



An
Bord
Pleanála

Inspector's Report

ABP-317775-23

Development	Construction of 43 no. residential units and all associated site works. The site includes an existing protected structure (RPS 1800), a two storey dwelling house known as Saint Annes. this application does not consist of any works to the protected structure.
Location	Saint Annes, Dublin Road, Shankill, Dublin 18, D18 H9V3
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0339
Applicant(s)	Maplepond Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Maplepond Limited
Observer(s)	Nina and Peter Brennan William and Suzanne Foot & Others Simon Geelon
Date of Site Inspection	13 th December 2024
Inspector	Joe Bonner

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1.0 Site Location and Description

- 1.1. The triangular shaped site is located on the eastern side of Dublin Road (R837) in the south Dublin suburb of Shankill, immediately north of the St Annes Resource centre that lies within the grounds of St Annes Catholic Church, that itself sits c17m south east of the sites southern boundary. Dublin Road (R837) and Shanganagh Road (R119) meet at a roundabout immediately south of the church grounds, with the R837 running north westwards along the sites southwestern boundary, while the R119 runs north eastwards. Shankill Dart Station is located c510m east of the site (850m by foot). Access to the M11 is available c800m to the north.
- 1.2. The site has c62m of road frontage on the R837, along which the recently approved Bus Connects route is to be built. The northeastern boundary is c104m in length abuts a large property containing a single house. The site tapers to a narrow point at its northern boundary which is only c8m in length and abuts a cul-de-sac road serving houses in Rathmichael Park that is accessed via the R837. Six large residential properties share a boundary with the sites eastern boundary, which is 139m in length. One of the houses is in Rathmichael Park closes to the northern corner of the site. The five other houses are accessed from the R119. The two southernmost houses are located close to the boundary. One contains a large rear garden, incorporating a tennis court and two others, which are semi-detached are separated from the site by a series out outbuildings and deep gardens.
- 1.3. An existing art deco style house 'St Annes' sits in the middle of the site and is a protected structure. It does not form part of the application.
- 1.4. Since the appeal was submitted, permission has been granted permission for a similar but smaller development on the site and on the occasion of the site visit, site clearance had commenced, while foundations had been laid for to the north of the protected structure, in the approximate location of Blocks B from this application.
- 1.5. A number of outbuildings that are permitted to be demolished in the recent grant of permission were still in site on be occasion of the site visit. The mature trees and hedging that mark the boundary along the R837, are proposed to be removed to facilitate the recently permitted Bus Connects corridor, which will incorporate part of the site.

2.0 Proposed Development

2.1. In summary, planning permission is sought for:

- Construction of 43 no. residential units in 3 blocks to the north and south of the existing dwelling, all with private balconies:
 - Block A: three storey duplex/townhouse block containing 2 no. 2 bed ground level apartments, 2 no. three bedroom upper level two storey duplex units and 1 no. three storey end of terrace townhouse, all units with private balconies.
 - Block B: three storey block containing 4 no. four bedroom three storey terraced houses with private rear gardens.
 - Block C: five storey block with penthouse setback level containing a total of 34 apartments consisting of 8 no one bed, 24 no. two bed and 2no. three bed apartments,
- Ancillary site works including parking for 42 cars, 2 no. communal bin stores, 98 secure bicycle parking spaces and relocation of the main vehicle access further south along Dublin Road.

2.1.1. The application was accompanied by the following documents:

- Architects Planning Design Report
- Housing Quality Assessment
- Operational Waste Management Plan
- Social Audit
- Planning and Drainage Report
- Construction and Waste Management Plan
- DMURS Compliance Statement
- Road Safety Audit
- Mobility Management Plan
- Green Infrastructure Audit
- Landscape Rational Report

- Arboricultural Assessment (Tree Survey) Report
- Appropriate Assessment Screening Report
- Architectural Heritage Impact Assessment Report
- Dwelling Energy Statement Building Life Cycle Report? Provisional BER Report
- Outdoor Lighting Report
- Sunlight, Daylight & Shadow Assessment Report
- St Anne's Street Dwellings Report

2.1.2. The housing/unit mix is set out in Table 2.1 below:

Table 2.1 – Housing Mix

Unit type	Apartment No. of Units (%)	Houses No. of Units (%)
1-bed	8 (18.60%)	N/A
2-bed (3-person)	4 (9.30%)	N/A
2-bed (4-person)	22 (51.17%)	N/A
3 bed	4 (9.30%)	1 (2.33)
4 bed	N/A	4 (9.30%)
Total Units	38 (88.37%)	5 (11.63%)

The key figures relating to the proposed development are summarised in Table 2.2.

Table 2.2 - Key Figures for the Proposed Development

	Key statistics
Site Area	0.6 ha (gross)
No. of units	38 apartments 5 Houses (plus existing protected structure) 44 units made up of 1 existing and 43 proposed units
Gross Floor Area	557.28sqm (existing building) 339.85sqm to be retained (Protected Structure) 217.43sqm to be demolished (outbuildings)

	4,472.63sqm (proposed building) Total floor area on site (4472.63sqm + 339.85sqm) = 4,812.48sqm
Residential Density	44/ 0.6ha = 73.33 units per hectare
Plot Ratio	4,812.48sqm / 6,000sqm = 0.80
Site Coverage	19.26%% (1,155.89sqm of ground floor area)
Height	Blocks A and B - 3 storey Block C - 5 Storey
Dual Aspect	76.47% or 26 of the 34 apartments in Block C, are dual aspect units, while 8 are single aspect). The 4 duplex units and the 5 houses are all dual aspect.
Car Parking	42 parking spaces
Bicycle parking	98 bicycle parking spaces, 66 of which are sheltered
Communal Amenity Space	598sqm proposed (254sqm required for apartments)
Public Open Space	818sqm proposed (900sqm required 15% of site area)
Part V	Proposed - 5 no 1 bed apartments and 3 no 2-bedroom apartment (18.60%)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 17th of July 2023, Dun Laoghaire Rathdown County Council decided to refuse permission for two reasons, which stated:

- 1 Having regard to the location of the site within the curtilage of the Protected Structure, Saint Anne's House [RPS.No.1800], the Planning Authority consider that the overall scale, massing and height of the proposed development is inappropriate at this location as it would negatively impact on the setting and amenity of the Protected Structure and would therefore be contrary to policy objective HER8 and Section 12.11.2.3 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. Furthermore, the exclusion of the existing Protected Structure from the application is contrary to both the County Development Plan and the 'Architectural Heritage Protection Guidelines for Planning Authorities', 2011. The proposed development would,

therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and to the proper planning and sustainable development of the area.

- 2 The proposed development, by reason of its overall design and site layout, and in particular the inadequate public open space provided and possible opportunities for improved connectivity through the site would be contrary to and fails to accord with 'Healthy Placemaking' as per Policy PHP35 of the Dún Laoghaire - Rathdown County Development Plan 2022-2028 which seeks to ensure that development proposals provide for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the planning authority to refuse permission is consistent with the Planning officer's recommendation. The planning officer's report is summarised below. I have set out the matters raised in some detail, because apart from the reasons for refusal, the planning officer identified a significant number of issues that they had with the application, that would have been the subject matter of a request for further information, has they not recommended a refusal of permission :

- It describes the site and the proposed development, provides a summary of the thirteen third party observations (see 3.5), sets out relevant planning history and incorporates the entirety of the other technical reports prepared by internal departments of DLRCC (see 3.2.2 and 3.3 below) as well as the submission from prescribed bodies (see 3.4 below).
- It provides a comprehensive list of applicable policies from the development plan and refers to the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- The principle of the development is consistent with the land use zoning and is compatible with the overall policies and objectives of the plan.

- Part of the site is in transitional zonal area, with lands to the south zoned 'SNI' Sustainable Neighbourhood Infrastructure, so section 13.1.2 applies, where abrupt transition in scale and density should not occur that would be detrimental to the amenities of the more environmentally sensitive zone.

Demolition

- The proposed demolition works are acceptable.

Built Heritage

- The distance between the protected structure and proposed buildings is 15m (3 storey building to the north) and 23m (5 storey building to the south).
- Section 12.11.2.4 refers to development within the curtilage of a protected structure. Where a protected structure is part of a development the works thereto should happen early, while an appropriate setting should be retained. The protected structure site does not form part of the application.
- Both the Conservation Officer and Department of Housing, Local Government and Heritage recommended a refusal of permission.

Residential Density

- Policy PHP18 encourages minimum densities of 50 units per ha near high frequency public transport, however, Section 4.3.1 states the presence of a protected structure on site acts as a constraint to higher density by reason of height, scale, massing and proximity.
- Policy PHP20 protects the amenities of existing homes, when applications for taller and higher density development are proposed.
- Taking constraints into account, a density of 71.6 units per ha is not acceptable, particularly the relationship between the 5 storey block and protected structure.

Design and Layout

- Fails to comply with the principles of the Urban Design Manual in terms of context, connectivity and efficiency.

Residential Accommodation and Mix

- The application does not contain details of existing and permitted unit mix within a 10-minute walk of the site so a full assessment cannot be carried out.

- It has not been demonstrated that the development has been designed for the older people or persons with a disability
- The apartment and housing mix is considered acceptable.
- The apartments would meet or exceed the SPPR (Apartment Guidelines) and development plan requirement for 1) minimum apartment floor area requirements; 2) internal storage areas; 3) balcony size and depth; 4) dual aspect ratio; 5) floor to ceiling heights; 6) number of units per staircase.
- If another application is submitted, it should include additional external storage.

Houses

- The proposed houses exceed the minimum size requirements of Quality Housing for Sustainable Communities Guidelines.
- There are inconsistencies regarding the quantum of open space for unit 1 and its balcony 1 may adversely affect the amenities of a neighbouring property, through noise and overlooking, notwithstanding intervening mature trees.

Building Height

- SPPR1 of the Building Height Guidelines supports increased height and density near good public transport accessible locations, while policy Objective BHS3 promotes 3-4 storeys buildings in suburban areas.
- Section 12.3.5.4 suggests penthouse levels should not have a negative impact on the skyline or streetscape.
- Considered contrary to Table 5.1 of the development plan and Conservation Officer recommended a refusal based on scale height.
- Proximity to the Dart does not outweigh the negative impact of height.
- Block C would be 12.5-15m from adjacent residences and the height and massing would be overbearing.

Residential Amenity

- Buildings over 3 storey must provide acceptable separation distances between blocks to avoid overlooking, overbearing and overshadowing.

- Concerns exist about side elevation and second floor balconies of Block A and the eastern side of Block C which has opaque glazing, high-level windows and 1.8m high balcony screens that does not address the solid to void wall ratio.
- Would compromise neighbouring amenities due to scale, height, form, separation distance, would be visually overbearing and contrary to the zoning objective, which is to provide residential development and improve residential amenity while protecting the existing residential amenities.

Visual impact

- Would be detrimental to the setting of the protected structure, overbearing and visually incongruous within the wider context, injuring visually amenities.

Communal / Public Open Space

- An adequate quantum of communal open space has been proposed.
- There is a marginal shortfall of public open space. The part along the southern boundary is not considered usable and the main space at the north western corner is not acceptable and would require redesign.

Third Parties

- The planning authority agree with some of the issues raised.

AA Screening

- The planning authority screened for AA and concluded the proposed development will not significantly impact upon a Natura 2000 site.

EIA Screening

- The need for EIA was excluded at preliminary examination stage.

Conclusion

- Recommended refusal, but if a grant of permission was to be considered, issues relating to discrepancies between documentation submitted, bulky storage, public and private amenity spaces, transport and parks and landscaping, Part V, construction management and noise management plan exist.

