



An
Bord
Pleanála

Inspector's Report ABP-318197-23

Development

Construction of a 3-storey terraced residential development with a total of 8-unit apartments and all other necessary site works. (A Protected Structure, South Dublin County Council RPS No. 094).

Location

Ball Alley House, Leixlip Road, Lucan, Co. Dublin

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD23A/0169

Applicant

Gerry Teague

Type of Application

Planning Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant

Gerry Teague

Observers

13 no. Observations:

Patrick & Patricia Hayden

Patrick & Margaret Duigenan

Christy & Eilene Tucker
David Whittle & Mary Whittle
Kathleen Henry
William & Megan Ryan
Patricia & Peter Kelly
Claire Hickey & Adam Skerritt
Charlotte O'Neill & Carmel Hickey
Sinéad Murphy & Derek Porter
Ardeevin Residents Association
Diarmuid & Maria Fitzgerald
Patricia Garland

Date of Site Inspection

18 July 2024

Inspector

Sinéad O'Connor

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1.0 Site Location and Description

- 1.1. The site of 0.177 ha is located to the rear of Ball Alley Public House (a Protected Structure), circa 250 metres west of Lucan Village Centre. The site is on the southern side of the Leixlip Road (R835), opposite the grounds of Lucan Demesne. To the east the site adjoins a 2-storey medical centre, the 2-storey Ardfield Court residential building, and the dormer bungalow at 23 Ardeevin Drive. Further to the east is The Orchard residential scheme comprising 2- and 3-storey apartment buildings. To the west are the dormer bungalows fronting Leixlip Road and Ardeevin Drive. To the north is the 2-storey Ball Alley House and to the south are the 2- storey dwellings on Ardeevin Drive.
- 1.2. The subject site currently accommodates a surface level car park. The eastern and western boundaries comprise stone and block walls with overhanging vegetation. There is an area of dense vegetation at the southern site boundary and a well-maintained green verge at Ardeevin Drive, to the south of the boundary wall. To the north, the site immediately adjoins the rear wall of Ball Alley House and its ancillary bin yard and outdoor area. There is an access road onto the Leixlip Road that is shared with the medical centre and Ardfield Court to the east.

2.0 Proposed Development

- 2.1. The proposed development comprises the removal of all existing car parking and the construction of a 3-storey apartment building with 8 no. own-door apartments, a detached single storey bin and bike store, 15 no. surface level car parking spaces inclusive of 1 no. accessible space (9 no. spaces to serve the proposed development and 6 no. spaces to serve Ball Alley House), 72.9 sqm of communal open space, and 260.3 sqm of public open space. It is proposed to retain the existing masonry walls at the eastern and western boundary and part of the southern boundary, and to retain the existing vegetation at Ardeevin Drive.
- 2.2. The proposed apartment units are summarised below as follows:
 - Unit 1: single storey, ground floor, 3-bedroom 5-person unit of 98.5 sqm with a balcony of 11.2 sqm.

- Unit 2: single storey, ground floor, 3-bedroom 5-person unit of 100.4 sqm with a balcony of 23.9 sqm.
- Unit 3: single storey, ground floor, 3-bedroom 5-person unit of 100.4 sqm with a balcony of 23.9 sqm.
- Unit 4: single storey, ground floor, 3-bedroom 5-person unit of 95.2 sqm with a balcony of 11 sqm.
- Unit 5: 2-storey, 1st floor, 4-bedroom, 6-person unit of 142.7 sqm with a partially covered balcony of 12.7 sqm.
- Unit 6: 2-storey, 1st floor, 4-bedroom, 8-person unit of 175.5 sqm with a partially covered balcony of 10.8 sqm.
- Unit 7: 2-storey, 1st floor, 4-bedroom, 8-person unit of 175.5 sqm with a partially covered balcony of 10.9 sqm.
- Unit 8: 2-storey, 1st floor, 4-bedroom, 8-person unit of 138.6 sqm with a partially covered balcony of 12.4 sqm.

2.3. The proposed building has 4 no. pitched roofs with a maximum height of 10.75 metres and an eaves height of 9.15 metres. It is proposed to reach the 1st floor apartments via an external stair on the western side of the building, which leads to a shared covered external corridor. Blue roofs are proposed over the external 1st floor corridor to the front of the building and over part of the 1st floor balconies to the rear. Other Sustainable Drainage System (SuDS) features include the unlined tree pits and permeable paving at the car parking spaces.

2.4. I note that several of the submitted application drawings have the same Drawing No. (No.3.1.002). To avoid confusion, I have referred to the submitted application drawings by the Drawing Title throughout this assessment. The application submitted to the PA is accompanied by the following technical reports:

- Architectural and Built Heritage Assessment prepared by John Greene
- Design Statement prepared by CDP Architecture
- Engineering Report prepared by Molony Millar
- Flood Risk Assessment prepared by Molony Millar

- Sustainability Report/ Energy Statement prepared by RMBA

3.0 Planning Authority Decision

3.1. Decision

On the 13 September 2023 South Dublin County Council (the PA) issued a notification of their decision to refuse planning permission for the proposed development.

- Reason for Refusal No 1. refers to potential overbearing impacts on existing built form and character, significant impacts on residential and visual amenity and character, failure to comply with the land use zoning objective, QDP3 Objective 1 and QDP3 objective 6.
- Reason for Refusal No. 2 refers to inappropriate impacts on the architectural interest, and the visual quality and integrity of Ball Alley House Protected Structure, and failure to comply with Policy NCBH19 of the Development Plan.
- Reason for Refusal No. 3 refers to a lack of information in respect of car parking, green infrastructure, Sustainable Urban Drainage, the existing drainage network, open space requirements, sightlines, tracking for larger vehicles and land ownership. This reason states that the proposal constitutes overdevelopment of the site, a substandard form of development and will injure residential amenity owing to the minimum separation distances provided.
- Reason for Refusal No. 4 states that the proposed development would cause a traffic hazard as a result of on-site parking and the vehicular entrance off the R835.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 13 September 2023 forms the basis of the PA decision. I consider that the following matters raised are of relevance.

- The proposed development has not been designed to integrate with the surrounding built form.
- The proposed development is higher than the prevailing height and no transitional area is proposed.
- 72 sqm of communal open space and 177 sqm of public open space is required. In addition of 2.4 ha of public open space per 1000 persons is required, which comes to 672 sqm. Insufficient public open space is provided at the site. Queries are raised in respect of the functionality of the open spaces provided.
- All of the apartments meet the minimum requirements for internal floor space and private open space as per the County Development Plan, Apartment Guidelines and Quality Housing for Sustainable Communities.
- Double bedrooms 1 and 2 of Unit 4 and double bedroom 1 of Unit 8 do not meet the minimum 2.8 metre width standard. These shortfalls are within 5% of the minimum standard, which is acceptable under the Apartment Guidelines where the overall floor area requirements are met. The apartments are considered to be of an acceptable standard.
- No analysis is provided in respect of potential impacts on adjoining properties.
- Owing to its height, scale, massing and proximity to shared boundaries, the proposed development would have significant overbearing impacts and would negatively impact on existing residential amenities.
- The proposed development would not be in keeping with the zoning objective.
- The development would be visually intrusive on the streetscape.
- The development is excessively visually dominant and fails to be sympathetic to the scale and architectural interest of the Protected Structure.
- Surface water should discharge from permeable paving into a swale or similar, rather than discharge to the piped network.
- Failure to incorporate green infrastructure (GI) at the site, provide an assessment of existing trees or to include/show nature-based SuDS components.

- Insufficient width of access with reference to DMURS.
- Insufficient sightlines are provided at the access onto Leixlip Road.
- Separation distances to the site boundaries are too narrow to provide adequate access to the bin and bike storage to the rear.
- The site is in Zone 2 (residential) for car parking, requiring a maximum of 1.25 spaces per 3 or more-bedroom apartment. 10 no. spaces required to serve the units. Insufficient information provided in respect of car parking to serve Ball Alley House.
- The number of turns required to move a vehicle into the accessible space is excessive. No autotrack details provided in respect of fire tender, delivery trucks or refuse vehicles.
- No details of EV charging points provided. 20% of spaces should provide EV charging.
- It is not demonstrated that sufficient bike parking is provided.
- Insufficient information provided in respect of surface water infrastructure.
- Required 3-metre setback between the bin/bike store and the surface, foul and potable water infrastructure is not adequately shown.

3.2.2. Other Technical Reports

Architectural Conservation Officer: Report dated 11 September 2023. Refuse planning permission for the following reasons:

- Having assessed the details of the planning application and based on the above it is considered that the applicant has failed to address the overall visual impact that the scale and height of the proposed development will have within the rear site of a Protected Structure.
- It is considered that the proposed development by nature of proximity, scale and height will directly impact on the visual quality of the Protected Structure and visual amenity of the area.

Environmental Health: Report dated 22 August 2023. No objection subject to conditions in respect of noise and air pollution prevention during the construction phase, ventilation of dwellings, and drainage and water.

Housing, Social & Community Development: Report dated 21 August 2023.

Confirmation that a condition should be attached in respect of Part V.

Roads Department: Report dated 31 August 2023. 4 no. objections to the scheme as follows:

- The proposed development would intensify the use of an access with reduced sightlines, increasing the risk of a traffic accident, thereby endangering public safety by reason of a traffic hazard.
- The applicant has not demonstrated fire tender nor refuse collection access.
- The pedestrian permeability around the building is very limited, particularly for cycle and bin access.
- The status of the car parking for the existing public house has not been demonstrated.

