage, no plant rooms, poor private and communal amenity space, and insufficient means of escape.
- The impacts of the development cannot be mitigated by condition.

- The development would result in increased traffic and fails to provide enough car parking which will result in overspill onto the adjacent streets and cause disruption and a loss of amenity.
- Given the antisocial behaviour issues with the previous use as emergency accommodation, there are concerns that the long term use of the site is for emergency accommodation.

## 6.2. Applicant Response

6.2.1. A response has been submitted by Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, Co. Dublin, for and on behalf of the applicant Osdale limited of Milbank Business Park, Lucan, Co. Dublin. The response can be summarised as follows:

- The scheme would not be contrary to the zoning objective and the development is permitted in principle under zoning objective A1, subject to compliance with the relevant provisions of the development plan.
- Site coverage and plot ratio are compliant with the development plan.
- The proposed density would be 75uph and increased density and consolidation are strongly advocated by the National Planning Framework. The density is appropriate given the location and largely utilises the footprint of the existing building.
- National policy seeks more balanced and concentrated growth within Dublin city by promoting infill development. The site is ideally located to contribute to the consolidation of Dublin city and its suburbs, with supporting infrastructure in place to support the proposed use.
- The development plan encourages higher density ranges, a higher plot ratio and increased site coverage compared to the previous development plan. The proposed density is therefore more than acceptable for this location.
- The site is well located for existing and planned public transport.
- The proposal is a less intensive use than the previous nursing home which had 17 bedrooms.

- No additional windows or openings are proposed on the upper levels of the existing structure.
- The existing building is permitted, and the infill development referred to by the appellants is already in place on site.
- The proposal is for a change of use and minor changes to the existing building that would actually decrease the existing footprint.
- The development plan states that normal planning standards may be relaxed in the interest of ensuring that vacant, derelict, and underutilised land in the inner and outer city is developed.
- The alterations to the single storey extension are minor and in accordance with the development plan.
- A number of properties in the street have been sub-divided into apartments and other sites are sub-divided making provision for mews development, establishing a precedent for increased density, and establishing a departure from the original character of the streetscape in terms of density and site layout.
- The development meets the BRE requirements for gardens and open spaces and would not result in any additional impact to neighbouring gardens in terms of overshadowing.
- Given the less intensive use of the site, lower plot ratio, reduced building footprint, and minor alterations to the existing building, it is considered that the development respects the uniformity of the street and the characteristics of the Haddon Road ACA and would not reduce property values.
- The development proposes internal works and elevational alterations that are sympathetic to the scale, materials, proportions and detailing of the original building and wider ACA.
- The protected status of an ACA only applies to the exterior of the structure and features of the streetscape. The purpose of an ACA is to protect and enhance the special character of an area, not to prevent new development.
- Demolition works would be restricted to the rear of the site.

- Car parking and vehicular entrances are existing and existing trees, hedges and landscaping would be retained at the frontage.
- The works do not affect the original features of the structure or the character of the structure within the wider streetscape and the ACA.
- Due to the existing building and the minor alterations proposed that reduce its size as well as not proposing any new or enlarged openings at upper floors, it is considered that there will be no instances of overlooking, overbearing or sunlight/daylight implications.
- Use of the laneway would not result in residential amenity or privacy impacts to no. 29 Haddon Road.
- The laneway is wide enough to provide an appropriate means of escape.
- The external stairs are existing and for emergency use only, it is not credible that they would be used with the purpose of overlooking.
- The development would not appear overbearing, nor would it detract from or appear visually dominant when viewed from Haddon Road.
- The site has four existing off-street car parking spaces at the front of the property. Two of these spaces would be provided for car sharing and one space would be accessible.
- Prospective residents will be aware of the parking situation on-site and on-street and it is considered likely that the development will appeal to those without a car that will avail of public transport and car share facilities.
- A visitor parking management regime would be put in place by the management company.
- The two bedroom units would have appropriate private amenity space. The one bedroom units have access to communal amenity space. This is acceptable given the location of the site with ease of access to other amenity areas such as Clontarf seafront. The provision of balconies would result in overlooking and visual impacts.
- Public open space cannot be provided due to site constraints and a condition requiring a contribution is acceptable.

- The proposal provides adequate storage space for units.

