



An
Bord
Pleanála

Inspector's Report

ABP-317452-23

Development	Demolition of an existing dwelling and associated sheds to rear. The construction of 4 no. dwellings.
Location	346 Kildare Road, Crumlin, Dublin 12.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3527/23
Applicant(s)	Pandorus Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Pandorus Limited
Observer(s)	None
Date of Site Inspection	24 th November 2023
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The appeal site is located at no. 346, Kildare Road, Crumlin, Dublin 12. The site comprises of an existing single storey semi-detached dwelling, 3 no. sheds to the rear and associated rear and side garden space. The existing dwelling has an estimated floor area of 45 sqm and the appeal site is stated to measure 683 sqm (0.0683 hectares). The site has a general rectangular shape and measures 27 metres in width by a maximum 26 metres in depth. The side garden to the east is overgrown. There is direct pedestrian access to the public footpath available via the front door of the dwelling. Informal parallel car parking is facilitated on areas of asphalt to the immediate south of the public footpath fronting the site.
- 1.2. There is an existing c. 2.7-metre-wide vehicular access gate with a corresponding dished kerb positioned at the centre of the site frontage. The site frontage is defined by c. 1.4-metre-high metal railing and metal rail gates serving the vehicular access. The rear northern site boundary with Kildare Park is defined by a high, capped and plastered, block wall.
- 1.3. The subject site forms part of a row of single storey, predominantly semi-detached dwellings, on the northern side of Kildare Road. All dwellings along this row are of similar height and the vast majority share the same established building line. Many of the dwellings share similar design characteristics to that of the subject dwelling in terms of a front porch projection, slate roof, brick frontage and share the same or similar dimensions. The dwellings on the southern side of Kildare Road and to the rear north at Kildare Park are all two storeys in height.
- 1.4. The front of the Appeal site forms part of the proposed development boundary for the adjacent proposed Local Authority Road Development (Tallaght/ Clondalkin to City Centre Bus Connect Core Bus Corridor Scheme), See ABP Case Ref. no. ABP-316828-23 refers. This case was due to be decided by 08th February 2024. Further consideration is required.

2.0 Proposed Development

2.1. The proposed development includes both demolition and development.

2.2. The proposed **demolition** includes:

- An existing 45 sqm single storey semi-detached cottage and
- 3 no. detached sheds to the rear of the dwelling with respective stated floor areas of 28.8 sqm, 20.4 sqm and 10.5 sqm (the total combined floor area of the existing sheds proposed for demolition equates to 59.7 sqm).

2.3. The proposed **development** includes:

- The construction of 4 no. two storey semi-detached dwelling units in 2 no. Blocks.
- The units are all A Gable fronted symmetrical dwellings and comprise of 2 no. bedrooms. Units 1 to 3 have a stated floor area of 108.7 sqm and unit no. 4 has a stated floor area of 127.2 sqm.
- Each dwelling measures 6.2 metres in width to the front, 7.3 metres in height and c. 11.9 metres in depth.
- The units are orientated north to south and each includes private open space of 45 sqm to the rear/ north with direct access to same via side laneways.
- The units are positioned 4.2 metres behind the building line of the existing cottage.
- There are a total of 8 no. perpendicular car parking spaces proposed to the front/ south of the 4 no. units.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to Refuse permission on 31st May 2023 for the following reason:

1. *Having regard to the Z1 zoning objective for the site, Section 15.5.2 Infill Development and Section 9.0: Demolition and Replacement Dwellings (Appendix 18) of the Dublin City Development Plan 2022-2028, and to the scale, mass, design, height and proportions of the proposed development, it is considered that the development would be over-bearing, out of scale and out of character in comparison with the prevailing architectural context, would appear visually incongruous on the streetscape, and would provide a poor level of residential amenity in terms of the provision of private open space. The proposed demolition of an existing house in single occupancy and replacement with multiple new build units has not been justified and the proposed development would, therefore, by itself and by reason of the undesirable precedent it would set for similar development in the area, be contrary to proper planning and sustainable development.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that the demolition of the existing habitable dwelling has not been justified as required by Section 9 (Appendix 18) of the City Development Plan 2022 – 2028 – Demolition and Replacement Dwellings and that the proposal by reason of its overall massing, bulk, design and materials, would be visually incongruous and contrary to the visual amenities, and would adversely affect the character and amenities of the area. Finally, it was considered that the design of the proposal would fail to provide a suitable level of amenity for proposed occupants. Accordingly, the Planner recommended that planning permission be refused for 1 no. reason which is consistent with the 1 no. reason for refusal as issued by the Planning Authority as per the decision issued on 31st May 2023.