Water Services Department: Report dated 25 August 2023. No objection in respect of flood risk, subject to conditions in respect of separation of surface and foul water and the implementation of standard practice drainage measures. Further Information requested in respect of Surface Water is summarised as follows:

- Confirm extent and location of SUDs features and ensure that submitted application drawings agree in this regard.
- Confirm what surface water is running into the tree pits.
- Confirm where the tiled roof drains to.
- Confirm how and where surface water from the entrance road is to be attenuated.
- Relocate the hydrobrake and petrol interceptor so that they capture the entrance road.
- Provide a minimum 3-metre setback distance, in both plan and section, between the bin/bike store and the existing surface water drainage line.

Parks Department and Public Realm Department: Report dated 11 September 2023. Request FI in respect of the landscaping plan, a green infrastructure plan, a Green Space Factor (GSF) Worksheet, a tree survey, tree protection details, and Sustainable Drainage System (SuDS) infrastructure.

3.3. Prescribed Bodies

Transport Infrastructure Ireland: Submission dated 16 August 2023: No observation.

Irish Water: Request FI in respect of required 3-metre clear separation distance required between the bin/bike store and the existing watermain and foul water infrastructure.

Irish Aviation Authority: No response

Heritage Council: No response

Department of housing, Local Government & Heritage: No response

An Taisce: No response

Faite Ireland: No response

An Comhairle Ealaion: No response

3.4. Third Party Observations

25 no. Third Party submissions were made on the application, including 2 no. submission from Councillors. Key planning issues that are in addition to the matters raised in the Observations on the Appeal have been summarised below as follows:

- The proposed development does not include solar panels.
- The transient nature of future residents will impact the existing close-knit community.
- Proximity of the bin/bike store to site boundaries will have visual amenity impacts and create a nuisance in respect of noise, vermin, and smell.
- The application documentation contains misleading and erroneous information.

- Concerns are raised in respect of the appropriateness of the proposed name for the subject residential development.

Several of the observations refer to a proposed walkway/entrance from the subject site to Ardeevin Drive. From my review of the documentation submitted, no such connection is proposed as part of this current application.

4.0 Planning History

The recent planning history of the site can be summarised as follows:

- PA Ref. SD21A/0179, ABP Ref. 312065-21: On the 08 May 2023 the Board decided to uphold the PA decision and refuse planning permission for the removal of the 52 car parking spaces and the erection of a 4-storey apartment block (12.7 metre ridge height) accommodating 14 no. units, and all ancillary site works. The Board gave 1 no. reason for refusal that referred to the incongruous design, scale, massing and bulk with reference to existing built character; negative impact on visual and residential amenities; and failure to accord with land use zoning 'RES-Existing Residential, QDP3 Objective 1, and QDP3 Objective 6.

Various modifications to Ball Alley House including the following.

- PA Ref. S01A/0351: On the 01 May 2002 planning permission was granted to reconstruct and extend the licenced premises including the demolition of existing toilet block, construction of new toilet block, stores and extension to lounge.
- PA Ref. SD03A/0192: On the 10 July 2003 planning permission was granted to amend the development permitted under PA Ref. S01A/0351, to incorporate 4 additional windows, enlarged basement and the relocation of internal stairs at Ball Alley House.
- PA Ref. SD04A/0958, ABP Ref. PL 06S.211375: On the 21 July 2005 the Board upheld the PA decision and granted retention planning permission for the external smoking area, perimeter walls, railing, storage area, gable windows, internal alterations, retractable canopy on side east elevation at the Ball Alley House.

- PA Ref. SD06A/0201: On the 03 January 2007 planning permission was granted for the change of use of the first-floor rooms from storage to offices and a conference room, and planning permission was refused for the change of use of the existing smoking area to a beer garden at Ball Alley House.
- PA Ref. SD06A/0749: On the 03 January 2007 planning permission was granted for the change of use of the first-floor rooms from storage to offices and a conference room, and planning permission was refused for the change of use of the existing smoking area to a beer garden at Ball Alley House. Under PA Ref. SD06A/0749/EP, this permission was extended to expire 01 January 2017.
- PA Ref. SD07A/0208, ABP Ref PL06S.223914: On the 29 November 2007 the Board overturned the PA decision and granted planning permission for the conversion of part an existing open area to a semi covered area to rear at Ball Alley House.
- PA Ref. SD08A/0162: On the 01 May 2008 planning permission was refused for development comprising the removal of existing stone fireplace at ground floor level only and extension of existing bar counter and all associated works at the Bally Alley House (RPS-094).

Relevant planning history in the vicinity of the subject site includes the following:

- PA Ref S98A/0153, ABP Ref. 06S.108364.: On the 19 April 1999 the Board upheld the PA decision to grant planning permission for the construction of 118 no. apartments in 4 no. 3-storey blocks and 56 no. apartments in 2 no. 3-storey blocks, and all associated site works on lands to the east of the subject site.
- PA Ref. S99A/0503: On the 21 February 2000 planning permission was granted to amend the development permitted under PA Ref. S98A/0153 to provide 24 no. 2 bed apartments in 2-storey with mansard floor blocks over basement parking in lieu of 16 no. apartments in 3-storey duplex blocks, on lands to the east of the subject site.
- PA Ref. SD19A/0297, ABP Ref. 306121-19: On the 16 April 2020 the Board upheld the PA decision to refused planning permission for the demolition of

the existing house and shed and the construction of 6 no. apartments in a 3-storey building, and all ancillary works on lands to the northwest of the subject site. 2 no. reasons for refusal were given, which relate to adverse impacts on Ball Alley House, the incongruous nature of the design, impacts on the character and visual amenity of the area, and lack of justification for the demolition of the dwelling.

5.0 Policy Context

5.1. Development Plan

The South Dublin County Development Plan 2022-2028 is the relevant Statutory Plan. Policies and objectives of relevance to the proposal include the following:

- The subject site is zoned Objective RES – To protect and/or improve residential amenity. Under Table 12.2, Residential is listed as Permitted in Principle on zones RES lands.
- As per Figure 11 Dublin City and Suburbs settlement boundary, Lucan forms part of the Dublin City and Suburbs area.
- The site immediately adjoins Protected Structure No. 094 comprising Ball-Alley House, which is described as a “*Detached Eight-Bay Two-Storey Public House*”. The site is circa 70 metres north of Protected Structure No. 090 ‘Icehouse’ and circa 195 metres east of Protected Structure No. 093 ‘Stone Oratory (RM)’.
- Under Policy NCBH19: Protected Structures – the PA will carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly. Under NCBH19 Objective 2 all development at or within the curtilage of a Protected Structures should be sympathetic to its special character and integrity and appropriate in terms of architectural treatment, character, scale and form.
- The site is located circa 150 metres west of the Lucan Architectural Conservation Area (ACA) and circa 90 metres west of the Zone of Notification

for the R185088 Historic Town of “*Lucan and petty canon*”. Policy NCBH20 seeks to protect and enhance the historic character and setting of ACA’s.

- Section 3.5.3 Architectural Conservation Areas outlines that Lucan Village’s distinct character derives from the following: shared palette of materials, repetitive patterns, streetscape and the layout and details, limestone paving mature tree lined streets, stone buildings and walls and public buildings.
- Under Policy G15 Objective 4, the Green Space Factor (GSF) will be implemented at all residential developments with 2 or more units. Section 12.4.2 requires developments to reach a GSF score by retaining or enhancing existing GI features or incorporating new features.
- Under 12.6.7 Residential Standards, apartment developments shall comply with the relevant Apartment Guidelines. In respect of separation distances, it is stated that in general a separation distance on 22-metres is required between opposing windows.
- Section 12.6.8 states that infill sites should meet specific development criteria, including the following of relevance to this site:
 - smaller infill sites of 0.5 ha or less require a degree of integration with surrounding development though density, features, fenestration patterns, materials and finishes.
 - Where the proposed height is greater than that of the surrounding area a transition should be provided.
 - Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development. Contributions in Lieu of Public Open space may be facilitated.
 - Development should be guided by the recommendations under ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ and / or any updated guidance.
 - It should be ensured that residential amenity is not adversely impacted because of the proposed development.

- Table 12.21 Minimum Standards for Apartments, communal open space is required for apartments at a rate of 9 sq.m. per 3-bedroom unit
- Under Table 12.22 Minimum Public Open Space Standards: There is an overall standard for 2.4 ha per 1,000 of population, and a minimum requirement for 10% of the site area for new residential development on zoned RES lands.
- Section 12.7.1 Bicycle Parking / Storage Standards requires 1 no. long term bike space per bedroom and 1 no. short term bike space per 2 no. apartments.
- Section 12.7.4 Car Parking Standards describes a maximum car parking rate of 1.25 spaces per 3+-bed apartment for residential development in Zone 2 (including those areas within 400-500 metres of a high-quality public transport service). Under Section 12.7.5, a minimum of 20% of car parking spaces shall be fitted with EV charging facilities and all spaces should be wired for EV charging.

