



An
Bord
Pleanála

Inspector's Report ABP-317999-23

Development	Removal of pitched roofs and construction of a 4 th floor on both buildings.
Location	2-3 Mark's Alley West, Dublin 8.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1526/23
Applicant(s)	Peninsula Suite Property Holdings Ltd
Type of Application	Planning Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Decision
Appellant(s)	Peninsula Suite Property Holdings Ltd
Observer(s)	None
Date of Site Inspection	21 st November 2023 and 8 th February 2024
Inspector	D. Aspell

1.0 Site Location and Description

- 1.1. The site is at Nos. 2 and 3 Mark's Alley West, Dublin 8. It comprises 2 no. 3-storey buildings most recently in residential use and currently vacant. There are associated yards and single storey structures to the rear (Nos. 1/1A) which are not included in the application.
- 1.2. The surrounding area is generally mixed use. There are a mix of building heights in the area, ranging from 2 to 5 storeys, with the majority of buildings being between 3 and 4 storeys. The immediate area along Francis Street and Mark's Alley West is characterised by buildings from a variety of periods and styles, including the 18th, 19th and 20th Centuries.
- 1.3. Adjacent the site to the west is a large 3-storey building occupied by City of Dublin ETB (Liberties College). To the south/rear of the site is a large 5-storey apartment block. The buildings adjacent to the east have largely been demolished.
- 1.4. The site is in the Thomas Street and Environs Architectural Conservation Area (ACA). There are no protected structures on the site or adjacent.

2.0 Proposed Development

- 2.1. The proposed development can be summarised as:
 - Removal of existing pitched roofs of two existing building;
 - Extension of both buildings by an additional storey;
- 2.2. The proposal provides for an additional floor to each building, changing the existing 3-storey buildings to 4-storeys. The extensions would provide for an additional bedroom and bathroom in each building.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a notification of decision to refuse permission (15th August 2023) for 1 no. reason, summarised as follows:

- *Having regard to the location of the site within the Thomas Street Architectural Conservation Area, it is considered that number 2 & 3 Marks Alley West contribute to the architectural character, scale, sense of continuity and early form and proportions of the historic streetscape. The proposed development to remove the historic roofs and to replace same with an additional storey with a flat roof, would detract from the character and setting of these buildings and streetscape, which would be contrary to Policy BHA7 of the Dublin City Development Plan, which seeks to protect the special interest and character of all areas which have been designated as an Architectural Conservation Area. The proposed development would seriously injure the residential and visual amenities of the area and set an undesirable precedent for similar developments in the area, and would thereby be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

Planning report

3.2.1. The report recommended refusal and is summarised as follows:

- Refers to proposal to demolish the two buildings (Ref. 3097/23 / ABP-316306-23) for which a decision to refuse permission was issued by the planning authority. (**Case currently on appeal** to the Board):
- The height would be in keeping with development on the opposite side of the road, but it does project above the adjoining Liberties College site;
- The front elevations have been replaced in a machine brick, apart from sections to the ground floor where historic brick has been retained;
- Proposal involves removal of the original pitched roofs and addition of a floor with flat roof;
- The houses have 4 no. distinctive chimneys over the hipped roofs, which add to the character of the houses;
- In principle the planning authority see no objection to a dwelling extension in a Z4 zoning.

- Although not protected structures these buildings are located just off one of the principle streets in the ACA;
- The ACA states development that affects the setting of the ACA will only be permitted where it will preserve or enhance its character appearance, and in residential areas, the ACA aims to protect the unique character of these areas with the promotion of sensitive design in house extension and alterations;
- Considers the development contrary to the ACA objectives and to Policy BHA7 as it involves removal of two intact roofs and addition of a floor with a flat roof. This would detract from the character and setting of the buildings and the streetscape which would seriously injure the residential and visual amenities of the area and set an undesirable precedent in the area;
- The report refers to the Conservation Officer report for a separate application (Ref. 3097/23) relating to Nos. 2-3 Mark's Alley West. The planning report states that in light of that commentary the two buildings contribute to the architectural character, scale, sense of continuity, early form and proportions of the historic streetscape of the ACA and for this reason should be refused.
- No observations submitted.