3.2.2. Other Technical Reports

- The **Drainage Division** raised no objection to the proposed development subject to 7 no. standard conditions.
- The **Transportation Planning Division** recommended that Further Information be sought on 5 no. points relating to a revised safe means of

vehicular access and parking layout, the omission of any build outs on public property within the extended redline boundary, revised drawings in terms of levels and full details of the public carriageway and public footpath fronting the site, including a topographical survey.

3.3. Third Party Observations

- None.

4.0 Planning History

4.1. Subject Appeal Site (No. 346, Kildare Road)

- **5152/22 (Appeal Ref. no. ABP-315572-23):** Mourneview Construction Ltd. Permission for Demolition of sheds to rear. Permission for i) the subdivision of existing cottage, ii) extension to rear of cottage to create 2 no. dwellings, iii) construction of 2 no. dwellings in the side garden. All dwellings designed as Part M/ Wheelchair accessible/ suitable for elderly living (4 no. dwellings in total).

The Local Authority issued a decision to **REFUSE** permission for 1 no. reason on 13th December 2022, as follows:

1. *Having regard to the Z1 zoning objective for the site, Section 16.10.12 and Section 16.10.12 of the Dublin City Development Plan 2016-2022 with respect to residential extensions and infill housing and to the scale, mass, design, height and proportions of the proposed development, it is considered that the development would be over-bearing, out of scale and out of character in comparison with the prevailing architectural context, would appear visually incongruous on the streetscape, would have a negative impact on the scale and character of the existing dwelling and would provide a poor level of residential amenity in terms of the provision of private open space. The proposed development would, therefore, by itself and by reason of the undesirable precedent it would set for similar development in the area, be contrary to proper planning and sustainable development.*

This Application is the subject of a current appeal to An Bord Pleanála. A decision in relation to the said appeal was due on 23rd May 2023 and is with the Board.

4.2. Adjacent site to south and within the overall locality

- **ABP-316828-23:** Tallaght/Clondalkin to City Centre Bus Connect Core Bus Corridor Scheme. **This case was due to be decided by 08th February 2024. Further consideration is required.**

5.0 Policy Context

5.1. Local Planning Policy

Dublin City Development Plan, 2022 to 2028

- 5.1.1. The current Dublin City Development Plan, 2022 to 2028, came into effect on 14th December 2022.
- 5.1.2. The Appeal site is zoned Z1 – Sustainable Residential Neighbourhoods in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective is: ‘To protect, provide and improve residential amenities’. Residential is a use which is Permitted in Principle on lands zoned Z1 – Sustainable Residential Neighbourhoods.
- 5.1.3. Chapter 3 of the Plan relates to Climate Action. The following policy is considered to be of relevance to the subject proposals:
- CA6: Retrofitting and Reuse of Existing Buildings: *‘To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible. See Section 15.7.1 Re-use of Existing Buildings in Chapter 15 Development Standards.’*
- 5.1.4. Chapter 4 relates to the Shape and Structure of the City. This Chapter sets of the overarching framework and strategy to guide the future sustainable development of the City. High Quality ‘placemaking’ will be required to ensure a compact city where people want to live and work. Relevant Policies from this Chapter include the following:
- SC8: Development of the Inner Suburbs, SC10: Urban Density, SC11: Compact Growth, SC12: Housing Mix, SC13: Green Infrastructure, SC19: High Quality Architecture, SC20: Urban Design & SC21: Architectural Design

5.1.5. Chapter 5 relates to Quality Housing and Sustainable Neighbourhoods. Relevant Policies and Objectives from this Chapter include the following:

Policies:

- QHSN2: National Guidelines, QHSN6: Urban Consolidation, QHSN9: Active Land Management, QHSN10: Urban Density, QHSN11: 15-Minute City, QHSN12: Neighbourhood Development, QHSN14: High Quality Living Environment, QHSN16: Accessible Built Environment, QHSN17: Sustainable Neighbourhoods, QHSN18: Needs of Ageing Population, QHSN22: Adaptable and Flexible Housing, QHSN23: Independent Living, QHSN24: Reconfiguration of Family Homes, QHSN35: Diversity of Housing Type and Tenure, QHNS37: Houses and Apartments, BHA11: Rehabilitation and Reuse of Existing Older Buildings & BHA15: Twentieth Century Buildings and Structures.