### **6.3. Planning Authority Response**

- 6.3.1. The Planning Authority request that the Board uphold the decision to grant planning permission and that conditions be applied regarding payment of development contributions, payment of a bond, payment in lieu of public open space, a social housing condition, and a street naming/numbering condition.

### **6.4. Observations**

- 6.4.1. None.

### **6.5. Further Responses**

- 6.5.1. None.

## **7.0 Assessment**

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design and Heritage
- Residential Amenity
- Quality of Accommodation
- Transport
- Appropriate Assessment

### **7.2. Proposed use and Quantum of Development**

- 7.2.1. The site is zoned Z1: Sustainable Residential Neighbourhoods, the stated objective of which is to protect, provide and improve residential amenity. Residential is a permitted use and as such the principle of the proposed change of use to residential is compliant with the land use aspect of the zoning objective.



- 7.2.2. The 2022-2028 CDP does not have any specific policies in relation to the conversion of emergency accommodation or a nursing home to residential but having regard to the zoning objective of the site, I consider the proposed change of use to be acceptable, particularly in light of the wider policy objectives regarding the provision of housing.
- 7.2.3. Existing housing in the area is generally low rise traditional terraced and semi-detached housing. Concerns have been raised that the proposal would be overdevelopment and that the proposed density is excessive. The CDP does not set an upper limit on density and states that Dublin City Council will support higher density development in appropriate urban locations in accordance with the NPF, RSES and the Section 28 Guidelines which seek to consolidate development within existing urban areas. New development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity.
- 7.2.4. National and Regional policy/guidance generally seek to promote high quality residential uses within existing urban areas at significantly higher densities than previous, particularly on sites that are served by good public transport networks. Departmental guidelines set out the most detail for assessing this type of development, although it focuses its guidance on new build. Key to this is the promoting the compact growth of cities and towns of all sizes to add value and create more attractive places in which people can live and work. The preferred approach is to focus on greater reuse of previously developed 'brownfield' land, consolidating infill sites, which may not have been built on before, the reuse of existing buildings appropriately, and the development of sites in locations that are better serviced by existing facilities and public transport.
- 7.2.5. The site is within 200 metres of the bus stops on the Clontarf Road which are served by routes 104 and 130. Bus route 130 operates a peak service at 12 minute intervals. The site is also approximately 1.3 km walk from Clontarf DART station. Local shops and services are approximately 700m away, also on Clontarf Road.
- 7.2.6. The proposed development is primarily a change of use, with only minor physical works taking place, none of which would see the building increase in size. The

proposed density is 75uph and plot ratio/site coverage are 0.60/44% which is well within the range set out in the CDP. Whilst I acknowledge that the surrounding area is generally characterised by traditional housing, I consider the proposed change of use, quantum of development, and density to be acceptable given the locational characteristics of the site and the objectives of both local and national policy/guidance to promote compact growth.

### **7.3. Design and Heritage**

- 7.3.1. The grounds of appeal raise concerns regarding the scale, layout and design of the proposal with specific concerns that it would result in harm to the Architectural Conservation Area.
- 7.3.2. The proposal is primarily for a change of use. Some alterations are proposed to the existing single storey rear addition which would include works to the south elevation to provide cut-backs to accommodate private external amenity space for the two bedroom units. This would reduce the overall footprint of the rear addition.
- 7.3.3. Works to the roof of the rear addition involve changing the roof material from tiles to metal sheeting and I note that the overall height of the roof would reduce from 5,615mm to 5,415mm. The roof of the rear addition is not highly visible from the public areas of the conservation area and in my opinion the works would have minimal impact on the streetscene or the character/setting of the ACA. However, I do not consider metal sheeting to be an appropriate contextual response to the ACA, where the use of more traditional materials would be more appropriate. As such, the use of slate roof tiles should be secured via condition. I note that concerns have been raised as to the use of timber cladding for bike stores to the front façade of the side addition, but this is not part of the proposal, and the side addition would remain clad in brick as existing. Overall, I am satisfied that the development is acceptable in terms of its design and that there would be no adverse impact on the ACA.

### **7.4. Residential Amenity**

- 7.4.1. It is argued in the grounds of appeal that the development would result in injurious impacts on the residential amenity of the area, including overlooking, loss of privacy, loss of daylight/sunlight, reduced property values, noise, disturbance, and that it would be overbearing.