3.2.2. Other Technical Reports

- Drainage Planning – No objection subject to conditions (see 3.3 below).

- Conservation Division – 23rd of June 2023 – The house is listed on the NIAH and is rated as being of Architectural, Artistic, Historical and Social Interest. The existing house is excluded from the application and the applicant claims it will be subject to a separate application, raising concerns about its condition and long term use, contrary to the objectives of the development plan and section 13.5.4 of the Architectural Heritage Protection Guidelines.

The contextual elevations show that the scale, height and massing to the proposed blocks will have an overwhelming and dominating impact on the character and setting of St Anne's (the protected structure on site) and St Anne's Church. It does not allow for retention of an appropriate setting for the protected structure and is not considered to protect and /or enhance the architectural significance, setting and amenity of the protected structure.

The development constitutes overdevelopment and the site is inadequate to accommodate the scale of development proposed without having a detrimental impact on the protected structure.

Exclusion of the protected structure from the application is not acceptable and the above matters cannot be resolved by removing floors from the proposed buildings alone. It requires a complete redesign with the protected structure at the heart of the development.

Not consistent with parts (i), (iv) and (viii) of Policy Objective HER8 of the development plan.

- Parks and Landscape – Recommended six points of further information, but the same matters could be addressed by conditions (see 3.3 below).
- Environmental Enforcement – Recommended four points of further information relating to 1) Construction and Demolition Management Plan; 2) Construction Management Plan; 3) Submission of a Noise report; 4) Submission of an Operational Waste Management Plan. They could also be addressed by conditions (see 3.3 below for recommended conditions).
- Building Control – 26th June 2023 – No objection subject to conditions (see 3.3 below).
- Public Lighting – 13th July 2023 – The lighting design is acceptable. No objection.

- Housing Department – 8th June 2023 – Indicates that the Part V proposal was capable of complying with the requirement of Part V. Recommend attachment of a Part V condition.
- EHO – 8th July 2023 – Recommended further information 1) A detailed Construction Management Plan and 2) A baseline noise survey to be carried out before site works/clearance commence.
- Transportation Planning – 17th July 2023 – Recommended further information regarding 1) deviation from Development Plan parking requirements; 2) provision of cargo bike parking spaces; 3) DMURS compliant roadway dimensions, entrance details with pedestrian/cyclist priority, junction radii, signage and a 2m wide footpath along Dublin Road; 4) A cycle audit as per Section 12.4.6.1 of the development plan; 5) 20% of car parking spaces to be fitted with EV chargers and the rest capable of accommodating charging in the future;.

3.3. **Conditions**

3.3.1. While the decision of the planning authority was to refuse permission, a number of departments recommended the attachment of conditions, in the event that permission was to be granted. A summary of the conditions is set out below.

3.3.2. Drainage

Eight drainage conditions are proposed which refer to:

- 1) Surface water discharge rate; 2) Attenuation volume; 3) Blue/green roof design; 4) Parking and hardstanding to be compliant with SUDS, section 12.5.8.3 of the development plan and taking in charge requirements; 5) Different surface water arrangements depending on whether the site is to be taken in charge or controlled by a management company; 6) Construction Management Plan / programme of works for construction runoff. 7) Post construction maintenance of drainage works. 8) Prior to connecting to the public surface water system, submit details of the correct installation of onsite attenuation system, including photos of installation process.

3.3.3. Parks and Landscape

Three landscape conditions are proposed which refer to:

- 1) Revised landscaping plans, showing underground services, revised tree type, relocate play area away from Dublin Road, replace excess bicycle parking with planting, grasscrete to be used on car parking, details of play equipment.
- 2) Landscape consultant to supervise implementation of the landscaping plans and prepare of a quality audit.
- 3) A €30,000 tree bond, regular tree inspections, to ensure trees are protected and replaced where necessary.

3.3.4. Environmental Enforcement

Six Environmental Enforcement conditions are proposed which refer to:

- 1) Construction Waste including a Material Source and Management Plan; 2) Preparation and implementation of a Public Liaison Plan; 3) Operational Waste Management Plan; 4) A Construction Environmental Management Plan.
- 5) Noise, Vibration and Dust Monitoring stations to be installed, maintained and reported on weekly during construction.
- 6) Noise from building services not to impact neighbours of future occupants.

3.3.5. Building Control

comply with 1) Taking in Charge Policy for Residential Development May 2022 and 2) Taking in Charge Development Standards Guidance Document June 2022.

3.3.6. Housing

Part V condition.

3.4. **Prescribed Bodies**

- Irish Water – 7th July 2023 – No objection subject to condition 1) a pre connection agreement is required for water and wastewater connections; 2) connections will be subject to the constraints of the capital investment programme and 3) development to comply with Irish Water Standard codes and practices.
- NTA – 27th June 2023 – Takes the Bus Connects corridor into account along the front boundary. Recommends a condition requiring liaison with the NTA in advance of construction to ensure both developments can progress in an integrated manner.

- Department of Housing, Local Government and Heritage – 28th June 2023 – Recommends a refusal of permission. The house was the former home of President Patrick Hillery and allegedly a safehouse for a former German spy. Its setting within the parkland and wider landscape is fundamental to its design which is intended to be open and outward looking. The omission of the building from the application and harm to its relationship to its setting from the proposal would inflict or pose a threat to the character and long term survival of the property. The proposal to enclose the building by a 2m high wall is inappropriate. The visual impact of the development on the existing building has not been adequately considered. The layout material and design make little effort to integrate and showcase the original dwelling.

3.5. Third Party Observations

Thirteen third party observations were received. Twelve supported the applicant and issues addressed in those observations can be summarised as:

3.5.1. Procedural

- Not all adjacent houses are shown or are shown incorrectly on the plans.
- Notices are incorrect as the description does not include the works to the protected structure, being demolition of walls, piers and outbuildings.

3.5.2. Overlooking

- Incorrect that there is no direct overlooking. The 3 storey houses and balconies of the 5 storey apartments will overlook and impingement upon privacy and light at adjacent houses that are not currently affected or overlooked, with no possibility for planting due to paving and parking right up to the site boundary.

3.5.3. Density

- 50+ units per ha requires an assessment of density, scale and size to show it is not overdevelopment.
- A high density at 71 units per hectare is not consistently with development plan density of 35 units per ha stated on page 83 of Development Plan.
- When Protected Curtilage and curtilage excluded, site smaller than stated 0.6ha.

- Block C requires more open space and separation from the boundaries. Difficult to justify a density higher than 35-50 units per hectare.
- Long established residential amenity will be lost.

3.5.4. Design, Scale, Height - Residential Amenity

- Shankill is a suburban village not urban centre, with no existing buildings over 3-storeys and surrounding properties are mainly bungalows and two storey. The nature and scale is incompatible with the Protected structure and surrounding properties and heights at 9.5m (Block A), 9.4m (Block B) and 15.7m (Block C) are out of character with the area and adversely affect those properties.
- Does not comply with policy BHS1 (Increased Heights) and Appendix 5 - building height policy explicitly allows appropriate increases in height. Policy BHS-3 promotes 3-4 storeys in 'residual suburban areas' provided a balance between protecting amenity and established character. The site is not one that is suitable for higher buildings.
- The response to Table 5.1 performance criteria confirms overdevelopment by reason of massing and height (5 storey v 1-2 prevailing) adversely affecting the character of the area and not compliant with building height guidelines.
- High level windows designed to avoid overlooking will increase overbearing.
- Does not comply with 9 criteria of SPPR 3 of building height guidelines, including overlooking, overbearing and overshadowing, height, mass and not responding to scale of adjoining development.
- Precedent refusal c 700m west where board refused for 108 units per ha on 0.92ha site (ABP-311347-21).

3.5.5. Residential Amenity - Bins

- Position of communal bins adjacent to a neighbouring garden will lead to hygiene risk, noise, disturbance, odour and attract vermin.

3.5.6. Traffic safety, parking, access

- Increases density and relocation of the entrance may compromise traffic safety and exacerbate traffic congestion and will negatively affect children attending the two local schools.

- 42 parking spaces proposed but 53 required, an under provision of 20.7% and no visitor parking, which will likely lead to on street parking.
- The Road Safety Audit recommendations have not been put into the design.
- The Traffic and Transport Assessment does not take account of high density developments underway at Woodbrook, Shanganagh Park and Stonebridge Road.
- In quashing the decision in Ballyboden -v- ABP (2022) (IEHC)7 Justice Holland found the board failed to take bus capacity into account. There are 3 bus routes adjacent the site, the 84, 145 and 155, while the Dart is 1km away.

3.5.7. Infrastructure deficits

- Irish Water confirmed significant upgrades are required to facilitate a wastewater connection. The status of that upgrade is unclear.
- The Social Audit should assess childcare and school capacity not just list them.
- Local Schools and Doctors are at capacity, with waiting lists and the development will add to that pressure.

3.5.8. Sunlight, Daylight and Overshadowing

- Will overshadow existing buildings in the area including St Annes on the site, will affect evening sun, take light from gardens and affect privacy.
- Should fully, not generally comply with Sunlight and Daylight guidelines.
- Disagree with Sunlight, Daylight and Overshadowing report that no additional overshadowing will occur of rear garden from a 9.4m high building, located 1.5m from the shared boundary.
- Screens on the balconies do not extend full depth, resulting in overlooking.

3.5.9. Design

- The monolithic industrial-type gable will seriously injure the residential amenity and contravene the land use zoning.

3.5.10. Impact on Protected Structure St Annes

- The AHIA highlights the importance of the existing house (St Annes - a protected structure) and need to protect its character and appeal. Its rooftop viewing patio will

be overlooked. Its prominence and historic value will be lessened and its character and setting materially altered.

- St Anne's is considered a centrepiece of the development, but has not been thought out and the proposal fails to comply with Policy Objectives HER8
- Protection may apply to more than the house and may apply to the entire site.

3.5.11. Impact on other Protected Structures in the area

- Will affect surrounding protected structures St Anne's Church, Kiltuck Cross and the old station master's house.
- Visual impact on the church is significant and height of the church cannot be used to justify the scale of the proposal.

3.5.12. Property Values

- High noise, traffic and pollution levels will deprecate the value of property in the vicinity.

3.5.13. Precedents

- Refusals on adjacent sites under 1) D07A/1185 and 2) ABP-312284-21 (P.A Reg. Ref. **D21A/0861**) (See 4.3.1 and 4.3.3 below Planning History).
- The precedents have densities of 33.7 and 52.4 units per ha, which are the maximum density possible in the area.

3.5.14. Policy

- Applications should be assessed based on compliance with the zoning objective, building height strategy, density and protection of protected structures.
- Contrary to Policy Objective PHP18 requiring balance between compact growth and protection of existing amenities and established character of surrounding areas.
- Sections 2.3 of Appendix 5: Building Height Strategy sets out arguments against higher buildings and 4.3.2 refers to heights relating to protected structures.
- Does not comply with policy objectives PHP3, PHP18, PHP20, PHP42, PHP35, particularly PHP20 as adequate assessment or justification has not been provided.
- Fails to comply with Policy Objectives HER 8(viii) and (ix).

- Removal of 12 trees is unacceptable and contrary to objectives OSR7, GIB1, GIB2, GIB18, GIB25 and the tree strategy.
- Contravention of policy objective PHP 35 (Healthy Placemaking)
- Does not comply with policy BHS1 (Increased Heights).
- The open spaces are contrary to Policy Objective PHP35.
- Bringing the development within 4.9 metres of the roadside edge, when bus connects is built, would be contrary to RPO 8.9 of the RSES.
- Section 12.8.3 of development plan requires 15% open space.