Objectives:

- QHSNO4: Densification of the Suburbs, QHSNO10: Intergenerational Models of Housing & QHSNO11: Universal Design.

5.1.6. Chapter 11 relates to Built Heritage and Archaeology. The following policy is considered to be of relevance to the subject proposals:

- BHA11 (Rehabilitation and Reuse of Existing Older Buildings)

5.1.7. Chapter 14 of the Plan relates to Land Use Zoning.

5.1.8. Chapter 15 relates to Development Standards. Relevant Sections include the following:

- Section 15.4: Key Design Principles
 - *Section 15.4.1: Healthy Placemaking, Section 15.4.2: Architectural Design Quality, Section 15.4.3: Sustainability and Climate Action, Section 15.4.4: Inclusivity & Accessibility, Section 15.4.5: Safe and Secure Design*
- Section 15.5: Site Characteristics and Design Parameters
 - *Section 15.5.2: Infill Development,*

Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e., gap sites within existing areas of established urban form. Infill sites are an integral part of the city's development due to the historic layout of streets and buildings.

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.

As such Dublin City Council will require infill development:

- *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
- *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.*
- *Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.*
- *In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.*
- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.*
- *Section 15.5.5: Density, Section 15.5.6: Plot Ratio and Site Coverage, Section 15.5.7: Materials and Finishes*
- Section 15.6: Green Infrastructure and Landscaping
- Section 15.7: Climate Action
 - *Section 15.7.1: Re-use of Existing Buildings:*

- Section 15.8: Residential Development
- Section 15.11: House Developments
 - *Section 15.11.1: Floor Areas, Section 15.11.2: Aspect, Daylight / Sunlight and Ventilation, Section 15.11.3: Private Open Space, Section 15.11.4: Separation Distances (Houses) Floor Areas*
- Section 15.13 - Other Residential Typologies
 - *Section 15.13.3: Infill /Side Garden Housing Developments*
- Appendix 1 – Housing Strategy (Annex 1 – Housing Needs Assessment (HNDA), Annex 2 - Dublin City Housing Supply Target Methodology & Annex 3 - Dublin City Sub-City HNDA), Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City, Appendix 4 – Development Plan Mandatory Requirements, Appendix 5: Transport and Mobility: Technical Requirements, Appendix 7 – Guidelines for Waste Storage Facilities, Appendix 12 – Technical Summary of Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021), Appendix 13 – Surface Water Management Guidance, Appendix 14 - Statement Demonstrating Compliance with Section 28 Guidelines, Appendix 16 - Sunlight and Daylight, Appendix 18 - Ancillary Residential Accommodation.
- Appendix 18 – Section 9.0 – Demolition and Replacement Dwellings

5.2. Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023
- Design Manual for Urban Streets (2019)
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018)
- Urban Design Manual - A Best Practice Guide (DoEHLG, 2009)

- Quality Housing for Sustainable Communities - Best Practice Guidelines for delivering Homes, (DoEHLG, 2009)

5.3. Natural Heritage Designations

5.3.1. The site is not located within or adjacent to a Natura 2000 site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale the development, which consists of the demolition of an existing dwelling and associated sheds to rear and the construction of 4 no. dwellings, in a serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- ***Item 1: Aspect, Natural Lighting, Ventilation, and sunlight penetration***
- The orientation of the proposed development ensures there will be no overshadowing that could adversely affect the neighbouring houses. The proposal minimises any potential negative impact on the sunlight exposure and privacy of surrounding properties.
- The Applicant considers that the thoughtful design maintains a harmonious relationship between the proposed development and its neighbouring houses, fostering a balanced and respectful coexistence within the local community.
- Following a Grant of planning permission, the Applicant requests that the Local Authority requirement for a Daylight/ Sunlight Assessment be addressed by way of condition.
- ***Item 2: Private Open Space***