Conservation officer

3.2.2. No report received.

Drainage Division

3.2.3. No objection subject to conditions.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland – Section 49 levy.

3.4. **Third Party Observations**

3.4.1. None recorded.

4.0 **Planning History**

4.1.1. A number of relevant applications are recorded in the area as follows:

Subject site:

Ref. 3097/23: Planning permission refused by the City Council in 2022. Decision **currently on appeal** to the Board (ABP-316306-23). Demolition of structures at 92-93 Francis Street and 1-3 Mark's Alley West and construction of a 5-storey over basement aparthotel. This proposal includes for the demolition of the two buildings on the subject site.

Ref. 2021/21 (ABP-309875-21): Planning permission granted by the Board at Nos. 92-93 Francis Street and 1 Mark's Alley West for demolition of existing structures and construction of a 4-storey plus set-back fifth storey aparthotel of ground floor community space / café with 19 no. suites above.

Ref. 5998/04 (ABP Ref. PL29S.211387): Planning permission refused by the Board in 2004 for demolition of Nos. 90-93 Francis Street & 1-3 Mark's Alley West and construction of 23 no. apartments. Permission refused for one reason being demolition of Nos. 92-93 which were protected structures.

Nearby sites:

Ref. 2766/04 (ABP PL29S.208108): Planning permission granted at No. 57 Francis Street by the Board in 2004 for extension and renovation of building to include new set back 3rd floor to contain 1-bed apartment over existing building (4 storeys total).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is zoned 'Z4 Key Urban Villages / Urban Villages' where the land-use zoning objective is *"To provide for and improve mixed-services facilities"*.
- 5.1.2. I note the following policies and objectives of the development plan:

Policy CA6 Retrofitting and Reuse of Existing Buildings

Policy SC11 Compact Growth

Policy SI22 Sustainable Drainage Systems, Policy SI23 Green Blue Roofs, Policy SI25 Surface Water Management, Appendix 11 Technical Summary of Green & Blue Roof Guide and Appendix 13 Surface Water Management Guidance

Sections 11.5.2 Architectural Conservation Areas and 11.5.5 Archaeological Heritage, and BHA7 Architectural Conservation Areas

- *Policy BHA7: Architectural Conservation Areas:*
 - *(a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. Please refer to Appendix 6 for a full list of ACAs in Dublin City.*
 - *(b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.*
 - *(c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.*
 - *(d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.*

Policy BHA11 Rehabilitation and Reuse of Older Buildings and Policy BHA24 Reuse and Refurbishment of Historic Buildings

- *Policy BHA11 Rehabilitation and Reuse of Existing Older Buildings*
 - *“(a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the*

area and streetscape, in preference to their demolition and redevelopment.

- *(b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.*
- *(c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.”*

Appendix 6 Conservation of the Development Plan identifies The Thomas Street & Environs Architectural Conservation Area. The Thomas Street & Environs Architectural Conservation Area 2009 study document is a standalone document. Section 13.17 SDRA 15 Liberties and Newmarket Square and Objective SDRAO1 Section 15.7 Climate Action including Section 15.7.1 Re-use of Existing Buildings

5.2. Liberties Local Area Plan 2009

- 5.2.1. The Liberties Local Area Plan expired in 2020.

5.3. National guidelines

- 5.3.1. Architectural Heritage Protection Guidelines for Planning Authorities 2011, including Section 3.7 Development Control in Architectural Conservation Areas and 3.10 Criteria for Assessing Proposals within an Architectural Conservation Area
- 5.3.2. Quality Housing for Sustainable Communities Guidelines 2007, including Section 5 Dwelling Design.
- 5.3.3. Compact Settlement Guidelines 2024, including Section 5 Development Standards for Housing.

5.4. Natural Heritage Designations

- 5.4.1. None relevant.

5.5. Environmental Impact Assessment

- 5.5.1. The proposed development is not within a class where EIA applies, and therefore is not subject to requirements for preliminary examination of EIA (Refer to pre-screening Form 1, Appendix 1 of this report).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appeal is summarised as follows:

- The two buildings are severely dilapidated. The city council recently refused permission to demolish the buildings and build an aparthotel (Ref. 3097/23, currently on appeal Ref. ABP-316306). Due to this decision the applicant intends to refurbish the buildings and create modern residential family homes;
- The development provides residential space in a contemporary manner to revitalise the buildings and streetscape in a sympathetic manner;
- The houses are 3-storeys in height. The additional floor would bring the total to 4 no. This is acceptable given that the Board recently granted permission for a 5-storey aparthotel on the adjacent site (92-93 Francis Street and 1 Mark's Alley West, Ref. 2021/21 / ABP-309875-21);
- The houses are not protected structures. The area is part of the Thomas Street ACA;
- The design seeks to maintain most of the existing character of the buildings by retaining the existing façade and chimneys. This is consistent with current best practice for facilitating the reuse of existing buildings within minimal interference of the building fabric;
- The extension is also set back from the façade and finished in a metal cladding to distinguish the old and new. This is common practice across the City and within the Thomas Street ACA. This is also consistent with current best practice is to distinguish the additional structure from the existing when adding extensions to an existing building;