3.5.15. Open Space, Trees and Biodiversity

- 13.6% public open space proposed rather than the required 15%.
- Communal and public open space calculations are misleading.
- Too many trees being removed, would involve biodiversity loss and its impact has not been assessed. Fails to enhance the biodiversity of the site.
- Open space not well designed, accessible, inclusive secure or useable, not connected to other lands and constitutes leftover spaces that are unlikely to be used. The public open space is gated at the northern corner and is contrary to Policy Objective PHP35. Playground is not overlooked and too close to the Dublin Road.
- Policy Objective GIB22 refers to protecting and promoting biodiversity outside of designated sites. Objective 130 refers to development not having an impact on environmental sensitivities or visually detracting from the area.
- Overshadowed amenity space at rear of Block A is of little amenity use or value.
- Does not identify the trees and hedgerows to be removed. The site is heavily wooded and the sylvan setting along Dublin Road will be lost and will expose the overdevelopment of the site.
- Development plan required EIA where loss of or impact on trees could potentially result in adverse impact on dependent flora.
- The AA screening is not an assessment of tree loss as it does not mention it.

3.5.16. Health

- Will adversely affect their health from toxic traffic emissions.
- Noise levels from 5 storey apartment block will affect neighbouring amenity.

3.5.17. Unauthorised development

- Unauthorised works have been carried out to the vehicular gate.

3.6. Submission in favour of the development

A single submission was received in favour of the application. It addressed:

- The existing house on site is vacant for some time, will retain a garden and should be enjoyed.
- The design is sympathetic to the art deco house on site, the blocks have been sited so as to cause least impact, while a good quantity of open space is provided.
- There is an abundance of houses in the area and very little for those wishing to downsize or find a first home.
- Proximity to the DART and Bus corridor serve the site well, while space has been allocated for road widening, which shows foresight.
- The builder built Woodbank and Stonebridge and will take the same care and attention with this proposal.

4.0 **Planning History**

4.1. **Application site (lodged since this appeal was submitted to the Board)**

- **D23A/0806** – Permission Granted by DLRCC on the 22nd of August 2024 for the following development. The decision was not appealed and works had commenced on site in December 2024. The development can be summarised as:
 - a) the demolition (c.254 sqm.) of all single storey non-original extensions, a single-storey glass house and 3 no. single storey outbuildings associated with Saint Anne's (A Protected Structure).
 - b) the removal of all temporary timber sheds on site (c.97sqm).
 - c) the refurbishment and two storey extension of Saint Anne's to provide for a newly renovated 2 storey 4 bedroom residential dwelling.

- d) the construction of a new residential development of 23no. units in 3 no. new build Blocks A, B and C (all 3 stories in height).

4.1.1. The full description of the development is provided in Appendix 3 to this report.

4.1.2. Following a request for further information, the height of Block C was increase to from 3 to 4 floors, while the overall number of units permitted was 29.

4.2. **ENF 19023**

4.2.1. This refers to an enforcement case that related to 'demolition of a vehicular access gateway/ wingwalls and the carrying out of development works to the protected structure...' This case was referenced in the submission of the DoHLGH, but it was closed by the planning authority in July 2023.

4.3. **Relevant and Nearby Planning History**

4.3.1. Site abutting the northwestern boundary of the site

- **P.A. Reg. Ref. D07A/1185** – Permission Refused by DLRCC on the 12th of October 2007 for 49 apartments consisting of one building of 2-storeys (6.45m high) and one terraced building of 3 & 4 storeys (12.45m high). Density of 140 units per hectare on a 0.35h site. The 4 refusal reasons can be summarised as:

- 1 Would constitute overdevelopment of a restricted site. Out-of-character with the area due to excessive height, bulk, massing and layout, proximity to the boundaries, design and prominence when viewed from the Dublin Road. Sub-standard size of many two-bed units, lack of large/three bedroom units, lack of general and bin storage, the number of units proposed, and site coverage.
- 2 The height, size, layout, orientation and design would have visually overbearing and overshadowing impacts on the surrounding single and two storey residences, including the adjacent Protected Structure, would be a visually discordant and jarring element, when viewed on the streetscape and would not make a positive visual contribution to the existing environment.
- 3 The height and close proximity to the boundaries and the many balconies and windows serving living spaces, would result in actual and perceived loss of privacy and overlooking of the surrounding properties.
- 4 The proposed development would be contrary to Council Policy as indicated in AR5 'Rehabilitation, Renovation and Re-use of existing older buildings'.

- All 4 reasons included that the development would seriously injure the amenities of and depreciate the value of property in the vicinity.

4.3.2. Site c22m north east of the site (3 applications)

- **P.A. Reg. Ref. D09A/0817 (ABP - PL06D.236080)** – Permission Refused by the board on the 14th of July 2010 for 2 reasons following a decision by the planning authority to refuse permission for 5 reasons to ‘demolish 2 no. Dwellings and construct 23 no. residential units and site works. The site is 0.5160ha and the density 44.57 units per hectare. The two reasons can be summarised as:
 - 1 The design and layout is dominated by surface car parking, would be visually unappealing and would fail to provide for a development of high quality and architectural merit and would seriously injure the amenities of the area.
 - 2 The location and layout of the public open space being adjacent the busy Shanganagh Road, is not overlooked, visible, or easily accessible, from the majority of proposed dwellings and would result in a substandard form of residential amenity for future occupants contrary to the Development Plan 2010-2016 and Sustainable Residential Development Guidelines.
- **P.A. Reg. Ref. D10A/0372** – Permission Refused on the 24th of August 2010 for 4 reasons following a planning authority decision to refuse permission for 5 reasons to ‘demolition of 2 no. existing dwellings and the construction of 24 no. dwellings (20 houses and 4 apartments) in 5 no. 3-storey blocks. The site is 0.5160ha and the density 46.51 units per hectare. The four reasons can be summarised as:
 - 1 The minor revisions to the public open space (from the previous application) would result in unsatisfactory open space provision and seriously injure the residential amenity of future occupants and visual amenities.
 - 2 As per refusal reason 1 in PL.06D.236080 (above).
 - 3 Substandard sightlines to the left (north), would endanger public safety and would constitute a traffic hazard.
 - 4 Premature pending provision of adequate, safe pedestrian facilities on the west side of Shanganagh Road for the increased pedestrian traffic.
- **P.A. Reg. Ref. D11A/0245** – Permission Granted on the 25th of August 2011 for ‘demolition of 2 No. existing dwellings and the construction of 21 No. dwellings in 4

No. 3-storey blocks. The site is 0.5267ha and the density 39.87 units per ha. The development is occupied. The gable of one of the houses is located close to the narrow northeastern corner of the current application site.

4.3.3. Site c290m north on Dublin Road

- **P.A. Reg. Ref. D21A/0861 (ABP-312284-21)** – Permission Refused by the board on the 7th of September 2022, for ‘demolition of existing dwelling house and construction of 53 no. apartments’. The site is 0.35ha and the density 151.2 units per ha. The two reasons can be summarised as:

- 1 The proposed apartment blocks, with limited separation from the western and southern site boundaries, would result in a substandard form of usable open space and landscaping. Consequent tree loss would be contrary to the objective, to protect and preserve trees and woodlands. Would provide an inadequate design response and a fragmented form of communal amenity space.
- 2 The design and layout, including the siting, height and massing of the proposed blocks, the limited separation distances provided to boundaries and between blocks and the extent of tree retention/loss involved have a negative impact on the residential amenities of the properties to the immediate north and south of the site, by reason of overbearing and potential overlooking. The proposed development would seriously injure the amenities of property in the vicinity.

4.3.4. **ABP-317742**

Site adjacent to the south east of the site

4.3.5. ABP-317742 – On the 28th of January 2025, the board Approved the ‘Bray to City Centre Core Bus Corridor Scheme’ ABP-317742. The corridor runs along the sites southwestern boundary (R837).

5.0 Policy Context

5.1. Dun Laoghaire Rathdown Development Plan 2022-2028

5.1.1. The relevant Development Plan is the Dun Laoghaire Rathdown Development Plan 2022-2028, which came into effect on the 21st of April 2022.

5.1.2. The site is zoned 'Objective A' with a stated objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities' and 'Residential' development is 'Permitted in Principle', subject to compliance with the relevant policies, standards and requirements set out in the Development Plan.

5.1.3. All surrounding properties are also zoned Objective A, except for the grounds of the St Annes Catholic Church and St Annes Resource centre to the south which are zoned 'SNI' the objective of which is 'to protect, improve and encourage the provision of sustainable neighbourhood infrastructure'.

5.2. Policies Referenced in Reasons for Refusal

5.2.1. Section 11.4.1.2 contains Policy Objective HER8: Work to Protected Structures, which includes that, it is a Policy Objective to:

- i. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities'.
- iv. Ensure that any development,...affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.
- viii. Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

5.2.2. Section 12.11.2.3 'Development within the Grounds of a Protected Structure' states that 'development must be consistent with conservation policies and the proper planning and sustainable development... a balance must be struck between allowing compact development, while protecting the Architectural heritage and historic building stock within the County. The role of the Planning Authority is to have regard to National Policy; however, this must be done in tandem with other guidance and

Policy and any proposal for development within the grounds of a Protected Structure will be assessed in terms of the following’:

- The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, impact on existing features and important landscape elements including trees, hedgerows, and boundary treatments.
- Where a Protected Structure is part of a larger development...the works ...to the Protected Structure take place early on, preferably first...so that the conservation, and use of the Protected Structure is secured at the start of the project.
- The retention of an appropriate setting for the Protected Structure to ensure the relationship between the building, associated structures, amenity value, and/or landscape features remain unaffected by the development.
- Impact of associated works including street furniture, car parking, hard landscaping finishes, lighting, and services...
- ...make a positive contribution to the urban neighbourhood and streetscape; ensure the proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials/building fabric well considered; ensure the proposal positively contributes to the mix of uses, and / or building/dwelling typologies available in the neighbourhood.
- The retention of an appropriate setting for the Protected Structure to ensure the relationship between the building, associated structures, amenity value, and/or landscape features remain unaffected by the development.
- Impact of ...street furniture, car parking, hard landscaping finishes, lighting, and services. These should be designed using appropriate mitigation measures, such as careful choice of palette of materials, and finishes, and use of screen planting.

5.2.3. PHP35: Healthy Placemaking states that it is a Policy Objective to:

- Ensure that all development is of high quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO’s 9.10 and 9.11 of the RSES.
- Promote the principles set out in the ‘Urban Design Manual – A Best Practice Guide’ (2009), and the ‘Design Manual for Urban Roads and Streets’ (2013).

- Ensure proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

5.3. Other Development Plan Policies / Objectives /Sections

5.3.1. The following Policy Objectives and Sections are also considered relevant.

Density /Height

- Section 13.1.2 avoid abrupt transition in scale and density that would be detrimental to the amenities of the more environmentally sensitive zone.
- Policy PHP18 – encourages minimum densities proximate to high frequency public transport. Section 4.3.1 states the presence of protected structure on site acts as a constraint to higher density by reason of height, scale, massing and proximity.
- Policy PHP20 – protects the amenities of existing homes when applications for taller and higher density development are proposed.
- Policy PHP27 – encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.
- Appendix 5 – Policy Objective BHS 1 – Increased Height – consider taller buildings where appropriate within 1000 metre/10 minute walk band of DART Stations or Core/Quality Bus Corridor. Policy Objective BHS 3 – Building Height in Residual Suburban Areas - promote general building height of 3 to 4 storeys, coupled with appropriate density having regard to SPPR 3 of the Building Height Guidelines. Table 5.1 sets out performance-based criteria that the Planning Authority will use in assessing applications for increased height.

