



An
Bord
Pleanála

Inspector's Report

ABP-317948-23

Development	Change of use of dwelling to a medical practice along with all associated site works.
Location	35 Lennox Street, Dublin 8 D08F562
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3973/23
Applicant(s)	Diarmaid Scully
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Observer(s)	Phelim May, James and Carmel O'Hanlon Seamus McCarthy Julie Hogan Deirdre Vandeweert-O'Hanlon Mary and Patrick O'Neill Cianan Clancy

Date of Site Inspection

8th January 2024

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The appeal site (stated as 57.2 sqm) accommodates a red bricked end of terrace (5 house terrace) two storey, red-bricked dwelling (71.5 sqm) which fronts directly on to the footpath along Lennox Street, Dublin 8. The dwelling is a corner property located at the junction of Lennox Street and Lennox Place. There is pay and display parking to the front and to the eastern side of the property along Lennox Lane.
- 1.2. There is a small yard area to the rear of the dwelling which is restricted in size and contains a laundry room.
- 1.3. It was noted at the site inspection that No. 37 Lennox Street which adjoins the appeal site to the west has the benefit of a 2-storey rear extension.
- 1.4. Immediately opposite the site is a parade of shops which includes a physiotherapy clinic, a hair salon and a grocer's, with some of the units appearing to be in residential use at first floor level.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - (i) Demolition of the existing rear single storey extension (stated as 9.1 sqm).
 - (ii) Change of use of the existing two storey house to a medical practice and new rear 2 storey extension (85.9 sqm); the medical practice will accommodate 5 no. consulting rooms.
 - (iii) A new side entrance, indicated as an accessible entrance on the plans, from Lennox Place to the rear yard.
 - (iv) All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission on the 10th August 2023 for the following reasons:

1. Having regard to the proximity and orientation of the first floor extension to the adjoining property at number 37 Lennox Street, it is considered that the proposed development would result in overshadowing of the adjoining property and would appear overbearing when viewed from adjoining properties. The proposed development would thereby seriously injure the residential amenities of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would result in the change of use of the entire residential house, located in a Z1 residential zoning. The proposed development would thereby result in the loss of a residential property, at a time when the city is experiencing a chronic housing shortage. Therefore, the proposed development would seriously injure the residential amenities of properties in the area and set an undesirable precedent for similar development which would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development would be contrary to Development Plan standards as set out in Section 15.14.6 of the Dublin City Development Plan (medical and related uses), which sets out that in assessing proposals for conversions in residential areas, Dublin City Council will normally permit conversion of part of a dwelling to a medical or related consultancy, provided that a local need has been demonstrated. The proposed conversion from residential to medical practice does not provide for a residential element to be retained. Therefore, the proposed development would seriously injure the residential amenities of the area, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the area planner dated 10th August 2023 outlined inter alia the nature of the proposal, relevant Development Plan policy, relevant planning history and the grounds of the third party submissions received in respect of the proposal. While the report acknowledges that there may be a shortage of medical/health services in the area it raises a concern relating to loss of a residential house close to the city centre if permission is granted. It suggests that the nearby area of Richmond Street South

and Camden Street Upper which is zoned Z4 seeks to provide for mixed-services facilities. The report considers that the proposal does not comply with section 15.14.6 of the Development Plan in connection with medical and related uses and noted concerns regarding the impact of the proposed development on the adjoining dwelling at No. 37 Lennox Street in terms of overshadowing / overbearing impacts and also and on the residential amenities of the general area.

3.2.2. The planning authority refused permission for the proposed development for the reasons listed under section 3.1 above.

3.2.3. Other Technical Reports

Transport Planning Division (TPD) – No objection subject to conditions.

Drainage Division: No objection subject to conditions.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland (TII) made a submission to the planning authority dated 7th July 2023 noting that the proposed development falls within an area set out in a Section 49 levy scheme for light rail (LUAS Cross City – St. Stephen's Green to Broombridge Line) and recommending that if the proposal is granted permission a condition for the contribution be attached.

3.4. **Third Party Observations**

A number of third-party submissions were received by the planning authority in respect of the proposed development. The report of the Planning Officer summarises the main issues raised, as follows:

- Pressures on sewage system in the area.
- Construction will create a lot of noise, dirt and dust.
- Security issues
- Demand for parking the area will increase.
- There is a medical practice close by; need for proposal questioned.