- The development provides 45 sqm of private open space which although substantially below the minimum requirement, it is still within the acceptable range suggested in the plan.
- The proposal is for much needed elderly and assisted living. All end purchasers, such as 'De Paul' have agreed that although a garden space is required, a smaller space is more optimal.
- Each site has unique characteristics this must be considered.
- The scale and design are similar to the opposite dwelling on Kildare Road.
- The Applicant refers to 6 no. images (02, 03, 06, 07, 08 & 09) which the Applicant considers clearly show the proposed rear gardens are consistent with the size of most gardens in the vicinity.
- The provision of Private Open Space should strike a balance between the specific site conditions and development plan requirements.
- ***Item 3: Impact on the Character of the Area/ Demolition and Replacement Dwellings***
- The proposed development represents a positive response to the surrounding context, taking into account characteristic building plot widths, architectural form, and the materials and detailing of existing buildings.
- The design respects the character of the area and appearance and enhances the overall visual appeal, seamlessly integrates the proposal into its surroundings, contributing positively to the existing character and charm of the area.
- Asymmetrical gabled roof design proposed. The overall visual perception will be minimal for most observers in real-life scenarios. The Applicant refers to images 04 & 05.
- Existing house is in disrepair rendering it uninhabitable. Floor to ceiling heights are below modern living standards. Existing walls are beyond repair and drylining. Once stripped only a few external walls would remain.
- The proposal represents a more efficient and effective use of the site, accommodating modern living standards. This allows for the implementation

of more sustainable design principles and improved energy efficiency, resulting in a higher quality of living for residents whilst minimising the environmental impact.

- The site is in an accessible and highly desirable location proximate to the City Centre and surrounding services and is an attractive residential destination for many.
- Although the proposed units may differ in proportions from the adjoining cottages and there are concerns raised about materiality, the Applicant considers the benefits of the potential benefits and merits of the development should be considered.
- Architectural diversity can contribute positively to an area, creating visual interest and a sense of variety. Despite contrasting proportions this can enhance the streetscape by promoting a dynamic aesthetic and presenting a mix of architectural styles.
- The design in terms of its height, scale and location are subjective factors that various perspectives can influence. An overbearing design to some may appear to be a progressive and contemporary to others. The perception of overshadowing is subjective and can be mitigated through careful design including setbacks, orientation and appropriate landscaping.
- Proposal offers an increased housing density, addressing the growing demand for housing in the area. This contributes to the overall sustainability and vitality of the neighbourhood, supporting urban infill and efficient land use.
- ***Item 4: Access, Parking & Transport***
- The proposal seeks to revitalise the site. Concerns raised in respect of traffic impacts can be addressed through design adjustments and traffic management measures.
- The introduction of designated car parking spaces can alleviate on-street car parking pressures.
- Traffic and pedestrian safety can be enhanced with the interventions such as pedestrian crossings and improved lighting.

- Consideration of such factors means the development can contribute to housing supply and create a more organised and functional environment.
- A DSP proposal to reorganise the existing street lighting columns can be submitted as part of the planning conditions.
- The engineers levels and correct and all drawings are to be rectified to match engineers levels.
- Proposals will be modified to accommodate 4 cars. Bike parking facilities will be added.
- The proposed parking arrangement maintains consistency with surrounding properties as it aligns with the existing housing line in the neighbourhood. This highlights the absence of any significant safety concerns associated with the current parking configuration and reinforces the viability of the proposed parking arrangements.
- The Applicant intends to omit the proposed semi-circle build-outs within the public footpath which are shown within the red line boundary.
- A Construction Management Plan and a Traffic Management Plan will be submitted a part of the planning conditions. The proximity of the site to the junction of the R110 and Kildare Road to Crumlin Children's Hospital is noted.
- **Flood Risk Assessment:** The subject site is within Flood Zone C. The Applicant states that it is noted the Drainage Division has no objection to the development subject to conditions.
- **Appropriate Assessment:** The Applicant states the development has been screened for AA and that it has been found that a full Appropriate Assessment is not required.

6.2. Planning Authority Response

- The Planning Authority request the Bord to uphold their decision. The Planning Department request that if permission is granted that certain conditions(s) be applied.

6.3. Observations

- None.

6.4. Further Responses

- None.

7.0 Assessment

7.1. Introduction

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 having inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Zoning
- Design, Layout and Character of the Area
- Access, Traffic & Parking
- Other issues
 - Appropriate Assessment
 - Flood Risk
 - Daylight/ Sunlight

7.2. Zoning

7.2.1. The subject Appeal site is zoned Z1 – Sustainable Residential Neighbourhoods, the zoning objective for which is *'To protect, provide and improve residential amenities'*. Residential use is permitted in principle on lands zoned Z1, subject to assessment against normal planning considerations. These matters are discussed in turn below.