Protected Structure

- HER30 - Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings.
- Section 12.11.2 - refers to works to a protected structure.

Neighbourhood - People, Homes and Place

- Policy Objective PHP3: Planning for Sustainable Communities - Identify, provide and/or improve appropriate supporting sustainable neighbourhood infrastructure in tandem with residential development.
- Policy Objective PHP18: Residential Density – Increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites... ensure a balance between the protection of existing residential amenities and the established character of the surrounding area.
- Policy Objective PHP20: Protection of Existing Residential Amenity. ...to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.
- Policy Objective PHP42: Building Design & Height - Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5.

Parking

- Section 12.4 - refers to Traffic and Transportation Assessments and car parking requirement including Assessment Criteria for deviation from Car Parking Standards. set out in Table 12.5 Car Parking Standards.
- Section 12.4.6.1 - refers to the need for a suitably qualified person to prepare a Cycle audit for new residential developments of more than 5 residential units.

Trees and Biodiversity

- Policy Objective OSR7 - ensure tree cover in the County is managed.
- GIB1 - protect existing green infrastructure.
- GIB2 - continue to protect, manage and plan to conserve, maintain or enhance the distinctive characteristics of the County's landscapes.
- GIB18 – protect SAC's, SPA's, NHA's and Ramsar Sites.
- GIB22 - protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Area
- GIB25 - retain and protect hedgerows in the County from development, which would impact adversely upon them.

Open Space

- Section 12.8.3 sets out the Public, Communal and Private Open Space Quantities required for residential developments.

Sections

- Section 4.3.1 - Promotes compact urban growth through infill development of brownfield sites, having regard to enabling infrastructure including physical infrastructure such as transport, water, drainage, and social infrastructure.
- Section 12.3.1.1 - Sets out the design criteria necessary to achieve high standards of design and layout to create liveable neighbourhoods.
- Section 12.3.5 - Refers to apartment standards.
- Section 12.3.7.7 - New infill development shall respect the height and massing of existing residential units and retain the physical characteristic of the area.
- Section 13.1.2 - Refers to 'Transitional Zonal Areas' where it is important to avoid abrupt transitions in scale and use in boundary areas of adjoining land use zones and in dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone.

5.4. NIAH

- 5.4.1. The existing house on the site 'Saine Anne's' is assigned a regional rating, of Architectural. Artistic, Historic and Social interest in the National Inventory of Architectural Heritage (NIAH). The building is described as detached four-bay two-storey flat-roofed house, designed 1936, on a T-shaped plan with single-bay full-height return (north) on a bowed plan. Flat roof not visible behind parapet,... rendered walls... Square-headed window openings... set in landscaped grounds.
- 5.4.2. The house is appraised as, a house... representing an integral component of the twentieth-century domestic built heritage of south County Dublin with the architectural value of the composition, a white-walled International Style house recalling the O'Connor and Aylward-designed White House (1937) in Knocknacree Road, Dalkey, confirmed by such attributes as the prow-like bow-ended rectilinear plan form; the balconied floors evoking further comparisons with contemporary

cruise liners; the slight diminishing in scale of the openings on each floor producing a graduated visual impression with those openings originally showing characteristic horizontal glazing patterns; and the parapeted roof doubling as an informal sundeck. NOTE: Allegedly one of a number of "safe houses" in the locality occupied (1940) by Hermann Görtz (1890-1947), German spy (cf. 60260126), and later the home of Patrick John Hillery (1923-2008), President of Ireland (fl. 1976-90).

5.5. National Policy and Guidelines

5.5.1. National Planning Framework

- NPO 4 – A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- NPO 26 – Support the objectives of public health policy including Healthy Ireland and the National Physical Activity Plan, though integrating such policies, where appropriate and at the applicable scale, with planning policy.
- NPO 27 – Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 34 – Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.

5.5.2. Updated Draft NPF (November 2024)

- The updated draft of the Revised NPF was published in November 2024. NPO's 4, (still 4), 27 (now 37) and 34 (now 44) continue to apply, while NPO 26 has been slightly revised but continues to apply.

5.5.3. Regional Spatial and Economic Strategy 2019-2031

Regional Policy Objectives RPO 9.11 'Healthy Placemaking' - there is a need to provide alternatives to the car and to prioritise and promote cycling and walking.

Section 28 Guidelines

5.5.4. Directly relevant Section 28 Ministerial Guidelines, are:

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). (Compact Settlement Guidelines).
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (Apartment Guidelines).
- Urban Development and Building Heights, Guidelines for Planning Authorities, December (2018) (Building Height Guidelines).
- Architectural Heritage Protection Guidelines (2011).
- Design Manual for Urban Roads and Streets' (2013).

5.5.5. Where relevant, sections from the above Guidelines are included in the Assessment.

5.6. Natural Heritage Designations

5.6.1. The nearest European site is the Rockabill to Dalkey Island SAC (site Code 003000), which is located offshore, c2.6km to the north east.

6.0 EIA Screening

6.1.1. See completed Forms 1 and 2 in Appendix 1.

6.1.2. Having regard to the nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to and removed from sensitive habitats/features, to the size of the site, the likely limited magnitude and spatial extent of effects, and the absence of significant cumulative effects, I have concluded that there is no real likelihood of significant effects on the environmental factors set out in Section 171A of the Planning and Development Act 2000 (as amended) having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The introduction to the grounds of appeal can be summarised as:

- Significant concerns that the assessment has not been concluded accurately and that the planner's report and decision are not balanced.
- There are very few remaining sites in Shankill and this site would cater for persons seeking to downsize and remain in the area.
- While of a different scale to the existing houses, it is acceptable due to the high-quality design.
- While standing over the original proposal, there is scope for minor modifications to satisfy council concerns. The board is asked to consider the submitted amendments, if deemed more appropriate than the original.
- The applicant recently completed two similar local schemes, Stonebridge and Woodbank and their capacity to deliver housing should be considered.
- The scheme fully delivers on objectives for the protected structure, being visible from Dublin Road and standing clear of its surroundings.
- The site is well served by infrastructure and amenities with 3 primary schools, Bus, Dart and public parks nearby, while Bus Connects will pass the site.
- The wider road/footpaths/cycleway upgrade as part of Bus Connects, was factored in and will significantly alter the interface between the site and public realm. It will create a new urban replacing the existing suburban edge.

7.1.2. Planning application as lodged

- Is considered appropriate and request that the board considered it de novo.
- Planning authority did not raise any fundamental issues and the Sunlight and Daylight assessment have excellent results in terms of impact on neighbours.

7.1.3. Planners Report

The Planning Officer's concerns are:

- The Conservation Officer and DoHLGH recommend a refusal, density is excessive, particularly Block C, and fails to comply with Urban Design Manual, as it does not bring a redundant building back into use.
- Lack of analysis of housing mix, external/bulky storage and issues with private open space at House 1.
- Block C height is excessive, while the side elevations of Block A and eastern elevation of Block C, would have an unacceptable impact on neighbours.
- Would be detrimental to context and setting of protected structure.
- The deficit in public open space is considered unacceptable with 818sqm proposed and 900sqm (15%) required.

7.1.4. The planning officer considered the following to be positive:

- Demolition element.
- Apartments meet the floor area requirements of apartment guidelines.
- Communal open space.

Grounds of Appeal

- The dissatisfaction with how the protected structure was treated in the application clouded fair judgement of the rest of the proposal. The first refusal is not balanced and did not reflect the information submitted.
- The development complies with 1) NPF; 2) RSES; 3) Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities; 4) Urban Design Manual: A Best Practice Guide; 5) Quality Housing for Sustainable Communities 2007; 6) Sustainable Urban Housing: Design Standards for New Apartments; 7) The Planning System and Flood Risk Management; 8) DLRCC Development Plan 2022-2028.
- The apartments also comply with or exceed all requirements of the Apartment Guidelines. A contribution can be paid for a shortfall in public open space and the Sunlight and Daylight Report addresses any potential concerns regarding a lack of adherence to separation distances. Appropriate justification has been provided for the minor deviation from car parking requirements.

Reason for Refusal No 1

- While not part of the application, the architect and conservation architect reports both note that the house will be restored to a high standard.
- While it is acknowledged that details regarding the future use of the protected structure should have been submitted with the application, the Planning Authority rushed to judgement before seeking further information. A condition can be attached to address the protected structure.
- There is a clear sense that the DoHLGH submission gave undue weight to an enforcement case (DLR ref. ENF 19023). Following investigation the planning authority determined the gates and wing walls (which had been removed) were not of any architectural value and the case was closed.
- The board is asked to fully review the AHIA, and the elaboration thereto in the conservation architects submission on the appeal (see 7.1.6 below), as the Planning Authority failed to have due regard to it.
- The DoHLGH reference to Block C blocking views to and from the protected structure are overstated and inaccurate as the relocated entrance will open up views of the structure. The site is not in a Conservation Area or Architectural Conservation Area and there are no proximate protected structures. Mountain views are not integral to the protected structure, while a site visit reveals the building has no current relationship with the public realm, being hidden behind trees, but would have such a relationship through the proposed development.

Reason for Refusal No 2

- The proposed development is a high quality scheme, compliant with national, regional and local planning policy, with no indicators of overdevelopment.
- The parks department did not object to the level of open space provided.
- The planners position is unduly harsh, as an excess of communal open space was provided (598sqm provided v 254sqm required), while the shortfall of public open space was only 9% (818sqm provided v 900sqm required).
- The assertion that some public open space is merely a buffer, is rejected.
- The Sustainable Urban Residential Development in Urban Areas - Guidelines for Planning Authorities states that public open space in large infill or brownfield sites, should generally be provided at a minimum rate of 10%.

- 23% of the site is communal and public open space. Section 12.8.3.1 of the development plan notes it is not always possible to provide 15% of open space and permits the payment of a development contribution in lieu of the shortfall. The site is located close to a number of county level amenity areas, and a refusal for reason of open space does not stand up to scrutiny.

Appropriate Development Mix

- An analysis of the housing mix within a 10 minute walk of the site, is submitted, as the planning officer noted it was absent from the application. This would be compliant with PHP 27 of the Development Plan.
- The 2016 census shows that there is an adequate number of 3 bed units in the area and a requirement for 1 and 2 bed units is evident.
- 29 SAPS (Small Area Population Statistics) areas were assessed, with a combined population of 10,090 in 2016. The preliminary 2022 census indicated a 7.6% population increase in this area, but a housing stock increase of only 6%. A shortfall in housing will remain until delivery increases.
- The local age profile is weighted towards young adults and working age adults in the 20-64 age groups and the proposed units will provide an appropriate housing mix for their needs.
- The Council's Housing Need Demand Assessment (HDNA) also indicates the county has the highest proportion of person over 65 in the state, which would lead to demand for downsizing, and the smallest proportion of children aged 0-4 with the exception of Dublin City Centre.
- 47% of households in the study area and 55% in the county consist of 1 or 2 persons. 8.8% of residences in the immediate area consists of apartments.
- The Apartment Guidelines references the demographic trend since 1996 of smaller household sizes, as do Sections 2.2.3 and 2.8.1 of Appendix 2 to the development plan, and section 6.6 of the National Planning Framework.
- CSO data shows significant numbers of adult children living in family homes, and attributes it to difficulty securing appropriate smaller/affordable housing.

- The proposed unit mix and typology are entirely consistent with planning policy, demographic trends and established household formations, and will provide a suitable choice for 1 and 2-person households.