- In relation to streetscape character, Mark's Alley West can be defined by mostly flat-roofed structures with some pitched roof houses at the western end. The building opposite the site and adjacent have large flat roofs. Therefore it is inaccurate for the planning authority to say the proposed design would seriously injure the residential and visual amenities of the area'
- The proposal is fully compliant with local, regional and national policy, and the standards and objectives of the development plan;
- The appeal refers to a number of cases in the area as precedents;

The appeal contains computer generated images of the development.

6.2. Planning Authority Response

6.2.1. Response received 6th October 2023 requesting the Board uphold the decision.

6.3. Observations

6.3.1. None recorded.

7.0 Assessment

7.1. Having regard to the foregoing; having examined the application details; having inspected the external site and surrounding area; and having regard to relevant policies, guidance and legislation, I consider that the main issues in this appeal are:

- Land use
- Impact on the residential and visual amenities of the area
- Impact on the character of the buildings and streetscape
- Related matters raised in the appeal

Land use

7.2. The proposal is within a 'Z4 Key Urban Villages / Urban Villages' where residential development is permitted in principle. Policy SC11 Compact Growth, Policy BHA11 Rehabilitation and Reuse of Older Buildings, Policy BHA24 Reuse and Refurbishment of Historic Buildings and Section 15.7.1 Re-use of Existing Buildings

of the development plan promote the refurbishment, rehabilitation and reuse of older buildings. I consider the proposal is acceptable in principle.

Impact on the residential and visual amenities of the area

- 7.3. The planning authority decision states the proposal would seriously injure the residential and visual amenities of the area and set an undesirable precedent. I note the planning authority planning report states that the extra storey would be in keeping with the area.
- 7.4. In relation to visual amenities, there is significant variety in building heights in the area. Buildings on Mark's Alley are predominantly 3- and 4-storeys, with the building to the south/rear being 4- and 5-storeys. The building permitted by the Board on the adjoining site to the east (Ref. 2021/21 / ABP-309875-21) would also be 4- and 5-storeys and would marginally taller than the subject proposal. I note that the height of the proposed additional floor would be only c.1m taller than the existing roof, and the same height as the existing chimneys.
- 7.5. In relation to design, there is significant variety in roof forms and roof materials in the area, including a mixture of flat and pitched-roof buildings. The proposed additional storey is to be set back slightly from the front elevation and clad in metal. The proposal is comparable to other set-back upper floors also clad in metal within the immediate area along Mark's Alley West and Francis Street (eg. Nos. 55-57, 98-99, and 101 Francis Street). I note the building opposite has a set-back element, and the permitted building on the adjoining site to the east will also have a set-back top floor. Whilst I acknowledge the loss of the existing hipped roofs, the majority of roofs along Mark's Alley West and in the immediate ACA area are modern-era flat-roof buildings. I also note that the existing hipped roof has minimal visibility due to the building parapet, and can be seen mainly from adjacent upper-level apartments only, and appears as a flat roof from ground level.
- 7.6. I further note that upon construction of the adjacent permitted development (Ref. 2021/21 / ABP-309875-21) the visibility of the existing buildings and the proposed additional floor will be greatly reduced when viewed from the east/Francis Street. Construction of that development would screen the entire side profile of the existing building and most of the proposed additional storey. Only the front portion of the proposed additional floor would be visible. I note that only a partial view of the

existing chimney on the eastern elevation would remain, however the chimney on the western elevation would remain fully visible from along Marks Alley West.