Relevant development management policies and objectives include the following:

- CS7 Objective 3: To promote and support the development of undeveloped infill and brownfield zoned lands and to promote pre-application consultation in accordance with Section 247 of the Planning and Development Act, 2000 (as amended) (consistent with RPO 4.3).
- Policy NCBH1: Overarching - Protect, conserve and enhance the County's natural, cultural and built heritage, supporting its sensitive integration into the development of the County for the benefit of present and future generations.
- Policy H13: Residential Consolidation - Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.
- H13 Objective 5: To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

- QDP3 Objective 1: To ensure new development contributes in a positive manner to the character and setting of the immediate area in which a proposed development is located taking into consideration the provisions set out in Chapters 3 and 4 of this Plan and having regard to the requirements set out in Chapter 12: Implementation and Monitoring in relation to design statements.
- QDP3 Objective 6: To ensure that higher buildings in established areas respect the surrounding context and take account of heights and their impact on light and the negative impact that they may have on existing communities to ensure consistency with regard to Healthy Placemaking.

Note: The South Dublin Green Space Factor Guidance Note (issued 3 August 2022) states that development on zoned RES sites should have a minimum GSF score of 0.5. This note describes the methodology for calculating GSF using the weighting of each factor (as per Table 2) multiplied by the area of that factor divided by the site area.

5.2. Section 28 Guidelines

5.2.1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage (2024) post-dates the adoption of the Development Plan. These Guidelines post-date the PA's decision on the application. Relevant provisions of the Compact Settlements Guidelines include the following:

- Table 3.1 states that residential development in the 'City-Urban Neighbourhoods' of Dublin and Cork, comprising highly accessible urban locations with good access to employment, education and institutional uses and public transport, shall have residential densities in the range of 50 to 250 dwelling per hectare.
- Section 3.4 'Refining Density' outlines the methodology for refining appropriate residential densities on the basis of accessibility to public transport services, and the surrounding built environment including historic settings, impact on the environment including protected species and habitat, and amenity.

- Policy and Objective 5.1 - Public Open Space: A Development Plan shall generally require public open space at a rate no less than 10% of the net site area and not more than 15% of the net site area.
- SPPR 1 – Separation Distances: A separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Reduced separation distances can be provided where there are no opposing windows and where privacy measures are designed in.
- SPPR 2 – Minimum Private Open Space Standards for Houses: states that apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates).
- SPPR 3 - Car Parking: substantially reduced car parking is facilitated in accessible locations. A maximum car parking rate of 1.5 spaces per dwelling is applicable. In Intermediate or peripheral locations, that maximum car parking rate is 2 no. spaces per dwelling.
- SPPR 4 - Cycle Parking and Storage: Where residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Storage areas should be either within the building footprint or adjoining the building and should be designed so that cyclists feel safe.

5.2.2. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023) post-dates the Development Plan. Relevant provisions include the following:

- Specific Planning Policy Requirement 3 (SPPR3) sets out the minimum apartment floor areas as follows. Minimum floor area standards are not specified for 4-bedroom apartments.
 - 3-bedroom apartment (5 persons) 90 sq.m

- Specific Planning Policy Requirement 4 (SPPR4) outlines requirements for dual aspect units as follows:
 - A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate in.
 - In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.
 - For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.
- Section 4.10 outlines that on sites of less than 0.25 ha, community amenity space requirements may be relaxed, subject to overall design quality.
- Section 4.17 states that a minimum of 1 no. bicycle storage space per bedroom shall be applied. Visitor bicycle parking should generally be provided at a rate of 1 space per 2 residential units.
- Under Sections 4.21 to 4.23, significantly reduced car parking requirements are applicable to Accessible Urban Locations and Intermediate Urban Locations. Under Section 4.29, car parking requirements may be further relaxed on sites of up to 0.25 ha subject to design quality and location.
- Appendix 1: Required Minimum Floor Areas and Standards sets out design parameters in respect of minimum floor areas, aggregate areas, widths, storage and private open space. In respect of minimum aggregate room areas and widths, the Guidelines state that a variation of up to 5% can be applied subject to overall compliance with required minimum overall apartment floor areas.
- Appendix 1: Minimum communal amenity space of 9 sqm is required per 3-bed unit.

5.3. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. The site is 115 metres south of the Liffey Valley pNHA (Site Code 000128), 1.7 km south of the Royal Canal pNHA (Site Code 002103), and 2.6 km north of the Grand Canal pNHA (Site Code 002104). The closest European Site is the Rye Water Valley/Cartron SAC (Site Code 001398), which is 2.5 km to the west of the subject site. The Glenasmole Valley SAC (Site Code 001209) and the Wicklow Mountains SAC (Site Code 002122) are 12km and 14 km south of the site, respectively.

EPA mapping does not show any waterbodies at the site and there were no watercourses or drainage ditches evident at the site during the site visit. In this way, there are no direct hydrological connections between the subject site and any designated area or European site.

5.4. EIA Screening

See completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA or EIA determination, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party Appeal against the PA decision was lodged on 09 October 2023. Issues raised in the appeal have been summarised below:

- The existing car park is no longer in use by the public house.
- The PA's Planning Report does not have regard to National Policy in respect of brownfield residential development or the details provided in the expert reports submitted with the application.

- The proposed development aligns with National, Regional and Local planning policy including the National Planning Framework (NPF), Urban Development and Building Height Guidelines, Apartment Guidelines, Sustainable Residential Development Guidelines, Action Plan for Housing and Homelessness, Regional Spatial and Economic Strategy (RSES), and the South Dublin County Development Plan 2022-2028.
- The Architectural and Built Heritage Assessment submitted to the PA with the application was prepared by a Grade 1 Conservation Architect and demonstrates that the proposed development will not detract from the special character of Ball Alley House.
- The development aligns with Policy NCBH1 of the Plan in respect of integrating Protected Structures into Development.
- The proposed development is scaled back from the development refused planning permission under PA Ref. SD21A/0179 and utilises a more harmonious palette of materials.
- The proposed development respects the surrounding built environment.
- The PA report fails to refer to the 3-storey apartments permitted at The Orchard under PA Ref. S98A/0153.
- The pitched roof design reflects existing development in the area.
- The proposed residential density of 45 units per ha is appropriate with reference to the site's accessible urban location and proximity to bus services.
- The PA did not request the submission of a daylight/sunlight study of the proposed development. Owing to its modest design, the proposed development will have no direct impact on existing properties.
- The PA Housing Section have no objection to the proposed development.
- The proposed development exceeds all minimum design requirements for internal and external space.
- The Orchard provides a precedent for 3-storey development in proximity to a Protected Structure (Gardenville House in Primrose Lane Ref. 084).
Reference is also made to development at George's Place in Dun Laoghaire.

- The proposed development does not provide new car parking or EV charging spaces to serve the Public House.
- 9 no. car parking spaces are dedicated to the proposed residential development.
- Communal open space meets the requirements for 8 no. apartments.
- SuDS features include a sedum green blue roof, permeable paving and unlined tree pits, as per the Engineering Report submitted to the PA.
- The applicant was not given the opportunity to respond to the PA's concerns in respect of public open space, surface water drainage, or impacts on foul and potable water infrastructure.
- The applicant is the legal owner of the subject site.
- The subject site currently accommodates on-site car parking. There have never been safety issues at the existing vehicular entrance onto Leixlip Road. The proposed residential car parking would not be different from the existing commercial car parking.
- The submitted Engineering Report and drawings illustrate that sufficient arrangements are proposed to pedestrian and vehicular traffic and that adequate sightlines are provided at the entrance.
- The Ball Alley House Protected Structure prevents further widening of the entrance.
- Separation distances at the site are consistent with the urban setting and existing development on Leixlip Road.
- No overlooking of living spaces of existing dwellings will occur.
- It is suggested in the Appeal Statement that 2-metre-high obscured glazing is provided at the first-floor balustrades.
- Outstanding issues in respect of SuDS, drainage, access and car parking can be addressed by condition.

6.2. Planning Authority Response

The PA did not submit a response to the First Party Appeal.

6.3. Observations

13 no. Third Party Observations were lodged in response to the First Party Appeal. The key issues raised in these observations have been summarised below as follows:

- The development is out of character with the surrounding residential areas owing to its height and scale and represents an overdevelopment of the subject site.
- The subject site is surrounded by low-density low-rise houses and a Protected Structure.
- The proposed development is comparable in height and size to the development that was refused planning permission under PA Ref. SD21A/0179 owing, in part, to its large size and incongruous design.
- The footprint of the proposed development is wider than the scheme refused planning permission.
- The proposed development is just 1.2 metres from the existing boundary wall.
- The proposed separation distances to adjoining dwellings does not comply with the 22-metre distance required under the Development Plan.
- The boundary wall, which is associated with the Ball Alley House Protected Structure, will be negatively impacted by development works at the site.
- The proposed development is not innovative or modest in its design.
- The proposed 3-storey development will overshadow the adjoining dwellings.
- The development will be visually dominant on the streetscape and skyline.
- The subject site is not appropriate for residential development of the scale and magnitude proposed.