7.1.5. Modified Site Layout Proposal

- The applicant submitted an alternative proposal for the board's consideration, as the amendments may further mitigate impacts and address the planning authorities key reasons for refusal regarding the protected structure.
- The alternative proposal includes a hand drawn sketch and would incorporate the following changes:
 - Change of road surface with a more curved road profile and footpath.
 - Softened landscape treatment to the boundary for Saint Anne's house with curved hedging and additional screen planting.
 - Relocation of play area and bin store.
 - Relocation bike and provide bulky storage within unit 1 of Block C.
 - Removal of non-original outbuildings in vicinity of protected structure.
- The applicant would be happy to receive a condition requiring the above amendment be made.

7.1.6. Conservation Architects Statement

The applicant's Conservation Architect made the following comments in addition to those made in the AHIA:

- The DoHLGH submission is incorrect as the steel columns support the balcony only, not the upper floor and they are not Polotis (ground level supporting columns).
- The building has supporting walls and is significantly removed from the visionary ideals of the early modernists.
- The qualifications of the author of the DoHLGH submission are queried.
- St Annes context will be improved by making it more visible to passers-by.

- While the DoHLGH refers to views to and from the protected structure, such views are not designated views and were not integral to its design and do not contribute to its special architectural interest.

7.1.7. Use of existing house

- The conservation architect disagrees with the PA views and considers that the extracts they have quoted from the development plan and architectural heritage guidelines refer to buildings that are entirely compromised, which does not apply in this case, as the house will be a most desirable residence.
- The applicant was of the opinion that dealing with this aspect of the development would have been too time consuming at the application stage, but that it is a building of modern construction and can be retrofitted. In hindsight, it would have been better to include the house in the application.

7.1.8. Treatment of proposed new boundary of the protected structure

- When completing the AHIA, the boundary treatment for the protected structure had not yet been determined, but the impact would have been determined to be moderate (negative), based on the submitted site plan.
- The architect provided an alternative layout, following the refusal, which is more sympathetic and while not a definitive layout provides a more organic/soft form and materiality of enclosure, proposes a possible relocation of the playground and relocation of the cycle parking and refuse area to within Block C. This sketch shows that these aspects can be addressed and the board may attach a condition to that effect.

7.1.9. Compliance with DLR Building Height Strategy

- Delivers a higher building in line with NPF objectives.
- The site is well served by existing and planned bus and rail transport.
- Careful consideration has been given to ensure no undue or overbearing impacts and it is of an appropriate scale.
- Movement through the site is for residents only.
- No protected views are affected.
- Adequate infrastructure/services exist to cater for the development.

- The development is compliant with the 12 criteria of the Urban Design Manual that accompanies the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities 2009.
- The development consists of three separate and distinct flat roof buildings.
- The external finishes are inspired by the exterior of the protected structure, which will form the centrepiece to the development,
- Cycle/pedestrian network links to Dublin Road, with active street frontage.
- Setback from the existing building, height, scale, and mass are all acceptable.
- The daylight and sunlight assessment confirms excellent daylight access, while overshadowing is minimised for adjacent properties.
- The 3 storey building to the north reflect neighbouring properties, while there are no east facing windows on 5 storey Block C.
- Will provide an appropriate setting for the protected structure.
- Will use low energy, high quality materials and energy efficient systems.

7.1.10. Urban Design Criteria

- Appendix D sets out how the development is deemed to comply with the 12 criteria of the Urban Design Manual 2009.

7.2. **Planning Authority Response**

- The grounds of appeal do not raise any new matters, that would justify a change of attitude from the planning authority.

7.3. **Observations**

- 7.3.1. Three observations were received in respect of the appeal, from persons who previously made submissions on the appeal and I refer the board to section 3.5 above, in that regard.
- 7.3.2. One observation was signed by three of the persons who made separate observations on the application and live in houses to the immediate east of the site.

- They referred to their original observations, the grounds of which still stand, and consider that the minor adjustments proposed in the appeal do not impact in any material way any of their grounds of objection or the refusal reasons and remains contrary to development plan policy.
- The spirit of the protected structure would not be best served by being surrounded by high and dense buildings.
- They agree with the second refusal reason regarding open space and the consider the proposed amendments at appeal stage to be inadequate.

7.3.3. The second observation, from a resident living south west of the site considers that the proposed development would be:

- Inappropriate in scale and height, have a negative impact on St Anne's the protected structure, be contrary to the development plan and provide inadequate open spaces.
- Minor modifications at appeal stage are not enough to address concerns.
- The appeal is heavy on assertion that the development would get high quality, but light on details of how this would be achieved.
- The applicant's fondness for the protected structure is not reflected in the detail.
- Does not adequately address the refusal reasons or the submission of the DoHLGH, which focused on impacts on the protected structure, including that it would overlook, overshadow, overwhelm and detract from it.
- The 3 local schools are at capacity, demonstrating a lack of local knowledge.
- None of the high density precedents referred to are similar to this site and none contained a protected structure.

7.3.4. The third observation stated:

- This type of opportunist high density development is followed a pattern of similar development in the area.
- Their concerns are addressed under 3 heading being:
 - 1 - Impact on the surrounding area
 - 2 - Preserving the protected structures integrity and aspect
 - 3 - Issues directly affecting their property and well-being.

- The site is much smaller than the stated 0.6ha when the protected structure is excluded.
- The 3 storey duplex and 5 storey apartment block are out of character with the surrounding 1 and 2 storey houses. Contrary to policy Objective PHP18 (density).
- When you include 42 car parking spaces and 98 bike parking spaces, the density is well in excess of the 35 units per ha in the development plan. Inadequate resident parking and no visitor parking proposed, putting pressure on the wider area.
- The road is narrow at this point and additional housing will make a dangerous situation worse from traffic turning movements.
- Development over 50 units per ha require an assessment of how density, scale, size and building form are not overdevelopment. Given the scale of development, the applicant cannot fulfil this obligation.
- Unauthorised works have already affected the protected structure while Rivenhall another PS is located 10m from 5 storey Block C.
- The development meets none of the requirements of Policy Objective HER8.
- Their property is directly affected by the omission of reference thereto by the applicant and by overlooking, scale and bulk, height and overshadowing.
- The balconies on Block A will overlook their currently not overlooked property.
- A proposal to reorientate block A will increase overlooking, affecting amenity and possibly value. Trees on the intervening site are not in the applicant's control so may not always be there.
- Block A will have an overbearing effect, diminishing amenity.
- The development is contrary to many sections of the development plan.
- Heights are inappropriate relative to the height of neighbouring properties and nothing can hide, disguise or alter this.
- It is an attempt to extract maximum profit via unsuitable intrusive structures.
- There will be a loss of sunlight due to the height of the buildings, with unacceptable overshadowing.

7.4. Further Responses

- None

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the information received in relation to the appeal, having inspected the site, and having regard to relevant planning policies, I am satisfied that the main issues in this appeal can be dealt with under the following headings:

- Principle of Development
- Validity of application / Enforcement / Demolition
- Changes since appeal was lodged
- Comparison with Permitted Development – P. A Reg. Ref. D23A/0806 (under construction)
- Compliance with Apartment Guidelines
- Public Open Space
- Second Refusal Reason – Policy PHP35
- Parking and Access
- Connectivity
- Infrastructure
- Department of Housing, Local Government and Heritage Submission
- Impact on St Anne's Protected Structure
- Density
- Overlooking
- Proposed Modifications to Application

8.1.2. In the interest of clarity for the Board, I confirm that this assessment is based on the original proposal submitted to the planning authority, as I consider that the modified

proposal submitted as part of the appeal, is lacking in sufficient detail to carry out an assessment of the proposal and it would also deny third parties an opportunity to comment thereon. I also consider the proposed modifications inadequate and contrary in the context of the recent grant of permission issued for a separate development under P.A Reg. Ref. D23A/0806 as it would affect the boundary of the protected structure in that application.

8.2. Principle of Development

- 8.2.1. The application site is zoned Objective A, in the Dún Laoghaire Rathdown County Development Plan 2022 – 2028, the objective of which is 'To provide residential development and improve residential amenity while protecting the existing residential amenities'. Residential development is permitted in principle in Objective A areas and I am satisfied that the principle of a residential development is acceptable, but the acceptability of the proposed development will be subject to consideration of all other matters that are addressed below.

8.3. Validity of Application / Enforcement / Demolition

- 8.3.1. A number of the observations on the application raised concerns about the validity of the application, as they considered that the public notices did not describe the works that had been carried out in the form of demolition of the piers and wall that served the existing entrance, while the demolition of the outbuildings is also not referenced in the notices.
- 8.3.2. I note that the application includes a drawing titled Demolition Plan and it indicates that several outbuildings to the north of the protected structure are to be demolished, while other temporary sheds were to be removed before development.
- 8.3.3. I also note that the planning application form indicates that 217.43sqm of buildings will be demolished, however, no fee was paid by the applicant for demolition and no reference was made in the public notices to demolition of structures as per the third party observations.
- 8.3.4. With respect to the walls and piers, the planning authority opened an enforcement case in respect of this matter but later closed the file when in July 2023 it stated that further enforcement is not warranted, and the development as carried out, being the demolition of the vehicular access gateway and wing walls was in conjunction with the proposed overall development of the property can be afforded the temporary

exemption under Class 16 of the Planning and Development Regulations 2001, as amended.

- 8.3.5. On the occasion of the site visit in December 2024, the majority of the temporary timber sheds to the north of the protected structure were all removed from the site and I further note that permission was granted on 22nd of August 2024 for the demolition of the outbuildings, as part of a separate application P.A. Reg. Ref. D23A/0806. Works have commenced on foot of that application, which will include the demolition of the outbuildings/structures that are not referenced in the notices attached to the current application. The grant of permission issued under D23A/0806 also included permission for a relocated entrance, meaning that the original entrance is permitted to be removed in its entirety and is no longer an issue.
- 8.3.6. Regardless of the omission from the public notices, the application was deemed valid by Dún Laoghaire Rathdown County Council. I do not consider that the third parties have been disadvantaged by the nature of the description of the development and I am satisfied that a valid appeal has been lodged for for the purpose of this report and assessment on the appeal.
- 8.3.7. Notwithstanding the above comments, for the purpose of completeness, I have included consideration of demolition in the EIA Pre Screening Forms 1 and 2.

8.4. Changes since appeal was lodged

- 8.4.1. Since this appeal was received by the board in August 2023 a number of key changes have occurred that I consider are relevant to the grounds of the appeal and should be brought to the attention of the board. They are:
- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (CSG's) were published in January 2024 and replaced the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities. The CSG's refer to the Climate Action Plan 2023 (now superseded itself) which required a review planning guidelines to ensure a graduated approach in relation to the provision of car parking. The CSG's have introduced a new SPPR No.3 stating that car-parking provision should be minimised, substantially reduced or wholly eliminated.
- 8.4.2. The Climate Action Plan 2024 emphasises a need for reallocation of road space away from the private car to more sustainable modes of transport, including public

transport and cycling. It also states that planning authorities should not require specific minimum levels of car parking with the exception of disabled parking for any type of development. At locations with good public transport, maximum levels for car parking provision should be applied. These principles are also being factored into the development of the National Demand Management Strategy. In making decisions, the board is required to be consistent with the Climate Action Plan.

- 8.4.3. The planning authority granted permission in August 2024 for 26 apartments on the same site under P.A. Reg. Ref. D23A/0806, and the two developments are compared in Section 8.5 below.
- 8.4.4. On the 28th of January 2025, the board approved the 'Bray to City Centre Core Bus Corridor Scheme' ABP-317742. The corridor will pass immediately to the southwest of the site and will incorporate part of the site, which has been factored into the design of the development.
- 8.4.5. This assessment has taken the above documents and decisions into account.