- 7.4.2. Noting that the development would not result in any increase in massing and that the height of the rear addition would actually reduce, I am satisfied that the development would not be overbearing and that there would be no measurable impact on daylight and sunlight to adjacent dwellings and garden ground.
- 7.4.3. In terms of overlooking, no additional upper floor windows are being proposed. The only new windows are those proposed on the ground floor of the existing rear addition, as well as some rooflights on the new roof of same. The ground floor/roof nature of these new windows is such that I do not consider that they would result in any significant overlooking, taking into account their location, form and existing boundary treatments that provide screening.
- 7.4.4. The apartments that would be located in the original dwelling fronting Haddon Road benefit from the existing windows. No new window openings are proposed on the rear elevation and whilst the windows on the side elevation would be altered, they would remain largely in their existing positions and would not increase in size. The development would therefore not provide any new viewpoints than those already long established on the site and typical of dwellings and their domestic relationship with each other.
- 7.4.5. The applicant has proposed that the windows on the rear elevation would be obscure glazed and this has been conditioned by Dublin City Council where the windows are to be obscure glazed to a height of 1.8m. However, for the reasons set out above, I do not consider this to be necessary and I am satisfied that there would be no significant impact on residential amenity in terms of overlooking or a loss of privacy.
- 7.4.6. Concerns that the development would result in noise and disturbance to residents largely relate to the use of the lane to provide access to the units in the ground floor rear addition and occupiers of the upper floor apartments accessing the communal amenity space. Considering the previous use of the site as both a nursing home and emergency accommodation, with the provision of 17 bedrooms and supporting facilities, I am satisfied that the proposed change of use would be a much less intensive use of the site and that there would be no significant impacts on residential amenity in terms of noise and disturbance.
- 7.4.7. Concerns that the development would reduce property values are, in my opinion, unfounded and having consideration to the conclusions set out above, I do not

consider that the development would impact on the amenity of the area or of properties in the area to such an extent that property values would be affected.

## **7.5. Quality of Accommodation**

- 7.5.1. The grounds of appeal state that the proposed homes would be poor quality with insufficient storage, no plant rooms, poor private and communal amenity space, and insufficient means of escape.
- 7.5.2. The Sustainable Urban Housing – Design Standards for New Apartments Guidelines (2023) sets out the qualitative standards for new apartment developments, including housing mix, unit size, and amenity space. The guidelines request that Planning Authorities practically and flexibly apply the general requirements of the guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and ‘over the shop’ type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions.
- 7.5.3. The development would comply with the unit mix provisions of the guidelines. In terms of unit size, all units would comply with the minimum standards with the exception of Apartment 5, a one bedroom unit with an internal floor area of 44.7sqm, which is only 0.3sqm below the minimum unit size requirement and I note that all rooms within the apartment would meet the minimum standards. I consider this to be acceptable having regard to the location of the apartment within the original building, the very minor shortfall proposed, the full compliance of the remaining units, and the dispensation given in the guidelines for conversion projects. I consider the storage space to be acceptable and issue raised regarding means of escape are, in my opinion, unsubstantiated.
- 7.5.4. Private amenity space would be provided for the four two bedroom units in the rear addition and would be fully compliant with the guidelines. The one bedroom apartments in the original building would not have any private amenity space but they would have the benefit of the communal amenity space at the rear of the plot which measures 48sqm. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality. I am therefore satisfied that the lack of private amenity space for the one bedroom units is acceptable having regard to their location within the original building and the

associated design/heritage constraints with providing private amenity space, as well as the provision of communal amenity space and the close proximity (150 metres) to the high quality amenity of the Clontarf seafront.

- 7.5.5. The development would not provide any public open space and the Planning Authority have recommended a condition to secure a payment in lieu of provision which I agree with given the site constraints and the re-use of the existing buildings.

## 7.6. **Transport**

- 7.6.1. The appellant contends that the development would result in increased traffic and that it fails to provide enough car parking which will result in overspill onto the adjacent streets and cause disruption and a loss of amenity.

- 7.6.2. Haddon Road is a typical inner suburban residential street with on-street parking which is heavily used as most dwellings do not benefit from off-street parking. There is an existing small car park to the front of the plot with capacity for four car parking spaces. The applicant proposes that one of these spaces would be an accessible space, one would be a general needs space, and the remaining two spaces would be for car sharing facilities.