- The development has not been designed to integrate with surrounding development, as is required for sites of 0.5 ha or less under the Sustainable Residential Development in Urban Areas Guidelines.
- No justification for the increased height of the proposed development is provided in the submitted Design Statement.
- Comparisons to The Orchard development are inappropriate, as that scheme is set behind high walls and accommodates substantial green spaces, mature planting and sufficient car parking. Within The Orchard, large separation distances are provided between the residential buildings and the perimeter wall, and there are no overlooking windows on the gable ends. The site at The Orchard is lower than the subject site.
- The proposed development is contrary to the policies and objectives of the South Dublin County Development Plan 2022-2028 in respect of urban design in residential development, public open space, residential consolidation, Architectural Conservation Areas, building height, water management, and car parking.
- The submitted documentation states that the existing vegetation at the southern boundary will be maintained however, the proposed bin/bike store traverses the existing boundary wall and part of this vegetation.
- There is insufficient separation distance between the proposed building and the site boundaries to facilitate access for bicycles.
- No information is provided to illustrate how refuse will be collected from the site.
- Half of the proposed units do not align with building regulations in respect of Universal Access. It is unclear that fire safety standards are met.
- There is existing foul and surface water infrastructure under the existing grass verge on Ardeevin Drive, which are not shown in the submitted documentation. Access to this infrastructure is provided through access chambers located within the grass verge.

- The proposed development will have significant negative impacts on residential amenities and, therefore, does not align with the zoning objective “to protect and/or improve residential amenity”.
- Loss of privacy and overshadowing of adjoining dwellings due to the height of the development and its proximity to shared boundaries.
- Overshadowing from the proposed development will reduce the efficiency of solar panels on the adjoining dwelling.
- Overlooking of adjoining houses will occur from the external stairs and access corridor to the first-floor apartments.
- The proposed development will result in a loss of safety and security at the dwellings on Ardeevin Drive.
- The proposed development will have significant negative impacts on the community due to noise, light pollution, dust, and traffic.
- The proposed development will impact negatively upon the mental health of adjoining neighbours due to loss of privacy and security, and detrimental impacts on existing quality of life.
- The removal of mature trees and vegetation at the southern boundary of the site will have negative impacts on visual amenity.
- Proximity of bin storage to shared boundaries.
- The proposed development would reduce the value of adjoining dwellings.
- There have been recent residential developments in the locality which do not have significant negative impacts on established residential areas.
- The existing car park is not disused. This car park is used by those accessing Lucan Village and is run as a commercial enterprise. This car park is often fully occupied.
- The site is not a vacant, infill site.
- Insufficient car parking is provided at the site. No visitor car parking is proposed.

- Overspill car parking and additional traffic as a result of the proposed development will cause congestion and create a traffic hazard on Ardeevin Drive.
- Use of Ardeevin Drive for waste collection will have a significant negative impact on road safety.
- The proposed development will increase traffic through Lucan Village, which is already gridlocked.
- The southern portion of the proposed development, including part of the bin/bike store, is located on a green verge on Ardeevin Drive. This grass verge has been Taken in Charge by South Dublin County Council and is not under the control of the applicant.
- The PA decision in respect of PA Ref. 86A/1028, for the construction of 18 – 24 Ardeevin Drive, includes conditions in respect of the grass verges and tree planting on Ardeevin Drive and indicates that the green verge on Ardeevin Drive was ceded to the County Council.
- The grass verge is maintained by the residents of Ardeevin Drive and South Dublin County Council.
- The grass verge is a biodiverse area used by foxes, hedgehogs and birds.
- The proposed development would negatively impact on objectives of the South Dublin County Council to develop Lucan as a tourist destination.
- The development does not fit in the streetscape and impacts on the setting of the Lucan Village ACA.
- A 3-metre set back between the bin/bike store and the existing watermain and foul water infrastructure, as required by the PA and IW, is not provided.
- Issues raised by the PA have not been addressed including those in respect of surface water, access, delivery trucks and waste collection, and fire tender.
- The proposed development sets a highly undesirable precedent for other sites in the area.

- It is not evident from the documentation submitted that green field surface water run-off rates will be achieved, in accordance with best practice.
- The proposed development does not accord with the Greater Dublin Drainage Strategic Study, the CIRIA design manual for Sustainable Drainage Systems, or the Climate Action Plan.
- The proposed development will exacerbate existing flooding and drainage issues on Ardeevin Drive.
- There is insufficient social and community infrastructure in Lucan to meet the needs of future residents.
- The PA's reasons for refusal do not sufficiently encapsulate all of the issues raised with the proposed development.
- The narrow pathways on either side of the building will cause increases in anti-social behaviour.

I note that several of the observers refer to a connection from the subject site to Ardeevin Drive. From the documentation submitted, I do not consider that any such connection (pedestrian or vehicular) is proposed.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including all submissions received in relation to the application made to the PA and the report of the PA, and inspected the site, and having regard to relevant local policies and development standards and national guidance, I consider that the substantive planning issues in this appeal are as follows:

- Ownership
- Design, Layout and Residential Density
- Residential Amenity
- Access and Parking
- Surface Water
- Impacts on Protected Structure

7.1. Ownership

- 7.1.1. The subject site, as outlined in red on Drawing 'Site Location Map (Urban Place Map) Position of Site Notices' submitted to the PA, excludes Ball Alley House to the north and includes part of the roadway at Ardeevin Drive to the south. Drawing 'Proposed Site Layout Plan with Proposal Part V Units' submitted to the PA indicates that the proposed bin/bike store is partially located south of the existing southern boundary wall, on the lands at Ardeevin Drive.
- 7.1.2. The observers query the ownership of the strip of land at the southern end of the site that is located on Ardeevin Drive. The observers outline that this grass verge has been Taken-In-Charge by South Dublin County Council (SDCC). It is stated in the submitted observations that the grass verge is maintained by the local residents and SDCC. The area also contains manholes for public water infrastructure. In this regard, page 14 of the PA's 'Record of Executive Business and Chief Executive's Order' dated 13 September 2023 that the area of the grass verge on Ardeevin Drive, is maintained by SDCC. The PA assessment provides no information to substantiate claims that the strip of land has been Taken in Charge by SDCC, and no further assessment of ownership matters is provided in the report.
- 7.1.3. The First Party, in the appeal submission, states that they are the owner of the full extent of the subject site. I note that no letter of consent is submitted with the application. The First Party has not submitted any maps or land folio information to the PA or to An Bord Pleanála to illustrate that they are the owners of the strip of land on Ardeevin Drive.
- 7.1.4. The grass verge contains manholes for public water infrastructure, as is confirmed in the Uisce Eireann maps submitted in Appendix 1 Records of Existing Services of the Engineering Report submitted to the PA. While manholes for public infrastructure are often provided on private lands, the preferred location for such installations is on public land to ensure ease of access. In light of the above and given that the Council maintain the grass verge, I consider it likely that this area has been Taken In Charge along with the adjoining footpaths and road at Ardeevin Drive. However, in the absence of absolute clarity regarding the status of the grass verge, I do not consider it appropriate to refuse planning permission on this basis. Under the proposed development, the land in question contains part of the proposed bin/bike store. In

this way, the removal or relocation of same would not materially impact the proposed residential building but may reduce the quantity or quality of public open space.

- 7.1.5. I note that the Board is not an arbiter of title. Any decision made in respect of this application is subject to Section 34 (13) of the Planning and Development Act 2000, as amended, which provides that a person shall not be entitled solely by reason of a permission under this section to carry out any development. If the Board is minded to grant planning permission for the proposed development, I note that Further Information in respect of landownership could be requested from all parties to the appeal.

7.2. Design, Layout and Residential Density

- 7.2.1. The proposed development comprises a 3-storey building with 4 no. pitched roofs, private outdoor amenity areas in the form of terraces and balconies to the rear (southern façade) and a covered corridor at 1st floor level accessed from external stairs on the western side of the northern façade. The building accommodates 8 no. units at a stated net residential density of 45.1 units per hectare, as per Drawing Title 'Proposed Site Layout Plan with Proposal Part V Units'.
- 7.2.2. Reason for Refusal No. 1 of the PA decision refers to the height, scale and massing of the proposed development in stating that the proposal would have an overbearing impact and will significantly affect the residential character of the area. The PA's assessment outlines that the proposed development fails to integrate with the surrounding pattern of development, as is required of smaller infill sites.
- 7.2.3. In the Appeal Statement the First Party refers to the 2-and 3-storey residential development at The Orchard, to the east of the site, to provide a precedent and context for the proposed development. Having undertaken a site visit, I found that The Orchard development is enclosed by a high wall and is situated downhill of the subject site. In this way, The Orchard is visually separate and does not form part of the immediate setting of the subject site, in my opinion. In addition, I note that the residential buildings in The Orchard have generous separation distances from the boundary walls, which serves to reduce their visual impact and provides a sensitive transition to the adjoining sites.