8.5. Comparison with Permitted Development - D23A/0806 (under construction)

- 8.6. As stated earlier, since this appeal was submitted to the board, a separate grant of permission has been issued for 26 residential units on the same site. The permitted development was amended following a request for further information and I have reviewed the drawings submitted with this application, against the permitted plans elevations and sections of P.A. Reg. Ref. D23A/0806 and note that works had been commenced on foot of that grant of permission as of December 2024.

Blocks A and B

- 8.6.1. The plans, elevations and sections of Block A are identical in both the current application and in the permitted development P.A. Reg. Ref. D23A/0806. I am satisfied that Block A, which would consist of 1 no house and 4 duplex units over three floors, and a maximum height of 9.1m, would also be located in the same place in both applications, though I note that slightly different dimensions for distances to boundaries are used on the site layout plans for each application, but that can be explained as meaning that the dimensions were measured from slightly different points along the boundary.
- 8.6.2. Similar to Block A, the plans, elevations and sections of Block B are identical in both the current application and in the permitted development P.A. Reg. Ref. D23A/0806.

Block B would consist of a terrace of 4no. 4-bedroom 3-storey houses to the north of the protected structure. The building would have a parapet roof with a maximum height of 9.432m.

- 8.6.3. The eastern elevation of Block B that would be located close to the shared boundaries with the rear gardens of two houses to the east would have a length of 11.742m along the boundary, while the façade of the building would be blank, except for three bathroom windows that would be fitted with obscure glazing.
- 8.6.4. Although Blocks A and B as proposed in the current application are already permitted under P.A. Reg. Ref. D23A/0806 and works have commenced to construct them, and they can be built regardless of the decision that issues in respect of this appeal, I am satisfied that both Blocks A and B would constitute acceptable forms of development at the northern end of the site in terms of scale, massing and height, while at the same respecting the residential amenities, form and function of adjacent residential properties by way of design and would result in a satisfactory form of development.
- 8.6.5. The parapet roof heights of the two proposed blocks are similar to the ridge height of the houses to the east and I am satisfied that neither building would be visually obtrusive.
- 8.6.6. I also note that no appeal was submitted in respect of the decision of Dún Laoghaire Rathdown County Council to grant permission for proposed Blocks A and B in P.A. Reg. Ref. D23A/0806.

Block C - Proposed in current application

- 8.6.7. The current proposal for Block C, that is subject to this appeal, is for a part 3, part 4 and part 5 storey apartment block, with the building stepped down closest to the eastern boundary, which is shared with a number of private houses. The 5th floor level is set back c2m from the edge along the southwestern, northwestern and northeastern parts of the building, with the space proposed to be occupied by rooftop terraces serving the penthouse apartments. The terraces would have protruding canopy roofs, effectively extending the height of the building to 14.6m along the southwestern and northwestern boundaries, which are the closest points to the vehicular entrance at a point where the existing protected structure would be visible and to the protected structure itself. The general maximum height of Block C would be 15.2m, with a small element at a height of 15.7m. The nearest part of Block C to

the protected structure would be c20.5m. Block C would accommodate 34 apartments at a density of 71.6 units per hectare.

Block C – Permitted in P. A. Reg. Ref. D23A/0806

- 8.6.8. The development permitted under P.A. Reg. Ref. D23A/0806, would have 16 apartments in a 4 storey building, with the second floor set back from the northwestern ground floor building line by 4.5m, while the third floor is set back 9.364m. The building is also stepped back from the eastern boundary at third floor level. The maximum height of the building is 12.2m, while the different levels help to reduce the scale, mass and bulk of the building. The density of the development would be 43.3 units per hectare.

Comments on Block C

- 8.6.9. I will address the suitability of the Block C below in the context of its impact on the protected structure and on the amenities of neighbouring residences.

8.7. Compliance with Apartment Guidelines

- 8.7.1. In assessing the application, the planning officer noted that the applicant had failed to comply with the requirements of PHP 27 of the development plan which required details of unit mix and type within a 10 minute walk the site. However, they also stated that the apartment and housing mix was acceptable, while no third party concerns were raised about the unit mix.
- 8.7.2. In the grounds of appeal the applicant submitted comprehensive details of the population mix, household sizes and age cohorts within a 10 minute walk from the site, which comprises of 29 Small Areas from the CSO SAPS maps. I am satisfied that the unit mix as set out in Tables 2.1 of this report, which includes 8no. 1 bed-units, 26no. 2-bed units, 5no. 3-bed units and 4no. 4-bed units would be an appropriate mix of accommodation and would provide for smaller household sizes, a need identified in the Apartment Guidelines, the county development plan and the National Planning Framework. The unit mix would be compliant with SPPR 1 of the Apartment Guidelines.
- 8.7.3. I have reviewed the housing quality assessment and the application plans and also note the comments of the planning officer regarding compliance with the apartment guidelines. I am satisfied that the proposed development of 43 apartments would comply with the requirements of the Sustainable Urban Housing: Design Standards

for New Apartments Guidelines - December 2022, in respect of minimum floor space requirements, dual aspect ratios, floor to ceiling heights, number of units per core, floor to ceiling heights, private open space and communal open space. I am further satisfied that the proposed apartment element of the development would provide an acceptable level of internal amenity for future occupants.

8.8. Public Open Space

- 8.8.1. The second refusal reason included that the overall design and site layout, and in particular the public open space was inadequate and in their report, the planning officer stated that the deficit in public open space is considered unacceptable with 818sqm proposed and 900sqm (15%) required. There are two elements to consider, being quantity and quality of open space.

Quantity

- 8.8.2. The applicant argues in the appeal that when the communal and public open spaces are combined, that there would be an adequate quantum of open space on the site with 1,416sqm out of 6,000sqm site or 23.6% of the site dedicated as shared open space. This is split between 598sqm of communal open space whereas 254sqm is required and 818sqm of public open space where 900sqm is required, based on 15% of the overall site area. Approximately 800sqm of the site is shown to belong to the retained private house, which would leave a net site area of 5,200sqm. 15% of the net site area would be 780sqm, meaning that in quantity terms the site would provide an acceptable amount of public open space to meet the needs of the development.
- 8.8.3. I also note that Policy and Objective 5.1 Public Open Space of the Compact Settlement Guidelines states that the requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a maximum of 15% of net site area

Quality

- 8.8.4. As well as noting that there was shortfall in the area of public open space, the planning officer stated that the public open space along the south of proposed Block C is not considered useable, while the main space in the north western corner was not acceptable and would require redesign. In the appeal, the applicant provide a hand drawn sketch showing the playground relocated to the east of the site,

however, I would concur with the planning officer, that the quality of the public open space as proposed to serve the needs of the development is not acceptable and would not provide an acceptable level of amenity for the needs of future resident, due to location and absence of direct overlooking.

Conclusion on Open Space

- 8.8.5. I note that there are several large areas of public open space within a 5–10-minute walk from the site that could serve the larger public open space needs of the future occupants of the development.
- 8.8.6. If the board is minded to grant permission and does not agree with the above, but considers that there is a deficit in public open space on the site, Section 6.1 of the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028, provides that in the event that the standards for public open space referred to in the County Development Plan are not met and/or where public open space cannot be facilitated within a development, an additional contribution may be required by way of condition when granting planning permission.

8.9. Second Refusal Reason – Policy PHP35

- 8.9.1. The second refusal reason states that the development fails to accord with Healthy Placemaking as per Policy PHP35 of the development plan, which I have set out in 5.2.3 above, with relevant NPF and RSES elements in section 5.5.1 to 5.5.3.
- 8.9.2. While the layout and format of the public and communal open spaces could be amended and improved, and I note that some improvements have been made in the layout that was recently permitted under D23A/0806, I do not concur with the planning authorities second refusal reason, as the layout would provide a number of open spaces that would facilitate both children's play on site and at the same time would providing a walking route around Block C to enable residents to get a moderate level of exercise without leaving the site. Other more active pursuits could be facilitated in one of the larger parks or playing fields in the local area.
- 8.9.3. I am satisfied that all units would be provided with an adequate level of private amenity space, while the site would be opened up by the creation of a new public realm edge along the new Bus Connects corridor to the south-west. I address parking and connectivity below.

8.10. Car and Bicycle Parking

Car Parking

- 8.10.1. It is proposed to provide 42 car parking spaces which is the equivalent of one space per residential unit.
- 8.10.2. Carparking Standards are set out in Section 12.4.5 of the development plan and the site is located in Parking Zone 2, which refers to sites within a 10-minutes' walk of a Core Bus Corridor or Dart Station. In this zone, reduced provision may be provided for residential uses. 3 and 4 bed houses have a requirement of 2 spaces, while 1 and 2 bed apartments have a requirement of 1 space, with 2 spaces required for apartments with 3 or more bedrooms. The overall requirement is 52 spaces.
- 8.10.3. SPPR 3 - Car Parking of the 'Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, states that in urban neighbourhoods such as this site, car-parking provision should be minimised, substantially reduced or wholly eliminated.
- 8.10.4. Table 3.1 defines urban neighbourhoods as (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. The site is within 10 minutes' walk of the existing Shankill Dart Station and lies adjacent to the recently approved Bray to City Centre Bus Connects Corridor.
- 8.10.5. While observers stated that a lack of parking (i.e. 42 spaces proposed v 52 required by the development plan) would result in an overspill of parking around the local area, Section 1.1 of the Compact Settlement Guidelines states that An Bord Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines. Therefore, I am satisfied that should the board be minded to grant permission, that the provision of 42 car parking spaces would be acceptable.
- 8.10.6. Bicycle Parking
- 8.10.7. I consider that the proposed bicycle parking layout would not form an appropriate boundary with the protected structure, and while I note that as part of the ground of appeal, the applicant proposed to move the bicycle parking into Block C, no details of same were provided. I also note that significantly more spaces are proposed than are required by the development plan and that the parks and landscape department

recommended that the number of excess spaces be revised and the space given over to additional landscaping.

8.11. Connectivity

8.11.1. The second reason for refusal refers to a lack of connectivity, with other sites.

Access to the site will be provided via a new entrance along the southeastern boundary along Dublin Road and this boundary will be opened up to reflect the permitted Bus Connects corridor and has been factored into the design of the scheme. Therefore, I am satisfied that the proposed development would mean that the site would be better connected to the improved public realm along its southwestern boundary, than it is at present, where the site boundary consists of trees and hedging, while the land immediately inside the boundary was overgrown at the time of the site inspection. This foliage will need to be cleared as part of the already permitted development on the site (D23A/0806) and to facilitate Bus Connects. I am satisfied that the site will be adequately connected to the Dublin Road frontage, which is the only part of the site that abuts a public road or footpath.

8.11.2. Saint Anne's resource centre takes up the entire southern boundary of the site, while private properties run along the entire eastern and northwestern boundaries, with no opportunity or requirement to provide connectivity to or from the application site, so I am satisfied that no connectivity is possible or necessary to these lands.

8.11.3. The northernmost boundary of the site is narrow at c7.8m and is marked by a high boundary wall surrounding Rathmichael Park. Access to Rathmichael Park is via existing vehicular and pedestrian gates c150m to the north of the existing site entrance, on Dublin Road. I note that Rathmichael Park has a boundary onto Shanganagh Road to the east, but this boundary does not have a gated entrance to facilitate pedestrian movement through the site either for its residents, or the passing public. In the absence of consent from the adjoining landowner/residents, I am satisfied that the provision of an opening or the opportunity for the creation of an opening in the site's northern boundary would not serve any functional purpose, and no such access was permitted in the recent grant of permission issued under P. A. Reg. Ref. D23A/0806.