- 7.6.3. The parking standards set out in the CDP are maximum standards and the general thrust of national policy, including provisions in the Compact Settlement Guidelines, is that parking should be reduced. The applicant has submitted a Mobility Management Plan which seeks to promote active and sustainable modes of travel. The site is well located for public transport and there are good cycling links to the city. The proposal is to provide accessible parking, shared car facilities, and a high proportion of cycle parking. In line with the Mobility Management Plan, future residents would be advised of the parking situation on-site and on-street, and I would agree that the new homes would likely appeal to those without a car.

- 7.6.4. Having regard to the previous use of the site, parking would largely have been associated with staff and visitors. Whilst staff parking may have been low in number, visitors would have had the potential to significantly add to parking pressures due to the 17 bedroom capacity of the former use. I do not consider that the proposed use would significantly intensify parking issues in the area having regard to the provision of a degree of parking on-site, the provision of car sharing facilities, the proximity of

public transport and cycling links to the city, and the provisions of the Mobility Management Plan.

## **7.7. Other Matters**

- 7.7.1. As noted in the Planner's Report, the subject site size is above the Part V threshold of 0.1 ha having regard to Section 97(3) of the Local Government (Planning and Development Act) 2000. As such a Part V condition has been imposed by the Planning Authority and I am satisfied that this should be included in the event that the Board grant permission.
- 7.7.2. I also acknowledge concerns that the bedroom windows for the ground floor apartments are not shown on plan. This is a minor inaccuracy on the drawings, these windows are clearly shown on the elevations, and I am satisfied that there would be no amenity impacts. A revised drawing could be requested by the Board if necessary but the inclusion of the windows on the elevations is, in my opinion, satisfactory.

## **7.8. Appropriate Assessment**

- 7.8.1. Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any European site, it is concluded that no appropriate assessment issues arise, as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. From my assessment above, I consider that the Board should uphold the decision of Dublin City Council and grant planning permission for the proposed development based on the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the Z1 zoning designation, the location of the proposed development within an inner suburban area, the planning history of the site, the nature of the development and the overall context in an area with good quality public transport and walking and cycling links to Dublin City Centre, it is considered that the proposed development would be acceptable in design, quantum and transport terms, would

provide an acceptable standard of accommodation and amenity for future occupiers, would not seriously injure the amenities of adjoining properties or the ACA, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted on the 22<sup>nd</sup> day of December 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This shall include any works to existing external features, including sash windows and rooflights.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
3.	<p>The management and maintenance of the apartment buildings, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development including the external fabric of the buildings, internal common areas, landscaping, bike parking, lighting, waste storage facilities and sanitary services shall be submitted to and agreed in writing with the planning authority before the apartments are made available for occupation.</p> <p><b>Reason:</b> To provide for the future maintenance of this private development in the interest of orderly development and visual amenity.</p>

4.	<p>Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity</p>
5.	<p>Proposals for a development name and numbering scheme for the apartments shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
6.	<p>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, with details submitted and approved in writing prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>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.</p>



	<p><b>Reason:</b> 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.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities (including the shortfall in open space provision) 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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.</p>

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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Terence McLellan  
Senior Planning Inspector

20<sup>th</sup> February 2024



## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-315907-23		
<b>Proposed Development Summary</b>	Change of use for the existing building on site from a care home for the elderly/nursing home to residential (8 Apartments).		
<b>Development Address</b>	30 Haddon Road, Dublin 3, D03 FN20		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	X	
	<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
		N/A	<b>Conclusion</b>
<b>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>	X	Class 10 (b) (i), threshold >500 dwellings.	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2

### Form 2

#### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-315907-23	
<b>Proposed Development Summary</b>	Change of use for the existing building on site from a care home for the elderly/nursing home to residential (8 Apartments).	
<b>Development Address</b>	30 Haddon Road, Dublin 3, D03 FN20	
<p><b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for residential, in an area that is largely characterised by residential use. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	No.
<p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the</p>	<p>The size of the development would not be exceptional in the context of the existing environment.</p>	No.

<p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development would be located in a serviced residential area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impacts on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and whilst located in an Architectural Conservation Area there would be no significant adverse impacts.</p>	<p>No.</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>		

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

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