- 7.2.4. The proposed 3-storey residential building immediately adjoins existing dormer bungalows to the east and west. As per Drawing Title 'Proposed Contextual Elevations 1-1, 2-2, 3-3 & 4-4', the proposed development is over 5-metres taller than the dwelling at No. 23 Ardeevin Drive to the east and 4-metres taller than the dwelling at No. 21 Ardeevin Drive to the west. I note that no transition in height is proposed between the 3-storey residential building and the adjoining dormer bungalows, which is a requirement for infill development under Section 12.6.8 of the Development Plan. This lack of transition in height, coupled with the minimal separation distances provided, as discussed in Section 7.2.5 of this Report, cause the proposed development to be overbearing and visually incongruous in this location.
- 7.2.5. As is shown in Drawing Title 'Proposed Site Layout Plan with Proposal Part V Units', the proposed residential building is located 1.35 metres from the eastern boundary and 1.23 metres from the western boundary, at its closest points. From the floor plans submitted I note that there are windows serving habitable rooms at the eastern and western façades of the proposed building. Drawing Title 'Proposed Site Plan with Roof/Ground, First & Second Floor Plans' submitted to the PA shows that there is a 1st floor kitchen/Living/Dining room window and a 2nd floor bedroom window serving Apt 08 on the eastern façade of the proposed building. As per Drawing Title 'Proposed Block Plan' submitted to the PA, these proposed upper floor windows are less than 5.5 metres from the western façade of the adjoining bungalow at 23 Ardeevin Drive. Similarly, the 1st floor kitchen/Living/Dining room window and a 2nd floor bedroom window serving Apt 05 on the western façade of the proposed building are circa 9 metres from the eastern façade of 21 Ardeevin Drive. As per the Observations to the Appeal submitted, Nos. 21 and 23 Ardeevin Drive both have windows serving habitable rooms that directly oppose the eastern and western façades of the proposed development. I consider that the separation distances between the proposed upper floor windows and the adjoining properties to the east and west, at 5.5 metres and 9 metres respectively, falls substantially below the general 22-metre separation distance sought between opposing windows under Section 12.6.7 of the Development Plan. These separation distances also fall short of the 16-metre separation distance required between side or rear opposing windows under SPPR1 of the Compact Settlements Guidelines. I note that in Drawing Title

'Proposed Elevations 3-3 & 4-4' it is proposed to provide translucent glazing at the side windows however, I do not consider that this measure is sufficient to compensate for the significant shortfall in separation distances proposed and will not prevent direct overlooking when the windows are opened. In addition, I do not consider it appropriate for opaque glazing to be provided on the only window serving bedrooms as it will diminish the light reaching these rooms and significantly reduce their amenity value. Drawing from the above, I consider that the proposed development fails to meet the minimum standards of the Development Plan and the Compact Settlements Guidelines in respect of separation distances between opposing habitable rooms.

- 7.2.6. Public open space to serve the proposed development is provided at the southern end of the site and comprises an L-Shaped grassed space of 260.3 sqm surrounded by a footpath. Qualitatively, I consider that this rear open space area is of adequate recreational value owing to its regular shape and southern orientation. In respect of the quantitative provision of public open space, I note that under Table 12.22 of the Development Plan there is a requirement for 10% public open space plus an additional 2.4 ha per 1000 of population. The PA in their assessment calculates that the development would require 849 sqm of public open space to meet these design standards. This open space requirement is not met at the subject site. Policy and Objective 5.1 - Public Open Space of the Compact Settlement Guidelines generally requires open space provision at between 10-15% of the net site area. I note that this Policy and Objective is not an SPPR and, therefore, does not take precedence over any conflicting provisions in the Development Plan. In this way, the Development Plan standard remains applicable in this instance. I note that the Development Plan facilitates the payment of financial contributions in lieu of public open space, however, there is no evidence in the submitted documentation that an agreement with the PA has been reached in this regard. Given the infill urban nature of the site, I consider it appropriate that a contribution could be paid in lieu of part of the public open space requirement. If the Board is minded to grant planning permission for the proposed development, I consider that this matter can be addressed by condition requiring the payment of a development contribution in lieu of meeting the public open space requirement.

- 7.2.7. Communal amenity space of 72.9 sqm is proposed in the area between the car park and the front elevation of the residential building. The quantum of communal open space proposed meets the minimum requirements of the Development Plan and the Apartment Guidelines. In respect of its recreational amenity value, I consider that the linear shape and limited width of this open space means that the area will be of little residential amenity value. The proposed communal open space appears incidental and is not of sufficient quality to meet the needs of future residents, in my opinion.
- 7.2.8. Drawing 'Proposed Site Layout Plan with Proposal Part V Units' shows 2 no. 'Landscape Areas' at Apartments 02 and 03. Section 7.2 of the Design Statement refers to these areas as 'Winter Gardens'. These areas do not appear to form part of the private amenity areas serving these apartments and are not accessible from outside of Apartments 02 and 03. I note that these areas are substantially overhung by the living/dining rooms of Apartments 06 and 07 above. The function and ownership of these spaces is unclear, and I consider that the lack of any doorway into these places may cause the areas to become unmanaged and unkempt. If the Board is minded to grant planning permission for this development, I consider it appropriate that a condition be attached to amalgamate these 'Landscape Areas' into the private amenity spaces of Apartments 02 and 03.
- 7.2.9. The PA's decision refers to the provision of green infrastructure at the site and the failure of the First Party to submit a GSF scoresheet, which is a requirement under GI5 Objective 4 of the Development Plan. As the subject site is currently predominantly under asphalt, I consider that the provision of public open space and landscaping represents a significant improvement in respect of green infrastructure. I note that under Section 12.4.2 of the Development Plan a GSF scoresheet is to be submitted with the planning application however, this is not a specific requirement of GI5 Objective 4. In this way, I consider it appropriate that any outstanding technical issues in respect of a green infrastructure score can be addressed by condition and in discussion with the Parks Department and Public Realm Department of South Dublin County Council. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached to require written agreement with the PA in respect of green infrastructure provision.
- 7.2.10. The proposed development of 8 no. units accommodates a stated net residential density of 45.1 unit per ha. As per Table 3.1 of the Compact Settlements Guidelines,

residential densities in the range of 50 to 250 units per hectare would be generally appropriate at this urban location. With reference to Section 3.4 of these Guidelines, I consider that the low-density character of the immediately adjoining residential areas and the historic context of the site act as downward modifiers for residential density. On the other hand, the site is located on the C-Spine under the Bus Connects scheme and is within 20 metres of a bus stop served by routes C3, C4, C5, C6, L51, L52, L54, X30, X31 and X32. Having reviewed the timetables of these routes, I consider that Bus Stop 3886 is served by a high frequency of buses throughout the day, which adjusts the appropriate residential density at the site upwards. Drawing from the above, I consider that, on balance, the proposed residential density of 45.1 units per hectare is generally appropriate at this location.

- 7.2.11. All 8 no. of the units proposed meet the minimum floor area requirements of the Development Plan and the Apartment Guidelines. All of the units are dual aspect, which exceeds the minimum design requirements for infill sites. Drawing Title 'Proposed Site Plan with Roof / Ground, First & Second Floor Plans', shows that 2 no. of the proposed apartments do not provide sufficient bedroom widths with reference to the Apartment Guidelines. At proposed 3-bedroom Unit 04, double bedroom 01 has a width of 2.662 metres and double bedroom 03 has a width of 2.713 metres. At proposed 4-bedroom Unit 08, double bedroom 03 has a width of 2.7 metres. These bedrooms fail to meet the 2.8 metre minimum width outlined in Appendix 1 of the Apartment Guidelines. The PA assessment justified these reduced widths with reference to the acceptable variance in room widths provided for in Appendix 1 of the Guidelines. It is my interpretation of Appendix 1 that the 5% acceptable variance for room widths is applicable just to living/dining rooms, on the basis that this provision is only listed under the 'Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms' table. There is no similar provision under the 'Minimum bedroom floor areas/widths' table, though this is open for interpretation owing to the unclear use of the asterisk symbol in this part of the Guidelines. Having reviewed the submitted Floor Plans, I do not consider that it would be possible to amend the widths of these bedrooms without significant impacts on the layouts and functionality of these apartments owing to the widths of adjoining corridors and rooms. I consider that the reduced width of these bedrooms reduces the residential amenity value of these rooms,

particularly at Unit 04 where 2 no. of the 3-bedrooms provided are substandard. I do not consider that deviation from the minimum design standards of the Apartment Guidelines is justifiable or appropriate in this instance.

- 7.2.12. The proposed building has 4 no. pitched roofs with a maximum height of 10.75 metres and an eaves height of 9.15 metres. I note that the development refused planning permission under PA Ref. SD21A/0179 (ABP Ref. 312065-21) had a maximum height of 12.7 metres in the central section and a reduced height of 9.24 metres at all 4-sides. At its narrowest point the previously refused building was 2.385 metres from the eastern boundary and 3.085 metres from the western boundary. In comparison, the proposed development is 1.35 metres from the eastern boundary and 1.23 metres from the western boundary, at its closest points. Drawing from the above, I disagree with the First Party in their statement that the proposed development is significantly reduced in scale and massing when compared to the scheme recently refused planning permission under PA Ref. SD21A/0179 (ABP Ref. 312065-21).
- 7.2.13. Drawing from the above, I consider that the proposed development fails to sufficiently integrate with adjoining development by reason of its lack of height transition, proximity to shared boundaries, and sub-standard separation distances between opposing habitable rooms. The scheme does not incorporate high quality communal amenity space and the proposed units do not meet the minimum internal floor area standards of the Apartment Guidelines, in my opinion. On this basis, I recommend that planning permission is refused.

7.3. Residential Amenity

- 7.3.1. The subject site is located in a zoned RES area with the objective to protect and/or improve residential amenity and adjoins existing residential development on 3-sides. Reason No. 1 of the PA's decision states that the proposed development would significantly affect the residential amenity of these existing dwellings and, therefore, contravenes the zoning objective for the area.
- 7.3.2. The First Party Appeal statement outlines that the proposed development will have no direct impact on neighbouring properties owing to its modest design. The First Party refer to BRE guidelines in stating that some deterioration in light at urban infill

developments is expected and that detailed assessment of daylight is not necessary for low-rise development with good separation distances.