8.12. Infrastructure

8.12.1. Third parties raised concerns that the local piped networks do not have the capacity to accommodate the development. Irish Water suggested that the current arrangement of combined surface and foul water running into the same pipe should be discontinued. I am satisfied that the applicant has provide a solution that would separate foul and surface water. The drainage division suggested a number of conditions regarding the treatment of surface water that I consider would be appropriate to attach, if the board is minded to grant permission.

8.12.2. Third parties stated that the local schools and doctors surgeries are at capacity and have waiting lists but provided no additional information in support of their claims, and I note that the applicants social audit lists but does not provide any detail on the capacity of local services. Without definitive information, it is not possible to determine the capacity of local schools or doctors or any other social service.

8.13. Department of Housing Local Government and Heritage Submission

8.13.1. The applicant considers that the submission of the DoHLGH had an undue influence in the decision of the planning authority to refuse permission. The DoHLGH did point out that the omission of the protected structure from the application and the harm posed to its relationship to its setting could inflict or pose a threat to the character and long term survival of the property.

8.13.2. The applicant did acknowledge that it was a mistake to not include the protected structure in the application, so I do not agree that the planning authority placed too much significance on the submission.

8.13.3. If the layout that is the subject of this appeal was to be permitted, it would not be possible to give effect to that aspect of the permission granted under P.A. Reg: Ref. D22A/0806 in respect of the protected structure and would affect the character of the protected structure.

8.14. Impact on St Anne's Protected Structure

8.14.1. There is no doubt that the applicant's Architectural Heritage Impact Assessment extensively addressed the condition and status of the existing building, which is the protected structure St. Anne's that sits in the middle of the site.

8.14.2. While they refer to the separation distances between the protected structure and proposed Blocks B (c15m) to the north and the apartment Block C (c20.5m) to the south, at its nearest point, Block C would be four stories in height with a canopy

giving it a 5 storeys appearance at the closest point to the site and a height of 14.6m. The application is, as the applicant themselves noted, absent of any plans or proposals for the redevelopment of the existing house. For that reason and notwithstanding that a grant of permission has been issued in the interim under P. A. Reg. Ref. D23A/0806, that includes works to the protected structure, I consider that the proposed development before the board is not compliant with the requirements of Policy Objective HER 8 and section 12.112.3 of the county development plan, the relevant elements of which I have previously set out in section 5.2.1 above.

8.14.3. In light of the planning application that was submitted to the planning authority and granted since this appeal was lodged by the board, I also consider that the argument forwarded by the applicant in this appeal are overtaken by events, which indicate that the applicant themselves is aware that there were deficiencies in their application.

8.14.4. While the works to create the relocated vehicular entrance would open up views of the protected structure, the tallest elements of the proposed Block C would stand closest to the protected structure and in my opinion would have a negative impact on its character and appearance by reason of scale, mass and height and would be an inappropriate form of development in proximity to the protected structure.

8.14.5. I would concur with the conservation officer, and consider that the issue of impact on the protected structure could not simply be resolved by removing a floor from the building and it would require a redesign, which the applicant effectively did in the development that was granted permission under P.A. Reg. Ref. D23A/0806, which consider to be further evidence that the applicant accepted that the proposal being considered in this appeal is excessive and would have an negative impact on the protected structure.

8.14.6. I consider that Block B would not have significant impact on the setting or character of the protected structure.

8.15. **Density**

8.15.1. The proposed density is 71.6 units per hectare. I previously noted that Policy PHP18 of the development plan encourages minimum densities of 50 units per hectare near high frequency public transport, however, Section 4.3.1 states the presence of a protected structure on site acts as a constraint to higher density by reason of height, scale, massing and proximity. Densities of this range are classified in the Compact

Settlement Guidelines as 'Mix Terraced Houses, Duplex/Low Rise Apartments' with a Density Range 50-80 dwellings per hectare. In that context, I am satisfied that the density would not be too high in normal circumstances, but the constraints presented by the protected structure mean that the site is not suited to a higher density development and that was reflected in the development permitted on the site under P. A. Reg. Ref. D23A/0806, which has a density of 43.33 units per hectare (or 45 units per hectare, when the existing protected structure is factored in).

8.16. Overlooking

- 8.16.1. The only aspect of the proposed development that I consider would have an impact on neighbouring properties by reason of overlooking would be from the second floor level of the eastern side of Block C that would be located in close proximity to the eastern boundary and would overlook the side and rear gardens of a number of adjoining houses, notwithstanding that they are proposed to be high level windows. The design the setback of the third and fourth floor levels adequately addressed the potential for overlooking, while I am satisfied that all other windows in proximity to site boundaries have been designed to avoid overlooking.

8.17. Proposed Modifications to Application

- 8.17.1. As part of the grounds of appeal, the applicant referred to a number of minor modifications that they were willing to make to help address the concerns of the planning authority, and they stated that they would be willing to accept a condition to that effect. I have listed the proposed alterations in section 7.1.5 above. I consider that the board must deal with the applicant that has been submitted, and while it may in some instances be appropriate to consider alternative proposals made by an applicant on appeal, I am satisfied that insufficient details have been provided to allow a full assessment to be made on the alternative. I also consider that the more recent application which was granted under P.A. Reg. Ref. D23A/0806 reflects the totality of the changes that were identified in the planning officer's and other reports on this application as being necessary to achieve an appropriate form of development.

9.0 AA Screening

- 9.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either

alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

9.2. This conclusion is based on:

- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- An absence of suitable habitats for qualifying interests.
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

9.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.0 Recommendation

10.1. I recommend that permission be REFUSED for the following reason/s.

11.0 Reasons and Considerations

- 1 Having regard to the presence of a structure on site of St Annes' which is listed as a Protected Structure in the current Development Plan for the area, and is listed on the NIAH as having Architectural, Artistic, Historical and Social Interest, it is considered that Block C, by reason of its design, scale, mass, height and proximity to St Annes', would materially and adversely affect the character and setting of the Protected Structure, while the omission of the protected structure itself from the application would be contrary to policy Objective HER 8 of the County Development Plan and the provisions of Section 12.11.2.3 of the Dún Laoghaire Rathdown Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Joe Bonner
Senior Planning Inspector

11th February 2025

Appendix 1 Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-317775-23		
Proposed Development Summary	Construction of 43 no. residential units and all associated site works. The site includes an existing protected structure (RPS 1800), a two storey dwelling house known as Saint Annes and this application does not consist of any works to the protected structure.		
Development Address	Saint Annes, Dublin Road, Shankill, Dublin 18, D18 H9V3		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	✓	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class 10(b)(i) of Part 2: 500 dwelling units Class 10(b)(iv) of Part 2: Urban Development Class 14 of Part 2 (demolition)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	✓	The proposed development is not a type of project for which EIA is mandatory, as per Part 2 of Schedule 5 to the Planning and Development Regulations 2001 (as amended). The proposed development does not meet or exceed any relevant thresholds.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	✓	<p><u>Class 10(b)(i) of Part 2:</u> 43 units proposed while the threshold is 500 dwelling units.</p> <p><u>Class 10(b)(iv) of Part 2:</u> The threshold for Urban development which would involve an area greater than ... 10 ha in the case of other parts of a built-up area. The site area is 0.6ha.</p> <p><u>Class 14 of Part 2 (demolition)</u> (No threshold). This element is described as 'Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. (see Form No 2). Although not described in the public notices, and no fee was paid for demolition works, it is proposed that outbuildings with a combined floor area of 217.43sqm would be demolished to facilitate the development.</p> <p>The proposed development does not meet or exceed any relevant thresholds.</p>	Preliminary Examination Required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes	✓	

Inspector: _____ **Date:** _____

Appendix 1 Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317775-23
Proposed Development Summary	Construction of 43 no. residential units and all associated site works. The site includes an existing protected structure (RPS 1800), a two storey dwelling house known as Saint Annes and this application does not consist of any works to the protected structure.
Development Address	Saint Annes, Dublin Road, Shankill, Dublin 18, D18 H9V3
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The development would consist of the construction of a three separate structures on a site of 0.6ha in a built-up suburban area. The development would accommodate 38 apartments and 5 houses in buildings ranging from 3 to 5-storeys in height.</p> <p>Although the proposed development is of a greater scale than immediately surrounding residential developments, the development is modest and while it would generate waste during the demolition phase involving the removal of several single storey structure with a combined floor area of 217.43sqm, and during the construction and operational phases, I do not consider that the level of waste that would be generated would be significant in the local, regional or national context. I consider that it would not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance, would not pose a risk of major accident and/or disaster, and due to its location would not be vulnerable to climate change. It would present no risk to human health.</p>
Location of development	The site is brownfield and is not designated for the protection of the environment, the landscape,

<p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>architectural or natural heritage and is not located within or adjacent to any designated sites.</p> <p>A section at the southern end of the site is located within the zone of archaeological potential of a recorded monument (a 12th-century cross) that is located in the front garden of St Annes Church to the south of the site. The cross was moved to this location in 1937 from a church c0.7km to the south. The development would not have the potential to significantly impact on the cross.</p> <p>The proposed development would connect to public water and wastewater services provided by Uisce Eireann, upon which its effects would be marginal, would not have the potential to significantly impact on any ecologically sensitive site or locations, with the nearest European sites being located c2.6km to the north-east and c1.6km offshore.</p> <p>On the 28th of January 2025, the board approved the 'Bray to City Centre Core Bus Corridor Scheme' ABP-317742. The corridor runs along the sites southwestern boundary (R837), and is one of a number Bus Connects projects that are planned to be built in the Dublin area, in a staggered manner, in order to avoid significant traffic, noise and impacts. The land take that is required to facilitate the bus corridor, has been factored into the design of the development. The bus corridor works are scheduled to be carried out in a phased manner with an overall programme of 36 months, so there is potential for an overlap of construction works on both projects, although it is noted that works have already commenced on the application site in the form of site clearance works to facilitate the demolition of a number of existing structures, while foundations have been laid in the approximate location where proposed Block B is to be located, on foot of a separate grant of permission issued on the 24th of August 2024 (P.A. Reg. Ref. D23A/0806) for 29 units in 3 blocks.</p> <p>I do not consider that the proposed development together with the permitted bus corridor works would</p>
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	have significant cumulative effects on the environment.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to and removed from sensitive habitats/features, to the size of the site, the likely limited magnitude and spatial extent of effects, and the absence of significant cumulative effects, I have concluded that there is no real likelihood of significant effects on the environmental factors set out in Section 171A of the Planning and Development Act 2000 (as amended) having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector:

Date:

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

(only where Schedule 7A information or EIAR required)

Appendix 2 - Screening for Appropriate Assessment

Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

I have considered the proposed residential development, in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The triangular shaped site of the proposed development is located on the eastern side of Dublin Road (R837) in the south Dublin suburb of Shankill, immediately Shankill Dart Station is located c510m east of the site (850m by foot), while access to the M11 is available c800m to the north. It has a stated area of 0.6ha including an existing protected structure located in the middle of the site.

The nearest European site is the Rockabill to Dalkey Island SAC, which is located offshore, c2.6km to the northeast of the site.

The nearest onshore sites are Ballyman Glen SAC c3.75km to the southwest, Bray Head SAC (Site Code 000714) c4.8km to the south east, Knocksink Wood SAC (Site Code 000725) c5km south west while Wicklow Mountains SAC (Site Code 002122) 7.6km and Wicklow Mountains SPA (Site Code 004040) c7.8km to the south west.

Offshore, Dalkey Island SPA (Site Code 004172) is c4.5km north east of the site, South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210) are c7km north of the site.