7.3. Design, Layout and Character of the Area

- *Existing Character and Architectural Form*

7.3.1. The subject appeal site retains its original format comprising of a single storey semi-detached dwelling to the front with an undeveloped garden to the side. The

remaining plots along this side of Kildare Road, proximate to the subject site, excluding plot no. 342, have all been redeveloped at various stages, and all include single unit residential developments in their respective side gardens, (see plot no's 344A, 348A, 350A, 352A, 354A and 356A). The predominant established architectural form, proximate to the subject appeal site, comprises of single storey, brick fronted, slate roofed, semi-detached cottage type dwelling structures (see plot no's 342, 344, 348, 350, 352 & 354) in keeping with the existing dwelling on the subject site.

7.3.2. All said dwellings include a narrow front porch projection with a semi-circular fan light window above the front door. All said dwellings are positioned to the front of each plot facing south and close to the adjacent footpath along the same or similar building line.

7.3.3. The established architectural form, in my opinion, contributes positively to the character and appearance of the area.

- *Design and Layout/ Demolition of existing dwelling*

7.3.4. The proposed development includes the demolition of an existing single storey semi-detached dwelling and the replacement of same with 4 no. dwellings. Development Plan guidance in relation to the Demolition and Replacement of Dwellings is provided in Section 9.0 of Appendix 18 of the Plan. Having regard to said guidance the position of the Local Authority, in my opinion, is to discourage the demolition and replacement of dwellings for sustainability reasons. The encouragement of deep retrofit of structurally sound, habitable dwellings in good condition as opposed to the demolition and replacement is emphasised.

7.3.5. I note the case presented by the Applicant for the proposed demolition of the existing dwelling as set out in the Appeal. Having been to the site and carried out a site inspection, it is my opinion that the existing dwelling, although not currently occupied and in a state of disrepair, falls within the definition of a habitable dwelling as set out in Section 2.0 of the Planning and Development Act, 2000 to 2023, *i.e., habitable house*” means a house which— (a) is used as a dwelling, (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or (c) was provided for use as a dwelling but has not been occupied.

- 7.3.6. It is my opinion that the dwelling can be readapted for modern living and extended onto, in a sympathetic manner, without needing for it to be demolished. There are several clear examples in the immediate area where similar original cottage structures have been successfully readapted and modernised.
- 7.3.7. I am satisfied that the demolition of the existing dwelling will impact negatively upon the established character of the area. In my opinion, the applicant has not presented any strong justification which would warrant the demolition of the dwelling and I therefore do not accept that demolition is essential in this case.
- 7.3.8. The proposed development, as presented, which includes the demolition of the existing dwelling, should therefore be refused.
- *Design and Layout/ Over-bearing/ Out of Scale/ Out of Character*
- 7.3.9. The Board will note specific guidance and recommendations contained in Section 15.5.2 (Infill Development), Section 15.13.3 (Infill/ Side Garden Housing Developments) and Appendix 18 of the Plan. The proposals, in my opinion, fail to demonstrate a positive response to the existing context, primarily by reason of the lack of regard to established building plot widths, the established building line, and the established architectural form of the area, including that of the existing dwelling, which it is proposed to demolish.
- 7.3.10. The proposed materials include the use of a light brown brick on the lower floors of the front and rear elevations, a smooth plaster finish to the remainder of these elevations and the side elevations and a slate roof finish. It is my view that the proposed architectural forms and detailing do not contribute positively to the established character and appearance of the area and fail to positively interpret the specific architectural features which make a positive contribution to the area.
- *Out of Scale/ Overbearing*
- 7.3.11. The proposals, in my opinion, are out of scale with the prevailing low density and predominant single storey design character of the area, particularly along the northern side of the Kildare Road proximate to the subject appeal site.
- 7.3.12. Although there is an existing one and a half storey detached structure to the rear of the adjacent property to the immediate west, no. 348 Kildare Road, the Board is

advised that the planning status of this structure is unclear and that it should not therefore be relied upon as a relevant precedent for an additional dwelling.

7.3.13. The relationship between the scale of the existing dwellings and that of the proposed 4 no. two storey dwellings is shown on the proposed front elevation drawing no. 3.1.200. A contextual front elevation is also provided, albeit to a scale of 1:200. The proposed ridge height of the 4 no. dwellings at 7.3 metres will be 2.7 metres higher than the ridge height of the adjacent dwelling, no. 348 Kildare Road, which measures 4.6 metres in height. The ridge heights will also be 2.1 metres above the non-original ridge height of no. 344A Kildare Road.