- 7.3.3. A Daylight and Sunlight assessment has not been submitted with this application despite the requirements under QDP3 Objective 6 of the Development Plan, which requires the consideration of lighting impacts at adjoining dwellings where higher building are proposed. Loss of daylight can have a significant negative impact on the residential amenity of a dwelling by making a room appear gloomy and requiring more artificial lighting. In the absence of any quantitative assessment, I do not consider that there is sufficient surety that the proposed development would not have significant negative impacts on the daylighting of habitable rooms at the adjoining dwellings. With reference to Sections 2.2.4 and 2.2.5 of the Site Layout planning for Daylight and Sunlight: A Guide to Good Practice (BR 209 2022), my assessment found that the full height of the proposed development is within 25° from the vertical plan when measured from the centre of the adjoining ground floor habitable rooms at No. 21 and 23 Ardeevin Drive. In this way, I consider that the proposed development may adversely affect the sunlight reaching the adjoining dwellings owing to the height and proximity of the proposed development. If the Board is minded to do so, further information in this regard could be requested from the First Party, however, given the substantive issues raised in this assessment, I do not consider it necessary or appropriate in this instance.
- 7.3.4. Owing to the location of the proposed development and the orientation of the site and adjoining dwellings, I consider that the proposed development will likely overshadow the property at No. 21 Ardeevin Drive in the morning and No. 23 Ardeevin Drive in the afternoon. As no technical assessment in respect of overshadowing has been submitted, the significance and extent of overshadowing impacts on adjoining habitable rooms and private amenity areas is not quantifiable. However, given the footprint and height of the proposed development relative to the width and layout of the adjoining properties, I consider it likely that a noticeable overshadowing of these properties will occur.
- 7.3.5. As is discussed in Section 7.2.5 of this report, the proposed development fails to provide sufficient separation distances between the proposed side windows and the habitable windows at No. 21 and 23 Ardeevin Drive. Notwithstanding the proposed provision of translucent glazing at part of the side windows, I consider that the

proximity of these windows will have a significant overbearing impact on the neighbouring dwellings. In addition, when these upper floor windows are opened, they would have unscreened views directly into the habitable windows of the adjoining dwellings. Notwithstanding the provision of a 1.8-metre-high screen with translucent glazing, I consider that the proposed 1st floor balconies serving Units 05 and 08 will visually overbear upon the adjoining dwellings to the east and west owing to their height and proximity to shared boundaries. Drawing from the above, I consider that the proposed development will result in a significant loss of residential amenity at the adjoining properties by way of overbearing and overlooking.

7.3.6. I note that the proposed stairs to the 1st floor apartments is located circa 1.5 metres from the shared boundary with No. 21 Ardeevin Drive. As shown in Drawing Title 'Proposed Elevations 3-3 & 4-4', the stairs will have a 1.25-metre-high metal rail and the corridor will have a 0.85-metre-high transparent glass barrier and metal rail. Owing to its elevated position, location proximate to the shared boundary, and lack of screening, I consider that the stairs and corridor will significantly overlook and visually overbear upon the adjoining property. I note that on Page 14 of the Appeal Submission, the First Party suggests that 2-metre-high obscured glass could be used at proposed balustrades. I consider that some of the overlooking impacts of this external stairs could be mitigated by the provision of obscured balustrades, as suggested in the Appeal. The impacts could be further mitigated by moving the access stairs further from the western boundary, however, I consider that this would have significant knock-on effects on the layout of the car park and would be inappropriate in this instance. In this way, I consider that the proposed external stairs and corridor will have a significant negative impact on adjoining residential amenity due to excessive overlooking and overbearing.

7.3.7. In respect of the residential amenity of future residents, Drawing Title 'Proposed Site Layout Plan with Proposal Part V Units' shows that no privacy strip is proposed between the public open space and the private amenity areas serving Units 01 to 04, inclusive. I do not consider that the proposed 1.8 metre translucent glazing at the balconies is sufficient to protect the privacy of future residents and secure the residential amenity of these private outdoor spaces. In addition, and as is discussed in Section 7.2.10 of this report, 2 no. of the bedrooms at Unit 04 and 1 no. of the bedrooms at Unit 08 do not meet the minimum width standards of the Apartment

Guidelines, which reduces significantly the residential amenity value of these units. In this way, I consider that the proposed development does not provide sufficient residential amenity to future residents.

- 7.3.8. Drawing from the above, it is my opinion that the proposed development would have significant negative impacts on the residential amenity of adjoining dwellings at No. 21 and 23 Ardeevin Drive by way of excessive overbearing and overlooking. Owing to its design, the proposed development will not provide sufficient residential amenity value to future residents. I consider that the proposed development fails to align with the land use zoning attributed to the site under the Development Plan, which seeks to protect and improve residential amenities. On this basis, I recommend that planning permission be refused.

7.4. Access and Parking

- 7.4.1. The subject site currently has 1 no. vehicular access onto the Leixlip Road and a pedestrian footpath that runs along part of the eastern façade of Ball Alley House. The vehicular access currently serves the existing 52 no. car park at the subject site and facilitates deliveries to Ball Alley House, and traffic arising from the adjoining Medical Centre and Ardfield Court residential building.
- 7.4.2. Reason for refusal 3 of the PA decision states that the proposed development does not meet the requirements of the Development Plan in respect of car parking, EV spaces, access for refuse and fire vehicles. Reason for refusal 4 indicates that the vehicular entrance will endanger public safety.
- 7.4.3. In response to the reasons for refusal, the First Party Appeal statement outlines that the 9 no. car parking spaces proposed are adequate to serve the proposed dwellings. Autotrack drawings were submitted with the application to illustrate that sufficient access is provided within the site. It is confirmed that no EV charging spaces are proposed. The Appeal statement confirms that even when the car park was at full capacity there were never safety issues at the existing vehicular access.
- 7.4.4. 15 no. car parking spaces are proposed at the site, of which, 9 no. are allocated to the proposed residential development and 8 no. are to serve the public house. This gives an overall car parking rate of 1.125 spaces per residential unit. As the site is located within 400-500 metres of a high-frequency bus route, I agree with the PA's

decision that the site is within Zone 2 and subject to a maximum car parking rate of 1.25 spaces per unit under Section 12.7.4 of the Development Plan. As per Section 12.6.8 of the Plan, reduced car parking provision may be applied to smaller infill sites, subject to safeguards to protect residential amenity. SPPR3 of the Compact Settlement Guidelines seeks to substantially reduce car parking provision in accessible areas. In this regard, I consider that the site is located within comfortable walking distance of Lucan Village Centre and the amenities therein. The site is within 20 metres of a bus stop served by high frequency buses, as discussed in Section 7.2.9 of this report. In this way, I consider that a reduced car parking rate is appropriate in this instance as future residents will not be reliant on the private car for daily activities, in my opinion.

- 7.4.5. The PA and observers raise concerns over the quantity of car parking to serve the public house and those currently using the car park. As part of the proposed development, a total of 6 no. car parking spaces are dedicated to the public house. Drawing Title 'Proposed Site Layout Plan with Proposal Part V Units' shows 9 no. perpendicular car parking spaces at the front elevation of Ball Alley House, which were not in place at the time of the site visit. These additional 9 no. spaces do not form part of the proposed development and are therefore not assessed in this report. At the time of the site visit, private pay-parking was in operation and over half of the 52 no. existing car parking spaces at the site were in use. The public house was not open at this time and, therefore, I consider it likely that those parking at the site were visiting Lucan Village Centre or traveling onwards by bus. The proposed development will remove car parking that is currently available to those visiting the area however, I consider that this area is generally accessible for pedestrians and cyclists and is well served by public bus services that provide alternative means of access. In this way, I do not consider that the removal of car parking will have a significant impact on this locality or the operation of the public house.
- 7.4.6. I note that no EV charging points are proposed, which I do not consider appropriate with reference to Section 12.7.5 of the Development Plan. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition is attached to require EV charging points at a minimum of 20% of the proposed car parking spaces.

- 7.4.7. The existing entrance onto Leixlip Road from the subject site does not have a dedicated footpath. There is a narrow pedestrian route along part of the eastern façade of Ball Alley House, however, this does not extend into the site or to the public footpath. As per Drawing Title 'Proposed Site Layout Plan with Proposal Part V Units', it is proposed to provide a 2.063-metre-wide pedestrian only zone adjoining Ball Alley House that continues into the proposed residential development. Owing to the low levels of pedestrian activity arising from the 8 no. proposed apartments, I consider this pedestrian route is sufficiently wide with reference to Figure 4.34 of the Design Manual for Urban Roads and Streets (DMURS).
- 7.4.8. Section 2.2 of the Engineering Report states that the access road to the site will function as a shared surface. With reference to Figure 4.48 of Section 4.3.4 of DMURS, I consider that a shared surface under DMURS includes streets where certain areas are designated for pedestrian and/or cycle use only. In this way, I consider that the proposed entrance constitutes a shared surface in-spite of having a pedestrian only area.
- 7.4.9. The proposed shared surface carriageway varies in width from 4.007 metres to 4.478 metres. The Roads Department of the PA considered that the proposed entrance is too narrow to meet the DMURS requirement for shared surfaces. Section 4.4.1 of DMURS states that the carriageway width on a local road where a shared surface is provided should not exceed 4.8 metres. On the basis that the proposed carriageway does not exceed 4.8 metres, I consider this route suitably wide to serve the proposed development. I do not consider that the proposed material of the carriageway is appropriate with reference to Sections 4.3.4 and 4.4.2 of DMURS. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition is attached to require the use of a range of materials at the shared surface to differentiate this space from the road, to avoid raised kerbs, to adequately delineate pedestrian only areas, and to provide suitable tactile paving for wayfinding.
- 7.4.10. Both the shared and pedestrian accesses will be gated, as per Drawing Title 'Proposed Site Layout Plan with Proposal Part V Units'. I consider that these gates will create an obstruction to movement, which may cause vehicles to block access to the Medical Centre and Ardfield Court and force queuing on Leixlip Road. It is my opinion that the proposed gates will create a traffic hazard and are, therefore,

unacceptable at this urban location. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition is attached to remove the proposed gates from the site entrance.