- 7.7. As such, in relation to design and visual amenities, I am satisfied the proposed additional storey would sit comfortably amongst the existing and permitted buildings in the area, and would not be out of place or have a detrimental impact on the visual amenities of the area.
- 7.8. In relation to residential amenities, the existing area is relatively dense and tightly laid out. The apartment block to the north on Marks Alley is predominantly 4 storeys and is c.11m away. The closest apartment block to the south/rear is 5 storeys and is c.22m away. The proposed development provides for bathrooms to the rear and bedrooms to the front.
- 7.9. I am satisfied there would be no significant detrimental impacts in terms of overlooking, overshadowing, or overbearance between the proposal and existing or permitted residential developments to the east, west or south. In relation to the apartments to the north:
- In relation to overshadowing, the proposed new storey would be c.1m taller at maximum than the existing roofs and would have a more substantial profile. I consider that the proposal would have an impact on the sunlight and daylight received by some of the existing apartments to the north, however I do not consider that the increased height and profile would have a significant detrimental impact. Having regard to this inner urban location, I am satisfied the apartments would continue to receive adequate sunlight and daylight in the morning and evening during the year;
 - In relation to overlooking and overbearance, SPPR 1 'Separation Distances' of the Compact Settlements Guidelines states in relation to minimum separation distance to the front of apartment units that there shall be no specified minimum separation distance in statutory development plans, and that planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. The proposed rooms would be relatively close to the existing apartments, however given the narrow widths of the historic streets in the area, the number of residential windows already in such proximity including the

subject dwellings and apartments opposite, and the nature of this dense urban environment I am satisfied this is acceptable.

- 7.10. In relation to residential amenity, considering the built-up nature of the area, and that the proposal is for additional bedrooms on existing residential buildings, I do not consider the additional storey would give rise to significant detrimental impacts on existing residential amenities.
- 7.11. Overall in these regards I do not consider the proposal would seriously injure the residential and visual amenities of the area or set an undesirable precedent.

Impact on the character and setting of the buildings and streetscape

- 7.12. The site is in the Thomas Street & Environs ACA. The buildings are not protected structures and are not on the National Inventory of Architectural Heritage. None of the adjoining buildings are protected structures. The adjoining buildings Nos. 92-93 Francis Street were formerly protected structures and have been demolished.
- 7.13. A report from the Conservation Officer was not received in relation to the application. The applicant has not submitted an architectural heritage impact assessment.
- 7.14. The refusal reason states that Nos. 2 and 3 Marks Alley West contribute to the architectural character, scale, sense of continuity and early form and proportions of the historic streetscape. Whilst the building may contribute to a sense of continuity of the history of the streetscape, I do not consider that the buildings' contribution to the current architectural character of the streetscape is such that refusal of the proposal is warranted. In this regard I note the following:
- There is little left of the historic streetscape along Mark's Alley as the majority of historic buildings on the street have been replaced by modern structures. As such the sense of continuity, early form, and proportions of the historic streetscape have already been severely disrupted. I do not consider the proposed development would have a significant detrimental impact in these regards to warrant refusal.
 - In terms of character and architectural heritage value, overall I consider the area to be mixed. Whilst parts of the wider area have a richer character, Mark's Alley is characterised mainly by modern replacement buildings of varying designs and styles which are of little if any architectural heritage value. This is

reflected in the 2009 ACA study which states that Mark's Alley is defined mainly by modern apartment development to the north side and educational buildings to the south.

- Further in this regard, the Liberties College building adjacent to the west runs for the remainder of Marks Alley (c.75m); it is a large modern building of limited if any architectural conservation value. Similarly, the block across the road, which extends as far as Spitafields (c.50m), is also a modern addition of limited if any conservation value. Adjacent to the east, Nos. 92-93 Francis Street have been demolished, and No. 1A to the rear of the subject buildings has permission to be demolished. I further note that where historic buildings remain in the area, a number have been extensively altered including in terms of additional set-back storeys clad in metal comparable to the subject proposal (No. 57 Francis Street located to the east).
- Of the subject buildings, the existing elevations appear largely to be later replacements, with the exception of the roofs and the lower parts of the front elevations. I note however the street elevations do reflect the original design and retain some of their original character. Having visited the site and having reviewed the available information, I consider that whilst Nos. 2-3 Mark's Alley retain some of their original character, overall they are of limited architectural heritage or special interest value, and that the proposed additional floor would not have a significant detrimental impact in this regard to warrant refusal.
- The site is not in a prominent location within the ACA. In addition, whilst the clearing of the adjoining site on the corner of Marks Alley West and Francis Street has left the subject site more exposed, its current visibility would be significantly reduced upon construction of the permitted development on that site.

7.15. As such, due to the nature of the subject building and the wider streetscape, whilst the building may contribute to a sense of continuity of the history of the streetscape, I do not consider that the buildings' contribution to the current architectural character of the streetscape is such that refusal of the proposal is warranted.