- Proposed development of a medical practice within the 19th century streetscape will set a precedent for similar developments.
- Interference and damage to the foundations of number 33 Lennox Place.
- New door is not dimensioned, area to be used for three bins and cycle storage. This will cause noise and smells in close proximity to their door.
- A new GP practice would be welcomed in the area, however the application does not adequately analyse the capacity of the existing GP practices in the area.
- The blank mass of the proposed second storey extension is oppressive.
- Proposed wheelchair access from the street (Lennox Place) is via a consulting room/nurses room. It is difficult to see how this is operationally practical.
- Loss of a Residential Unit in the area and the precedent that this development would set.
- The applicant relies on the fact that the owner of 37 Lennox Street did not object to the application.
- The Planning application site notice was positioned in the window on Lennox Street. No notice was put up in Lennox Place.
- The application is contrary to Development Plan standards as set out in Section 15.14.6 of the Dublin City Development Plan (medical and related uses), which sets out that in assessing proposals for conversions in residential areas.
- The application should be rejected under section 15.4.6 of the Dublin City Development Plan 2022 to 2028 as it does not show local need.
- The applicant's report refers to a coffee shop, gallery, and physio being on the street. However, those dwellings are on the opposite side of the road.
- Will block the light into number 37 Lennox Place and also 1 Lennox Place.

4.0 Planning History

Appeal Site

Planning Authority Reg. Ref. 3389/23 – Permission refused in 2023 for demolition of an existing ground floor lean-to to the rear of the house; the change of use of the existing two bedroom two storey dwelling to a medical practice and the extension of that medical practice with a two storey extension to the rear providing five consulting rooms; a new side gate onto Lennox Place in to the rear yard together with all associated site works.

Refusal reasons:

- 1. Having regard to the depth of the two storey extension and the proximity and orientation of the extension to the adjoining property at number 37 Lennox Street, it is considered that the proposed development would result in overshadowing of the adjoining property, and would appear overbearing when viewed from the adjoining properties. The proposed development would thereby seriously injure the residential amenities of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development would result in the change of use of the entire residential house, located in a Z1 residential zoning. The proposed development would thereby result in the loss of a residential property which would seriously injure the residential amenities of properties in the area and set an undesirable precedent for similar types of development in the area which would be contrary to the zoning objective which is 'to protect, provide and improve residential amenities and the proper planning and sustainable development of the area.*
- 3. It is considered that the proposed development would be contrary to Development Plan standards as set out in Section 15.14.6 of the Dublin City Development Plan (medical and related uses), which sets out that in assessing proposals for conversions in residential areas, Dublin City Council will normally permit conversion of part of a dwelling to a medical or related consultancy, provided that a local need has been demonstrated. The proposed conversion from residential to medical practice does not provide for a residential element to be retained. The proposed development would be contrary to the standards set out in the Development Plan*

and would, therefore, be contrary to the proper planning and sustainable development of the area.

Adjoining property to the west – 37 Lennox Street

Planning Authority Reg. Ref. 0056/02 – Permission granted for demolition of existing kitchen and outhouses and the construction of a new two storey kitchen and bathroom to the rear garden of dwelling.

Property to the west – 39 Lennox Street

Planning Authority Reg. Ref. 4296/02 – Permission granted for demolition of existing single storey extension and to erect a two-storey extension comprising rear hallway and bathroom to the rear of existing dwelling.

4.1. Dublin City Development Plan 2022-2028

The proposed development was considered under the Dublin City Development Plan 2022-2028 which was adopted by the city council on 2nd November 2022.

Appendix 15 of the Dublin City Development Plan 2022-2028 sets out the definitions of various uses included in the land-use zoning chapter. The definition of ‘Medical and Related Consultants’ is given as follows:

This applies to the use of building (including a dwelling, or part thereof,) by a medical doctor or related consultant or those engaged in medical consultancy including dental, physiotherapy, chiropractor, osteopath etc.