7.4.11. The Roads Department of the PA raised concerns in respect of the accessibility of the site for large cars, refuse trucks and emergency vehicles. Having reviewed the submitted documentation, I agree with the Roads Department in this regard. As is shown in drawing 'Autotrack 02 -Large Car – Out' of Drawing Title 'Autotracks 01-04 Large Car', a car leaving the accessible car parking space will have to undertake several turning movements to leave the car park in a forward direction. In the absence of AutoTrack diagrams, it is not possible to confirm that refuse trucks, delivery vehicles serving the public house, and emergency vehicles will be able to enter and exit the site in a forward direction. Given that these vehicles are typically larger than a car, it is my opinion that these vehicles would not be able to turn within the site, particularly when all car parking spaces are occupied. As there is no dedicated set-down or turning area proposed, it is my opinion that refuse and delivery trucks and emergency vehicles will have to reverse onto the Leixlip Road to exit the site. Given the level of traffic on Leixlip Road and its role as a Bus Connects spine, I consider that any reversing movements from the site will create a traffic hazard and will endanger public safety. In addition to the above, I consider that the absence of a dedicated loading bay will cause refuse trucks and delivery vehicles serving Ball Alley House to partially block the car park during loading/unloading and inhibit access to and from the site. Similarly, it is my opinion that bins serving the residential development will likely be gathered at the front of the scheme awaiting collection, which will further limit access within the site. Drawing from the above, I consider that the proposed access arrangements at the site are unacceptable and potentially endanger public safety.

7.4.12. Drawing Title 'Access & Parking Layout Plan', referred to as Drawing No. 930-409-C01 in the Appeal Statement, shows that 45 metre sightlines are achieved at 2-metres from the road edge. The Engineering Report submitted to the PA notes that the current entrance will not be detrimentally modified as part of the proposed development. It is stated that sightlines are limited by the location of Ball Alley House, which is a Protected Structure, but that the Public House projects just 188mm into the line of sight at the existing entrance.

- 7.4.13. The PA Roads Department consider the sightlines are insufficient on the basis that the Leixlip Road is a moderately trafficked route and bus corridor. In this regard, I note that Table 4.2 of DMURS requires 45-metre sightlines onto standard urban roads with a 50 km/h design speed and 49-metre sightlines on bus routes with the same design speed. Having reviewed the submitted documentation and undertaken a site visit, it is my opinion that the proposed development will not alter the sightlines from the existing site access. Owing to the residential nature of the development and the significantly reduced number of car parking spaces at the site, I consider that traffic movements from the proposed development will be lower than those currently arising from the 52 no. space car park. Drawing from the above, I consider that the current access to the subject site is sufficient and that no increased risk to traffic safety will arise.
- 7.4.14. The PA assessment of the proposed development raised concerns regarding permeability and accessibility across the site given the minimal separation distances between the proposed building and the site boundaries. I note that the Development Plan does not include relevant minimum standards in respect of side/rear access. The access walkways proposed at the eastern and western sides of the building are 1.35 metres and 1.23 metres, respectively. It is my opinion that these walkways are too narrow to comfortably and safely accommodate opposing movements, particularly for bikes, prams and wheelchairs. In addition, I consider that this limited width will reduce the functionality and residential amenity of the proposed bin/bike store and public open space at the south of the site. I note that the proposed gates at both sides of the building have openings of circa 0.9 metres, as per Drawing Title 'Proposed Site Layout Plan with Proposal Part V Units', while the bins shown in Drawing Title 'Proposed Bin and Bike Storage Details Plans, Elevations and Sections' are circa 1.1 metres wide. I consider that this anomaly may be in error, however, the issue remains that the narrowness of the side access routes will impede the necessary movement of bins across the site for refuse collection. I consider that this lack of permeability across the site is inappropriate and may lead to bins and bikes being stored at the northern end of the site.
- 7.4.15. Bike parking to serve the proposed development is provided in a covered bin/bike store located in the south of the subject site. Section 8.5 of the Design Statement outlines that 21 no. bike parking spaces are proposed comprising 14 no. long term

spaces and 7 no. short stay spaces. This provision falls short of the 28 no. long term spaces and 4 no. short term spaces required under Section 12.7.1 of the Development Plan and Section 4.17 of the Apartment Guidelines, and the minimum standards under SPPR 4 of the Compact Settlement Guidelines. No justification is provided for this shortfall in bicycle parking. Given the urban nature of the site and the reduced car parking provision, I do not consider that a reduced bicycle parking provision is acceptable in this instance.

- 7.4.16. I consider that the bike storage area as shown in Drawing Title 'Proposed Bin and Bike Storage Details Plans, Elevations and Sections' fails to meet the minimum design requirements of the Cycle Design Manual published by the National Transport Authority and Department of Transport (September 2023). Owing to the minimal separation distances between the proposed bike stands, which fall below the 1-metre separation recommended in Table 6.1 of the Manual, I consider that this storage unit will be of reduced residential amenity and will accommodate fewer bikes than is stated. The appellant has also failed to illustrate how larger and non-standard bicycles could be accommodated at a rate of 5% of the proposed spaces, as is recommended under Section 6.3 of the Cycle Design Manual. In this way, I do not consider that the proposed bike store will meet the needs of future residents.
- 7.4.17. Drawing from the above, I consider that the proposed development fails to provide sufficient space for the safe and effective manoeuvre of large cars, refuse trucks, and delivery and emergency vehicles. Access and permeability across the site is hampered by the reduced separation distances to site boundaries and an insufficient quantity and quality of bike storage is proposed to meet Development Standards and relevant Guidelines. It is my opinion that it would not be possible to address these issues without fundamentally altering the development sought. On this basis, I recommend that planning permission be refused.

7.5. Surface Water

- 7.5.1. It is proposed that the development will connect to existing public water infrastructure on Leixlip Road. As per the Engineering Report submitted, there are also services available on Ardeevin Drive to the South of the site.

- 7.5.2. Reason for Refusal No. 3 of the PA decision states that the proposed development fails to protect existing drainage and lacks sufficient details in respect of SuDS and the existing potable and foul water network.
- 7.5.3. In respect of surface water drainage, Section 3 of the submitted Engineering Report outlines that SuDS features will be provided at the site, which will drain to the 22mm diameter stormwater drain at Leixlip Road. Proposed SuDS features include a sedum green blue roof, unlined tree pits, and permeable paving. As per the Engineering Report, attenuation storage is not proposed on the basis that sufficient interception storage is provided in these SuDS Features. Having reviewed the submitted documentation, I consider that there is some ambiguity regarding the provision of proposed SuDS features. In this regard, I note that the landscaping Drawing Title 'Proposed Landscape Design' indicates that car parking spaces will be finished in concrete block paving while the Engineering Report indicates that these spaces will be constructed of permeable paving. Notwithstanding the uncertainty in the documentation, I note that the site is located in a serviced urban area in close proximity to an existing storm water pipe. As per the information submitted, I consider that the proposed development represents an improvement on the current situation, where surface water flows untreated and unattenuated into the public system from the asphalt. It is my opinion that the technical issues outstanding in respect of surface water can be addressed by condition. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached requiring the applicant to submit and agree in writing all technical details in respect of surface water management at the site.
- 7.5.4. Regarding the protection of the existing water network, I note that both the PA Water Services Section and Uisce Eireann sought confirmation that a 3 -metre separation distance is provided between the existing infrastructure on Ardeevin Drive and the proposed bin/bike store. From Drawing Title 'Surface Water & Foul Drainage Layout Plan', I have calculated that the distance between the existing foul sewer to the proposed Bin/Bike store is circa 0.5 metres and the distance from the existing surface water sewer to the bin/bike store is circa 1 metre. These fall substantially below the 3-metre separation distance required. It is my opinion that the proposed Bin/Bike store could be relocated within the site to meet the minimum separation requirements however, this would alter the layout of the proposed public open space.

If the Board is minded to do so, further information in this regard could be requested from the First Party, however, given the substantive issues raised in this assessment, I do not consider it necessary or appropriate in this instance.