7.16. In relation to the impact on the existing roof, the proposal would see the loss of the existing hipped roof however the existing chimneys would be retained and

incorporated into the additional floor such that their side profile would remain exposed. Due to the existing parapet, the existing roof has minimal visibility from street level and I do not consider it makes a significant contribution to the streetscape. Whilst contemporary, the proposed additional floor is comparable to the upper floors on other historic buildings in the area in terms of form, design and materials. I consider that the form and finish is relatively light and would not detract significantly from the existing character and setting of these buildings and streetscape.

- 7.17. In relation to the existing building condition, I note that the buildings are vacant and in a poor state of repair, including structural cracking to the façade of No. 3. The proposal would support the rehabilitation, reuse, and retrofitting of the buildings in line consistent with Policies CA6, BHA11 and BHA24 and Section 15.7.1 of the development plan, and to the regeneration of the area in line with Objective SDRAO1 and Policy SC11 of the development plan.
- 7.18. Based on the available information I am satisfied that on balance the proposal does not warrant refusal in these regards. I consider the proposal achieves a good quality contemporary design which reflects, the existing architecture, character, street pattern and heritage of the area and this ACA.

Related matters raised in the appeal

- 7.19. In relation to the adjacent Liberties College, the planning report notes that the proposal would project above the adjoining Liberties College building. The Liberties College Building is a large footprint, 2- and 3-storey flat roofed structure (3 storeys adjacent the subject site) and is in educational use. Whilst the proposal would be c.1m taller and have a more robust profile I do not consider that this would have any discernible negative impact on the college.
- 7.20. I consider that the other matters raised by the drainage division of the planning authority and by Transport Infrastructure Ireland can be dealt with by condition.

Conclusion

- 7.21. In line with Policies BHA7 and BHA11 of the development plan, the proposal provides for the rehabilitation and adaptive reuse of existing older buildings. The proposal would be complementary and sympathetic to the context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and

materials. I do not consider the proposal would have a significant detrimental impact on the special interest or character of the ACA. I consider the proposal would take opportunities to protect and enhance the character and appearance of the area, and its setting and I am satisfied the development would overall contribute positively to the character, distinctiveness, and appearance of the area and streetscape.

- 7.22. I consider that the development is generally consistent with the relevant policy and guidance for the area, and would support the long-term sustainable regeneration of the area and would not set an undesirable precedent for the area. As such I consider the proposal does not warrant refusal as set out in the reason for refusal and as such should be granted planning permission.

8.0 **Appropriate Assessment**

- 8.1. Having regard to the nature and scale of the development proposed and the receiving urban environment which is served by public mains drainage which could absorb surface water run-off from the site and is separated from European Sites, and in the absence of direct pathways thereto, I consider no Appropriate Assessment issues arise, and I do not consider the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

9.0 **Recommendation**

- 9.1. I recommend planning permission be **Granted**, subject to conditions, for the reasons and considerations below.

10.0 **Reasons and Considerations**

Having regard to the nature, scale and design of the proposed development; to the buildings on site which are located with the Thomas Street and Environs Architectural Conservation Area; and to the existing and permitted pattern of development in the area, it is considered that the proposed development is consistent with the policies and objectives of the Dublin City Council City Development Plan 2022-2028, including having regard to the 'Z4' land use zoning

objective for the area, Policy BHA7 Architectural Conservation Areas, and Policy BHA11 'Rehabilitation and Reuse of Existing Older Buildings, and would overall contribute positively to the character, distinctiveness, and appearance of the area and streetscape and Architectural Conservation Area, would not impact unduly on residential amenities, traffic or public health, and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area, subject to the conditions set out below.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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>
2.	<p>Drainage arrangements for the site, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall comply with Greater Dublin Regional Code of Practice for Works. Drainage for the development shall have completely separate foul and surface water systems with a combined final connection discharging to Irish Water's combined sewer system, and all private drainage are to be located within the final site boundary.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The Developer shall comply with the following:</p> <p>The construction of the development shall be managed in accordance with a Construction Management Plan. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

4.	<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>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme, 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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>

-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.-

Dan Aspell
Inspector
26th February 2024

APPENDIX 1

Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference		317999-23	
Proposed Development Summary		Removal of pitched roof from the existing buildings and construction of a 4th floor on both buildings	
Development Address		2-3 Mark's Alley West, Dublin 8.	
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 No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	X	Class.....	EIA Mandatory EIAR required
No			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)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____

Date: __26th February 2024__