7.3.14. I agree with the assessment of the Local Authority that the proposed units clearly do not match the proportions of the adjoining cottages and that given the scale, height and location of the proposal, the development would appear overbearing. I would further agree that the proposals have the potential to unduly overshadow adjoining property.

7.3.15. In my opinion, the proposed development is overly dominant and out of scale with that of the existing dwellings, the overall established pattern of development and established architectural character of the area. The proposed development, if permitted, would appear visually incongruous on the streetscape and would set an undesirable precedent for similar proposals into the future.

- *Residential Amenity/ Private Open Space*

7.3.16. Private open space of 45 sqm is proposed to the rear (north) of each of the 4 no. units. As per recommendations contained in the Quality Housing for Sustainable Communities Guidelines, 2007, each of the 4 no. units constitute a 2 Bed/ 4 Person house. As per guidance in relation to private amenity space provided in the recently published Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, see Section 5.3.2 and SPPR2 (Minimum Private Open Space Standards for Houses), a minimum private open space standard of 30 sqm for a 2-bed house is recommended.

7.3.17. The assessment of the Local Authority Planner in respect of this issue is noted. Whilst I do not agree that the proposal to provide 45 sqm in each case is below the minimum requirement, as the development plan minimum is clearly stated to be 10 sqm per bedspace, I would agree that the narrow depth of the gardens is out of

character for the area and on the northern side of the Kildare Road. I would further agree that the gardens would likely experience overshadowing throughout much of the year and therefore undermine their amenity value. It is noted that the Applicant has not provided a shadow assessment. I would agree with the conclusion of the Local Authority Planner that the proposed provision of private open space is considered substandard in terms of quality.

- *Conclusion*

7.3.18. In conclusion, I would agree with the assessment of the Local Authority that the proposed development, as presented, and by reason of its scale, mass, design, height and proportions would be over-bearing, out of scale and character compared to the prevailing architectural context. I would further agree that the proposed development would appear visually incongruous on the streetscape and would provide a poor level of residential amenity in terms of the provision of private open space.

7.3.19. I would finally agree that the proposed demolition of the existing single occupancy dwelling and replacement of same with multiple new builds has not been justified and would therefore, by itself and by reason of the undesirable precedent it would set for similar proposals in the area, be contrary to the proper planning and sustainable development of the area.

7.3.20. In this regard, it is my opinion that the proposed development, as presented, and by reason of the proposed design, scale, mass and layout does not accord with policies CA6 (Retrofitting and Reuse of Existing Buildings), SC11 (Compact Growth), QHSN6 (Urban Consolidation), QHSN10 (Urban Density) and BHA11 (Rehabilitation and Reuse of Existing Older Buildings) and to recommendations contained in Section 5.5.2 (Infill Development) and Section 15.13.3 (Infill /Side Garden Housing Developments) of the Development Plan.

7.3.21. Permission should be refused.

7.4. Access, Traffic & Parking (New Issue)

7.4.1. The appeal site is currently served by 1 no. c. 2.7-metre-wide vehicular entrance and an associated dished kerb. It is proposed to remove the existing front boundary of the site and to provide a total of 8 no. in curtilage perpendicular car parking spaces.

This pattern and extent of in curtilage perpendicular parking is not replicated in the general area.

- 7.4.2. The subject appeal site, by reason of its location immediately adjacent to a planned Bus Connects corridor (Case Ref. No. ABP-316828-23), in my opinion, falls within the Parking Zone 2 category as set out in the Development Plan. A Development Plan standard of 1 no. car parking space per dwelling applies in Parking Zone 2 in the case of conventional housing and 1 no. space per 2 dwellings in the case of elderly persons housing/ sheltered housing, see Section 4.0 of Appendix 5 of the Development Plan. This creates a maximum demand for 4 no. car parking spaces in the case of conventional housing.
- 7.4.3. Although the Applicant refers to the proposals being for elderly housing and assisted living, there is no reference to this in the proposed development description as set out in the public notices. The proposals are therefore, in my view, conventional housing units and, as such, the maximum car parking demand is for 4 no. spaces.
- 7.4.4. In my opinion, the subject development does not represent an exceptional case where an exceedance of the maximum standards may be acceptable, as per guidance set out in Section 4.0 of Appendix 5 of the Development Plan. Therefore, in my opinion, the proposals represent an overprovision of car parking.
- 7.4.5. The subject site, in my view, is located in an Urban Neighbourhood as defined in Chapter 3, (Table 3.1 and Table 3.2) of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. In such areas, and as per SPPR 3, Car Parking provision should be minimised, substantially reduced or wholly eliminated. The Guidelines state that the maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the Planning Authority, shall be 1 no. space per dwelling. Notwithstanding this guidance there is still, in my opinion, an overprovision of car parking proposed.
- 7.4.6. The Traffic Safety concerns raised by the Transportation Department which include the proposed car parking layout, the excessive number of car parking spaces, the inclusion of part of the public footpath with the proposed red line boundary, the creation of a traffic hazard for passing traffic and a conflict with pedestrians,