Zoning

The site is zoned Z1 - Sustainable Residential Neighbourhoods, where it is an objective “To protect, provide and improve residential amenities.” The zoning matrix confirms that ‘medical and related consultants’ is a permissible use within the Z1 zoning objective.

Development Standards

Section 15.14.6 of the Dublin City Development Plan 2022-2028 relates to Medical and Related Uses and states the following:

Medical and related uses includes a wide range of services such as GP surgeries, medical centres, primary medical care facilities, dentists, beauty and aesthetic clinics, vets etc. all of which comprise of similar design standards and requirements.

Premises for medical relates uses include a wide variety of building types, ranging from adaptations of domestic premises for single-handed practitioners to purpose-built premises for large group practices or units within a streetscape.

Dublin City Council will support the provision of medical related uses in urban villages and neighbourhood centres and within existing communities where appropriate.

Primary Care Centres usually require purpose-built structures and facilities, and these should primarily be facilitated in urban villages and neighbourhood centres.

In mixed-use developments, which include community, service and retail facilities at ground floor level, the use of a unit as a medical centre of an appropriate size which contributes to the vitality of the area will be supported.

Applications in these areas will be assessed on design criteria such as relationship with the street, accessibility to servicing, traffic management and shop front design criteria.

In assessing proposals for conversions in residential areas, Dublin City Council will normally permit conversion of part of a dwelling to a medical or related consultancy provided that a local need has been demonstrated; that it has been demonstrated and there is no adverse impacts to the residential amenities of adjacent dwellings and that adequate off street parking facilities.

Residential buildings do not, in general, lend themselves well to efficient use as medical consultancy practice. Also, the complete conversion of residential premises as a medical consultancy can have adverse impacts on the residential amenity of a residential area, such as security problems, which will be taken into consideration.

In certain circumstances, where there is a proven lack of such facilities in the local area; the property is of a sufficiently large size; the residential unit is located at an end of terrace or corner site; the proposal will be considered on its merits having regard to residential amenities of the local area. Generally converted house units for

medical purposes should be located in close proximity to the entrance of the overall residential development with easy access.

Policy QHSN52 - Sláintecare Plan:

It is the Policy of Dublin City Council: To support the Health Service Executive and other statutory, voluntary, private agencies and community based services in the provision of appropriate healthcare facilities - including the system of hospital care and the provision of community-based primary care facilities, mental health, drug and alcohol services and wellbeing facilities including Men's Sheds - and to encourage the integration of healthcare facilities in accessible locations within new and existing communities in accordance with the government Sláintecare Plan.

4.2. EIA Screening

Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations as amended, and as such preliminary examination or an environmental impact assessment is not required.

5.0 The Appeal

5.1. Grounds of Appeal

This is a first-party appeal against the decision of Dublin City Council to refuse permission for the proposed development. The issues raised are summarised under the headings below:

5.2. First refusal reason

- The application, the subject of this appeal, incorporates design modifications to the proposed 2 storey rear extension which was refused under the previous application. For instance, the depth of the 1st floor rear element is reduced from c 4.3m to 3m, as suggested by the planning authority in its assessment of the first planning application. This revised proposal also involves a reduction in floor area from c 12.4 sqm to c 8.7m, and the centrally located 1st floor window on the eastern elevation is omitted.

- Nos. 37 and 39 Lennox Street, adjoining houses to the west both have rear two storey extensions. No objection was received from the owner of No.37 to the proposal.
- Only impact on No. 37 arises from some additional overshadowing for a short period of time in the morning. This reflects the established pattern of development in the area in that, for example, the small rear yard of No. 41 is similarly overshadowed for a period each morning having regard to the 2-storey rear extension of the adjoining dwelling to the east.
- Not accepted that the proposed rear extension is overbearing; it is a typical type of development in the area. Its revised depth is 3m and it is set back c 1m from the boundary with No. 37. It is within the Board's power to set back the extension further, if deemed necessary.
- The planning authority does not appear to have considered the tight urban context of the site, or the planning exemption for first floor extensions.