The site is relatively level and comprises two storey house and its associated garden area and a number of single storey outbuildings. Most of the vegetation has been cleared on foot of an existing grant of permission issued by Dun Laoghaire Rathdown County Council on the 22nd of August 2024 for the development of 29 apartments in three buildings on similar footprints to those proposed in this application. There are no habitats present on the site.

I have provided a detailed description of the site location and its surrounding context in Section 1 of my report, while the development is described in detail in Section 2. Detailed specifications for the proposed development are provided in the planning documents provided by the applicant, which are listed in section 2.2 of my report.

The application includes 1) an AA Screening Report; 2) a Drainage Design Report, that addressed surface water drainage including a geotechnical infiltration test report to determine the suitability of the subsoils for soakaway purposes, foul drainage, water supply, flood risk assessment; 3) An Outline Construction Waste Management Plan that identifies the sequence of works, lists the types of waste to be produced and how they will be disposed of, states that ongoing dust monitoring will be carried out as will pre-commencement noise monitoring; 4) An Operational Waste Management Plan that addressed how waste will be collected from the site once the development is occupied; 5) A Green Infrastructure Audit that identifies green spaces in the vicinity and connections between the site and those spaces. It seeks to meet the needs of nature and the future residents, while increasing the range of species on the site; and 6) An Arboricultural Assessment Report assesses the condition of trees on the site based on a ground level survey. There are no

Tree Preservation Orders on the site and not development plan objectives to protect trees on the site. Ten trees would be required to be removed to facilitate the development, with a further two to be removed due to being infected by Ash Die Back. Retained trees will be appropriately managed by tree surgeons. All retained trees will be protected during construction.

In summary, the proposed development comprises the construction of 38 apartments and 5 houses in 3 blocks, ranging in height from 3 to 5-storeys. One submission was received in respect of the proposed development from the Department of Housing, Local Government and Heritage relating to the protected structure on site, but no submissions were received in relation to appropriate assessment matters.

Applicant's Stage 1 Screening Report

The applicant submitted a Stage 1 AA Screening Report. It identified 13 European sites within 15km of the site and in respect of 6 sites, assessed whether there would be any area reduction, disturbance or fragmentation, density reduction or water quality modifications for the sites. In all cases the report found 'none anticipated'. Potential impacts were restricted to discharge of surface and foul water. Existing foul and surface water discharges to the public sewer. The proposed development will separate the two flows so that surface water is attenuated on site before being discharged to a separate surface water sewer on Dublin Road. It states that there is a hydrological connection to European sites Rockabill to Dalkey Island SPA, South Dublin Bay SAC and Dalkey Island SPA, but does not elaborate of the nature of this connection. It goes on to state that the site is significantly removed from European States and of such a minor scale within an existing serviced or urban area that it will cause neither changes to nor have any significant adverse direct, indirect or secondary impacts on the integrity of any European sites. Mitigation was not deemed necessary as there would be no disturbance of key species, habitat for species fragmentation, no reduction in species density, no changes in key indicators of conservation value and no climate change effects. It concluded that the project poses no potential for significant effect and as such requires no further appropriate assessment.

Planning Officer's Report

The planning officer's report stated that the proposed development has been screened for AA and it has been determined that the proposed development will not significantly impact upon a Natura 2000 (European) site.

Step 2: Potential impact mechanisms from the project

The site is not located within or adjoining any European Sites, and there are no direct pathways between the site and the European site network. The proposed development would not result in any direct effects such as habitat loss on any European site.

Applying the source-pathway-receptor model in determining possible indirect impacts and effects of the proposed development, sources of potential impact are considered to include:

- Release of hydrocarbons, solvents, cementitious materials during construction to surface water and groundwater.

- Deterioration of water quality by overloading of foul water drainage system and release of effluent into the Irish Sea during the operational phase.
- Elevated noise and dust levels during demolition and construction.

Where an ecological pathway exists, indirect impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species and habitats that are dependent on high water quality, that require maintenance of natural vegetation composition and for mobile species, unimpeded access.

Steps 3 & 4: European Sites at risk from impacts of the proposed project and likely significant effects on the European site(s) 'alone'

Applying, the source-pathway-receptor method, I am satisfied that there is no potential for direct connectivity between the site and any European Site/s.

I am aware that there are potential indirect connections to the European sites in Killiney Bay and Dublin Bay via the public surface water and foul drainage networks. The application proposes to amend the current arrangement of discharging surface water and foul water directly to the existing Irish Water sewer systems that passes the site, which ultimately discharge to the Irish Sea. The proposal is to continue to direct sewage to the public foul sewage network, and to attenuate surface water on site in a new network before releasing it to the public surface water network via a hydrobrake. The existence of potential pathways does not necessarily mean that potential significant impacts will arise from the development. Having regard to the confirmation of feasibility on file from Irish Water that capacity would exist in the foul sewage network, if the surface water were diverted, which the applicant has proposed to do, I am satisfied that the proposed development would not give rise to significant effects on any European sites.

Surface Water

The applicant's Engineering Services Report indicates that the surface water network will incorporate appropriate management measures to regulate discharge flows in terms of quantity and quality including attenuation in blue green/roofs, permeable paving and a petrol interceptor, and while it is expected that there will be slightly increased flow from the site, it will flow into the surface water system on Dublin Road rather than into the public sewer, while the discharge rate will be controlled. While there is potential for surface water contamination during construction works, I am satisfied that best-practice construction management will satisfactorily address this matter, and I am satisfied that such practices are not mitigation measures but constitute a standard established approach to construction works. Their implementation would be necessary for a development on any similar site regardless of the proximity or connections to any European site or any intention to protect a European site. It would be expected that any competent developer would deploy these measures for works on such similar sites whether or not they were explicitly required by the terms or conditions of a grant of planning permission. In any event, if these practices were not applied or were applied and failed, I am satisfied that it would be unlikely that there would be any significant effects on any designated sites due to the nature and scale of the development proposed, dilution effects, separation distances and the extent of intervening urban environment, together with the conservation objectives of the designated sites in Killiney Bay and Dublin Bay. Accordingly, I am satisfied that there is no possibility

of significant impacts on any European site from surface water generated by the development.

Hydrocarbons, solvents, cementitious materials to surface water and groundwater

I am satisfied that there are no direct or indirect hydrological links between the development site and any European site and that there is no potential for significant effects from the proposed development on European sites by reason of contamination of surface water and groundwater, either during the demolition, construction or operational phases of the development, that would undermine the conservation objectives of the European Site/s by reason of the project alone.

At the operational phase, surface water drainage proposal including SuDS measures and standard surface drainage measures associated with the development are sufficient to prevent contamination of surface water or ground water.

Water Quality

There is an indirect connection between the site and Killiney/Dublin Bay by way of potential overloading of and overflows from the Bray-Shanganagh Treatment Plant, whereby effluent could be released from the Treatment Plant into Killiney/Dublin Bay during the operational phase of the proposed development. Taking into consideration the conservation objectives for the nearest sites to the treatment plant being Rockabill to Dalkey Island SAC (c2.6km), Dalkey Island SPA (004172) (c4.5km), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210) c7km north of the site, to the hydrological distance between the development site and nearest European Sites, to the dilution factor of any potential overflows from Bray-Shanganagh Wastewater Treatment Plant and to the small scale of the proposed development (43 residential units), I do not consider that any of the qualifying interests of any European site would be at risk as a result of the proposed development.

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of the nearest potentially hydrologically connected European sites being Rockabill to Dalkey Island SAC, Dalkey Island SPA (004172) (c4.5km), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210) c7km north of the site. I further concluded that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of any other European sites, such that it would undermine the conservation objectives of that qualifying interest.

Noise and Dust

Any potential impacts from noise and dust would be local in extent and the development site does not contain any habitats that would be visited by qualifying bird interests for European sites in the area that are listed in the NPWS website www.npws.ie and the development site is at sufficient remove from SPA sites to avoid significant impacts from dust and noise impacting on the qualifying interests, consisting of birds and wetland habitat, such that the project alone would not undermine the conservation objectives of the European Site, by reason of the project alone.

Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

I consider that the potential for in-combination effects from this development would be limited to the cumulative impacts of Surface / Storm Water Drainage relating to

the recently approved bus connects corridor from Bray to the City Centre that will run along the sites south western boundary, should the two projects proceed together at the same time.

I note the construction practices proposed and required by conditions imposed on the above approval, and in my mind they are not mitigation measures but constitute a standard established approach to construction works. Their implementation is or would be necessary for the development of any similar project, regardless of the proximity or connections to any European sites or any intention to protect a European site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. In any event, if these practices were not applied or were applied and failed, I am satisfied that it would be unlikely that there would be any significant effects on the designated European sites due to the nature and scale of the developments proposed, dilution effects, separation distances and the extent of intervening urban environment, together with the conservation objectives of the designated sites, Rockabill to Dalkey Island SAC, Dalkey Island SPA (004172), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210).

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion - Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

This conclusion is based on:

- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- An absence of suitable habitats for qualifying interests.
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix 3

Description of Development permitted and under construction on site

D23A/0806 – Permission Granted by DLRCC on the 22nd of August 2024 for the following development.

- a) The demolition (approx. 254 sqm.) of all single storey non-original extensions, a single-storey glass house and 3 no. single storey outbuildings associated with Saint Anne's (A Protected Structure).
- b) the removal of all temporary timber sheds on site (approx. 97sqm).
- c) the refurbishment and two storey extension of Saint Anne's to provide for a newly renovated 2 storey 4 bedroom residential dwelling and
- c) the construction of a new residential development of 23no. units in 3no. new build Blocks A,B and C (all 3 stories in height).
- The refurbishment (approx 219sqm) and 2 storey extension (approx 106sqm) of St. Anne's (A Protected Structure) will provide for a newly renovated 2 storey 4 bedroom residential dwelling (approx 325sqm) with associated car parking and private open space area. Refurbishment works will include the repair and partial replacement of hardwood floors, the application of external insulation to all original walls, the relocation of windows and doors to reflect original external reveals for new external insulation. The removal and extension of window jambs, the replacement of existing asphalt roof with a new insulated flat roof, the repair of water damaged ceilings and cornices, the removal of all later wall light fittings, surface cables, all non-original furniture, cabinetry and fittings, the removal of later sanitary ware and replacement of same. The opening up of a blocked dining room fireplace to match original installation. The removal of existing ceramic tiles and the refurbishment of carpet flooring.
- The new build development of 23no. residential units (9 no. apartment units, 9no. duplex units and 5 no. house units) will comprise: Block A (3 storeys) containing 2no. 2 bed apartment units at ground floor level and 2no. 3 bed duplex units over first and second floor levels and 1no. semidetached 3 bed townhouse over ground, first and second floor level. Block B (3 storeys) containing 4 no. 4 bed terraced townhouses. Block C (3 storeys) containing 7 no. 2 bed apartment units and 7 no. 3 bed duplex units. Each residential dwelling has an associated area of private open space in the form of a balcony/terrace/rear garden area. The development shall also provide for the provision of 1no. relocated vehicular access point further south along Dublin Road, a new pedestrian/cyclist access point via Dublin Road, 35no. new car

parking spaces (29 standard spaces, 4 electric vehicle spaces and 2no. disabled spaces). 52 no. standard bicycle parking spaces, 2no. cargo bicycling parking spaces, 2 no bin stores, an ESB substation, 2no. public open space areas and 2no. communal open space areas including a new play area. The site development and infrastructural works provide for water, foul and surface water drainage and all associated connections. All landscaping and public lighting, all boundary treatment works, internal roads and footpaths and all associated site clearance, excavation and development works.