discrepancies in the drawings and documentation, are noted. I would share the same traffic safety concerns.

- 7.4.7. The Board will note the adjacent proposals for parallel car parking on the opposite side (south) of the Kildare Road presented under the current Bus Connects Scheme (Case Ref. No. ABP-316828-23). The Board will also note proposals adjacent to the front of the appeal site which include an estimated 2.5-metre-wide footpath and a 1.5-metre-wide cycle track adjacent and to the south of same.
- 7.4.8. I am not satisfied that the proposed development, as presented, is acceptable from a traffic safety perspective. Permission should be refused.
- 7.4.9. The Board may wish to decide whether the subject proposals are premature pending the outcome of the Bus Connects Scheme (Case Ref. No. ABP-316828-23).
- 7.4.10. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.
- 7.4.11. Where the Board is mindful to Grant permission, it is considered that a condition could be attached to omit car parking, in its entirety, from the subject site.

7.5. Other issues

- **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

- **Flood Risk**

- 7.5.2. The subject Appeal site is located within a Flood Zone C. The proposed development is therefore acceptable from a Flood Risk perspective.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the Z1 zoning objective for the site, Section 15.5.2 Infill Development and Section 9.0: Demolition and Replacement Dwellings (Appendix 18) of the Dublin City Development Plan 2022-2028, and to the scale, mass, design, height and proportions of the proposed development, it is considered that the development would be over-bearing, out of scale and out of character in comparison with the prevailing architectural context, would appear visually incongruous on the streetscape, and would provide a poor level of residential amenity in terms of the provision of private open space. The proposed demolition of an existing house in single occupancy and replacement with multiple new build units has not been justified and the proposed development would, therefore, by itself and by reason of the undesirable precedent it would set for similar development in the area, be contrary to proper planning and sustainable development.
2. Having regard to the quantum of car parking proposed and the extent of anticipated additional traffic movements which are likely to be generated as a result of the proposed development, it is considered that the development would be likely to endanger public safety by way of a traffic hazard and would lead to conflict between other road users, that is, vehicular traffic, pedestrians and cyclists. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.

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

Frank O'Donnell
Planning Inspector

23rd February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317452-23		
Proposed Development Summary	Demolition of an existing dwelling and associated sheds to rear. The construction of 4 no. dwellings.		
Development Address	346 Kildare Road, Crumlin, Dublin 12, D12 X06N		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	√	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class 10(b), Schedule 5 Part 2	EIA Mandatory EIAR required
No	√	N/A – Below threshold	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
		N/A	Conclusion
No			No EIAR or Preliminary Examination required
Yes	√	Class/Threshold..... 10 (b)	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317452-23	
Proposed Development Summary	Demolition of an existing dwelling and associated sheds to rear. The construction of 4 no. dwellings.	
Development Address	346 Kildare Road, Crumlin, Dublin 12, D12 X06N	
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.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development to 4 no. residential units (stated area 0.0683 ha) is within an area zoned residential in the Dublin City Development Plan 2022-2028. The proposed development is to connect to public services. As per the documentation submitted, including the Drainage Design Report, the proposed development will not result in significant emissions or pollutants.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	This proposal is for the construction of 4 no. residential units and is far below the threshold of 500 units and below 10ha as per Class 10(b) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended). Please refer to the Planning History Section of this Report. No significant cumulative considerations.	No No
Location of the Development	Residential Development on serviced site on zoned lands and proposal includes regard to surface water	No

<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>drainage and the incorporation of SuDS. A Flood Risk Assessment has been submitted which states the site has no records of coastal or fluvial flooding events and is not located within an area at risk of fluvial or coastal flooding.</p>	<p>No</p>
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Conclusion

<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>
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Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)