5.3. Second refusal reason

- While concern was expressed in terms of the precedent created by the proposal, the planning authority did not adequately assess the removal of a single house from the housing market against the provision of required quality GP / medical services for the immediate and surrounding area.
- In mature residential areas such as this location, conversion of a dwelling unit into a medical practice is a traditional and accepted pattern of development.
- Refusing permission for the proposed change of use does not address the housing issues evident in Dublin and beyond.
- A condition could be attached requiring reinstatement of residential use in the event medical service uses cease in the future.
- 'Medical and related consultants' is a permissible use in the Z1 zoning objective.

5.4. Third refusal reason

- The proposal complies with section 15.14.6 of the Development Plan. It is not stated therein that the complete conversion of a premises to medical services is prohibited or that there is a presumption against such development.
- Provision of a first floor flat of c 40 sqm and without the benefit of any private open space as part of the development proposal would constitute a poor standard of accommodation. In any event, the HSE does not permit new medical practices to contain/include a residential unit.
- A needs assessment for the proposed facility has been undertaken by the applicant which found that there is a shortage of GPs in the General Medical Services (GMS) operating in the area, which results in a significant lower amenity for the area.
- The analysis undertaken shows a significant population increase in the area but a fall in the provision of local medical services. Of the four GP practices closest to the proposed development only one is taking on GMS patients and there is a 6-week waiting period. One of the GP practices has also relocated leaving patients in the area without a service. The appeal submission includes a map indicating the spread of GP services within 600m of the appeal site.

5.5. Other issues

- The proposed development would provide new services and facilities generated as a result of the increased population in the area. The applicant and his GP partner are very experienced and trained in the provision of medical care, which is an important resource to both the local and wider community.
- Provision of local and affordable GP services is a clear measurement of what a healthy and sustainable city should include, and it would improve the overall amenity of the area for all.
- The country is experiencing a significant health crisis and losing GPs to other countries. There is an identified need for local GP's to be located in expanding population areas which accords with the provisions of Slaintecare.
- Medical practices like the one proposed do not keep medicines on-site other than life-saving drugs used for cardiac arrest, or vaccinations.

- The refusal of permission is contrary to the concept of the 15-minute city.
- The location of the proposed development is ideal, close to public transport and good cycling infrastructure.
- There is adequate on-street car parking in the immediate area.

5.6. Planning Authority Response

5.6.1. A response from the planning authority requests the Board to uphold the decision to refuse permission. It seeks that the following conditions are included if a decision is made to grant permission:

- Section 48 Development Contribution
- Section 49 Luas Cross City Contribution.

5.7. Observations

Several observations were received, primarily from residents in the immediate area, in relation to the proposal and the submitted appeal. A number of the submissions have also attached the objections made to the planning authority on foot of the planning application. The observations received may be summarised as follows:

- It is very difficult for existing residents to access parking spaces in the area. The proposed development would reduce parking space availability further.
- Conversion of dwelling to commercial use unacceptable in a housing crisis.
- The proposed development would lead to traffic congestion and a higher likelihood of traffic accidents in the area.
- Overshadowing and overlooking impacts caused by the proposed extension.
- Blank mass of proposed extension is oppressive.
- Concern expressed of the impact the proposal may have on the drainage infrastructure in the area.
- The proposed extension will use a wall at 1 Lennox Place as a supporting wall. Furthermore, the building works may affect the foundations of adjoining residential development.

- No planning/site notice located at Lennox Place.
- Security issues and safety concerns having regard to the nature of the proposal.
- Disruption and noise will be caused to residents during the building and operational phases.
- Location of new access gate too close to adjoining property.
- Patients may have to queue on Lennox Place.
- The units opposite the proposed development site were always in commercial use.
- Unique character of the area will be changed if the proposal is permitted.
- More pressure on the sewage and water systems.
- The proposal constitutes overdevelopment of the site.
- A new GP service opened in the area recently.
- It may be more suitable to locate the GP service in commercial units nearby.
- If the proposed change of use is permitted, can it be restricted to a GP practice.
- Rear yard area too small to accommodate proposed uses e.g. bins, bicycle.
- The proposed floor plan indicates a ground floor window serving a WC at ground floor level; however this is at odds with the elevation drawing which does not indicate a window.

6.0 **Assessment**

The main issues relevant to the grounds of appeal are considered as follows:

- Land use and Nature of Development
- Refusal Reason 1
- Refusal Reason 2
- Refusal Reason 3

- Other issues
- Appropriate Assessment

6.1. Land use and Nature of Development

- 6.1.1. The appeal site is zoned Z1 – Sustainable Residential Neighbourhoods. The provision of a medical practice comes within the definition of ‘Medical and Related Consultants’ defined in Appendix 15 of the Development Plan and as set out in section 4.1 of this report.
- 6.1.2. Although the proposal is listed as a permissible use within the Z1 zoned area, I note the planning officer’s report appears to suggest that the proposed medical use may be more appropriately located in the nearby area of Richmond Street South and Camden Street Upper which is indicated as being subject to zoning Z4 – the objective of which is ‘To provide for and improve mixed-services facilities.’

Notwithstanding this view, the Development Plan confirms that the proposed development is consistent with the Z1 zoning objective applicable to the appeal site and therefore the proposal is acceptable in principle at that location.

6.2. Refusal Reason 1

- 6.2.1. The planning authority’s first refusal reason relates to the impact of the proposed rear first storey extension on the adjoining dwelling to the west, No.37 Lennox Street in terms of overbearing and overshadowing impacts.
- 6.2.2. The dwellings located along this part of Lennox Street have very constrained rear backyard areas. I note that No. 37 Lennox Street which adjoins the appeal site to the west has a similar 2 storey rear extension to that proposed by the applicant. Similarly, No. 39 Lennox Street which adjoins No. 37 to the west also has the benefit of a 2-storey rear extension. As such, in my view the proposed rear extension to the appeal property is consistent with other similar development in the locality.
- 6.2.3. The height of the proposed 2 storey flat roofed rear extension is c 6m, while its depth is indicated as 3m. The first-floor element is set back c 0.7m from the boundary with the adjoining property to the west (No. 37 Lennox Street) and c 1.5m from the boundary with the adjoining property to the south (No. 33 Lennox Place).

- 6.2.4. Having regard to the design of the proposed extension including its limited depth and its separation distance from the boundary with the adjoining dwelling to the west which I consider adequate, I am of the view that while some overbearing impact is likely on No. 37 Lennox Street, the degree of overbearing impact, in my opinion, would fall within the bounds of acceptance for a tight urban site.

In terms of overshadowing impacts, it is likely that the proposed rear extension will result in some overshadowing of the adjoining property to the west (No. 37) and its rear yard for a period early in the morning. I do not consider that the level of overshadowing resulting from the proposed extension would be significantly greater than that generated by existing 2 storey rear extensions located in the immediate area (as referred to in section 6.22 above), and as such I consider the proposed development acceptable in this regard.

6.3. Refusal Reason 2

- 6.3.1. The planning authority's second refusal reason relates to the loss of a residential property, by reason of its proposed change of use, at a time when there is a housing shortage, which the planning authority considered would seriously injure the residential amenities of properties in the area and set an undesirable precedent.
- 6.3.2. In my opinion it is important to give due consideration to the medical services the proposed facility would offer the population of the immediate and adjoining areas if permission was granted. It is common knowledge that there is a significant shortage of GPs across the country, and it is notable that many GP practices are full and not in a position to accept new clients/patients. In my view these facts are substantiated by the needs assessment undertaken by the applicant in respect of the proposed development and as such I accept the findings of the assessment, specifically that the population of the area has increased, and there is a need to provide additional GP services to cater for the demand generated by the population increase.
- 6.3.3. In this context I do not concur with the planning authority that the proposed change of use of this single 2-bedroom unit to a medical practice would injure the residential amenities of properties in the vicinity. In my view, the proposal would accord with the zoning objective in terms of the provision of a new GP service for which there is a significant demand for. Furthermore, in my opinion, the service would enhance the

amenity of the area and accord with Development Plan Policy QHSN52 in terms of the integration of healthcare facilities in accessible locations within an existing community.

- 6.3.4. Similarly, I disagree that the proposed development would establish an undesirable precedent for similar development which would be contrary to the proper planning and sustainable development of the area. Each development proposal should be dealt with on its own merits, having regard, inter alia, to the specifics of the proposal.

6.4. Refusal Reason 3

- 6.4.1. The planning authority's third refusal reason relates to non-compliance with section 15.14.6 'Medical and Related Uses' of the Dublin City Development Plan, specifically that the proposed conversion of the dwelling to a medical practice does not facilitate a residential element to be retained in the building.
- 6.4.2. Having reviewed section 15.14.6 of the Development Plan I consider that it does not exclude the conversion of a 'complete' dwelling to a medical or related consultancy. It is however apparent that the planning authority's preference is to 'normally permit conversion of part of a dwelling' for such use on the basis that adverse impacts can arise. In this regard I note the applicant's comment in the appeal that retention of a first floor flat in the building was investigated but dismissed due to spatial restrictions, lack of private open space and poor levels of amenity. Fundamentally, the applicant also notes that the HSE does not allow new medical practices to contain a separate residential unit.
- 6.4.3. Reference is also made in this section to security concerns arising in respect of medical practices which have been converted from residential use. In this regard the applicant has confirmed that medical practices such as that proposed do not store drugs on site. The proposed practice would keep on site only lifesaving medication (e.g. used in cardiac arrest) and vaccinations to prevent diseases.
- 6.4.4. In my view the proposal complies with the requirements of section 15.14.6 of the Development Plan. The appeal site comprises an end of terrace unit located on a corner site, as referenced in this section. Furthermore, there are adequate parking facilities available and the area is well served by public transport.

6.5. Other issues:

6.5.1. Parking

A number of observers have expressed concerns in terms of the impact the proposed development may have on parking in the area. Given the central location of the site and the large catchment area I consider it likely clients would largely walk or use public transport when visiting the practice. I note that the Transportation Planning Division's report expressed no concerns in terms of the impact of the proposed development on existing parking facilities.

6.5.2. Drainage

Concern is raised in relation to the impact of the proposal on drainage infrastructure. The report of the Drainage Division expressed no objection to the proposed development and noted that it is to be drained on a separate foul and surface water system.

6.5.3. Site Notice

I note the matter raised by an observer in connection with the location of the site notice for the proposed development. I note the planning authority considered the site notice to be acceptable. I am satisfied that the issue did not prevent the observer from making representations.

6.5.4. Discrepancy in plans / drawings

The proposed ground floor plan (labelled 11 on Drawing No. A1-02P3) indicates a window serving the accessible toilet, however the window is not reflected on the eastern elevation drawing (labelled 15 on Drawing No. A1-02P3). If the Board is minded to grant permission I recommend inclusion of a condition requiring submission of revised plans/drawings to the planning authority to address this discrepancy.

7.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development, its location relative to European sites, the absence of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues

arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reason and Considerations

- 9.1. Having regard to the pattern and character of development in the area, the layout and design of the proposed development, and the provisions of the Dublin City Development Plan 2022-2028 including policy QHSN52, it is considered that, subject to compliance with the conditions set out below, the proposed development would accord with Section 15.14.6 (Medical and Related Uses) of the Development Plan, would be acceptable in accordance with the zoning objective for the site, would not detract from the residential amenities of the area and would not seriously injure the residential amenity of surrounding properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 16th of June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The proposed development shall be used for medical and health related services pursuant to Class 8 of Part 4, Schedule 2 of the Planning and Development Regulations 2001 as amended.</p> <p>Reason: In the interests of clarity.</p>
3.	<p>Details of the hours of operation of the medical practice shall be submitted for the agreement of the planning authority prior to commencement of development.</p> <p>Reasons: In the interests of residential amenity and clarity.</p>
4.	<p>Revised elevation drawings which show a window serving the accessible WC at ground floor level commensurate with the submitted floor plan shall be submitted for the agreement of the planning authority prior to commencement of development.</p> <p>Reason: In the interests of clarity.</p>
5.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Details (including samples) of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, management measures for noise, dust and dirt, construction traffic management proposals and off-site disposal of construction waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning</p>

	<p>authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

John Duffy

Planning Inspector

18th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317948-23			
Proposed Development Summary	Demolish rear single storey extension, change of use of dwelling to medical practice, construct 2 storey rear extension, providing 5 consulting rooms in total, new side gate.			
Development Address	35 Lennox Street, Dublin 8 D08F5C2			
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	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	X	N/A		No EIAR or Preliminary Examination required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required