7.6. Impacts on Protected Structure

- 7.6.1. Ball Alley House is located to the immediate north of the subject site and is included on the Record of Protected Structures under No. 094. The Protected Structure is described as a “*Detached Eight-Bay Two-Storey Public House*”. The planning history of the Ball Alley House, as is summarised in Section 4.0 of this report, indicates that the structure has been the subject of amendments to maintain its use as a Public House. The front of the structure appears largely historic while the back of the structure appears modern due to the design of rear extensions, railings and storage areas.
- 7.6.2. Reason for Refusal No. 2 of the PA decision states that the proposed development by reason of its scale, height and massing would be unsympathetic to the scale, architectural character, visual quality and integrity of the Protected Structure. This decision is informed by the Report from the PA Architectural Conservation Officer dated 11 September 2023, which finds that the applicant has failed to address the reason for refusal under the previous application (PA Ref. SD21A/0179, ABP Ref. 312065-21). The report states that no Architectural Impact Assessment or Design Rationale for the proposed development is submitted. Contrary to the above, I note that the application is supported by an Architectural and Built Heritage Assessment and a Design Statement.
- 7.6.3. The First Party Appeal statement refers to local and regional precedents for the provision of residential development proximate to Protected Structures. It is stated that Protected Structures and new residential development must co-exist in urban areas. It is further stated that the submitted Architectural and Built Heritage Assessment was prepared by a Grade 1 Conservation Architect, who found that the proposed development would not detract from the Protected Structure.
- 7.6.4. The submitted Architectural and Built Heritage Assessment describes Ball Alley House as a number of vernacular buildings that have been amalgamated and extended to the rear. It is stated that the building is reasonably intact in respect of its

form and profile, and the fenestration on the front façade. The structure is considered in the report to be of regional importance. On the basis that the proposed works will not alter the Protected Structure or its immediate setting, Section 5 of the Report concludes that the proposed development will have a neutral impact on the architectural heritage of Ball Alley House.

- 7.6.5. The proposed development does not include works to Ball Alley House Protected Structure. From the submitted documents, I consider that works in the vicinity of the structure occur at the existing entrance and in the closest car parking spaces, where it is proposed to amend the road surface. These works will not detract from the architectural character of the site, which is primarily limited to the front façade onto Leixlip Road.
- 7.6.6. At present, the full extent of the subject site is under asphalt and is used for car parking. In this way, the proposed development will not cause the removal of any upstanding features or vegetation that currently make a positive contribution to the setting of Ball Alley House. As per Drawing Title 'Proposed Block Plan', the proposed development will be circa 26 metres from the rear of Ball Alley House, at its closest point. I consider that this separation distance is sufficient to maintain the standalone and detached character of the structure. 'View 01 – Proposed Contextual Elevation 3-3 (West) – Visual Impact Study' of Drawing Title 'Visual Impact Study – Proposed Contextual Elevation 3-3 & 5-5' submitted to the PA illustrates that the proposed development will not be visible above Ball Alley House when viewed from Leixlip Road. I consider that the proposed development will be visible from the Leixlip Road through the site entrance. On the basis that new development does not need to be wholly invisible within a historic urban context, I consider that this level of visibility is appropriate. Drawing from the above, I consider that the proposed development will be sufficiently set-back from the Protected Structure to prevent undue visual impacts and that the Ball Alley House will remain the dominant feature on the streetscape.
- 7.6.7. The PA raised concerns in respect of the materiality and design characteristics of the proposed development. In this regard, I note that the front section of Ball Alley House is largely finished with painted render and a grey slate/tile roof. I do not consider that the rear extensions to the public house reflect the design or materiality of the historic building. In the interest of durability and visual amenity, I do not consider it appropriate or necessary for residential development at the subject site to

be finished in painted render or to match finishes of Ball Alley House or the adjoining medical centre. As per Drawing Title 'Proposed Elevations 1-1 & 2-2' the front elevation of the proposed development utilises a limited palette of durable materials, which I consider appropriate in this instance. As per Section 7.3 'Design/ Scale/ Materiality' of the submitted Design Statement, the proposed pitched roofs are included to reflect the pitched roof design of the adjoining buildings Airfield Court and The Orchard. I note this design reference however, I consider that a contemporary design would also be appropriate given the setback from the Protected Structure.

- 7.6.8. Drawing from the above, I consider that the proposed development is sufficiently set back from the Protected Structure to prevent significant negative impacts on its special character and visual setting. I do not consider that the design or materiality of the proposed development will detract from the character of Ball Alley House or the surrounding area.

8.0 Appropriate Assessment Screening

- 8.1. Refer to Appendix 2 for full details of the AA 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 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] is not required.

This conclusion is based on:

- The serviced urban location of the subject site.
- The nature of the subject site as a car park with no natural habitat.
- The residential character of the proposed development.
- The distance from the subject site to any European Site.
- The lack of direct downstream hydrological or overland connection to the closest European Sites.
- The nature of the conservation objectives at the relevant European Sites.

- The lack of identified in-combination effects.

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

9.0 Recommendation

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

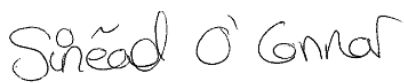
10.0 Reasons and Considerations

1. The proposed development, by way of its design, scale, and layout, fails to meet the relevant design standards for infill residential development. The development does not provide any transition in height as is required of taller buildings at in-fill sites under Section 12.6.8 of the South Dublin County Development Plan 2022-2028. Proposed separation distances between windows serving habitable rooms fail to meet the minimum standards of Section 12.6.7 of the Development Plan and SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Communal open space is not of sufficient quality or residential amenity value to meet the requirements under Table 12.21 of the Development Plan and Appendix 1 of the Guidelines for Planning Authorities - Design Standards for New Apartments (July 2023), and proposed bedrooms do not universally meet the minimum width standards outlined in Appendix 1 of the Apartment Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development fails to maintain or protect the residential amenities of adjoining dwellings and, in so doing, fails to accord with the land use zoning objective of the South Dublin County Development Plan 2022-2028. The proposed development will unduly visually overbear upon and overlook the adjoining dwellings owing to its design, and the minimal separation distances provided. The development fails to accord with QDP3 Objective 6 of the South Dublin County Development Plan 2022-2028 as potential impacts on daylight, sunlight and overshadowing have not been

assessed. The development does not align the land use zoning Objective RES – To protect and/or improve residential amenity would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development does not provide sufficient space for the safe manoeuvre of larger cars, refuse and delivery trucks, and emergency vehicles. In the absence of dedicated turning areas, these vehicles will have to reverse onto the Leixlip Road to exit the site, which will create a traffic hazard and undermine public safety. As no set-down or loading areas are provided, access to the site and adjoining sites to the east will be periodically blocked by refuse trucks and delivery vehicles serving the Public House.

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.



Sinead O'Connor
Planning Inspector

20 August 2023

Appendix 1 - Forms 1 & 2

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318197-23			
Proposed Development Summary	Construction of a 3-storey terraced residential development with a total of 8-unit apartments and all other necessary site works. (A Protected Structure, South Dublin County Council RPS No. 094).			
Development Address	Ball Alley House, Leixlip Road, Lucan, Co. Dublin			
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		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		N/A		No EIAR or Preliminary Examination required
Yes	X	10. Infrastructure Projects (b) (i) Construction of more than 500 dwelling units.		Proceed to Q.4

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

Inspector: Sinead O'Gara

Date: 18 July 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318197-23	
Proposed Development Summary	Construction of a 3-storey terraced residential development with a total of 8-unit apartments and all other necessary site works. (A Protected Structure, South Dublin County Council RPS No. 094).	
Development Address	Ball Alley House, Leixlip Road, Lucan, Co. Dublin	
<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>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The subject development comprises residential development on a site immediately adjoining existing residential land uses. In this way, the proposed development is not exceptional in the context of the existing environment.</p> <p>During the construction phase the proposed development will create construction waste material.</p> <p>Given the moderate size of the site, I do not consider that the waste arising would be significant</p>	No

	in the local, regional or national context. No significant waste, emissions or pollutants would arise during the operational phase due to the residential nature of the proposal.	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The proposed development of 8 no. units is not exceptionally large.</p> <p>Owing to the serviced urban nature of the site, existing character of the site as a car park, lack of ecologically sensitive sites in the immediate vicinity, and residential character of the scheme I do not think that there is potential for significant cumulative impacts.</p>	No
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The subject site is not located within or immediately adjoining any protected area. There are no waterbodies at the site and there are no direct hydrological links between the subject site and any designated site. There are no natural habitats at the site, which is currently in use as a car park. Therefore, there is no potential for significant ecological impacts as a result of the proposed development.</p>	No

	<p>The site is located within a serviced urban area. I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p> <p>The proposed development is located in excess of 26-metres to the rear of Ball Alley House Protected Structure and, therefore, will not impact on the immediate setting or character of the structure. No works are proposed to the Protected Structure.</p>	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p> <p>X</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: Sinead O'Garra

Date: 18 July 2024

Appendix 2: AA Screening Determination

Screening for Appropriate Assessment

Screening Determination

Step 1: Description of the project

I have considered the construction of a 3-storey terraced residential development with a total of 8-unit apartments and all other necessary site works. (A Protected Structure, South Dublin County Council RPS No. 094) in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located in the urban footprint of Lucan and is not within or immediately adjacent to any European sites. The Rye Water Valley/Carton SAC (Site Code 001398) is 2.5 km to the west and upstream of the subject site. Glenasmole Valley SAC (Site Code 001209) and the Wicklow Mountains SAC (Site Code 002122) are 12km and 14 km south of the site, respectively, and are separated from the site by established urban and rural development.

The proposed development comprises the removal of the existing surface level car park and the construction of a 3-storey residential building with 8 no apartments. The existing access from Leixlip Road will be retained and it is proposed to provide 9 no. car parking spaces to serve the proposed apartments, 6 no. car parking spaces to serve Ball Alley Public House and 1 no. accessible parking space. It is proposed to construct a separate bin/bike store to the rear of the site.

No issues have been raised in the appeal in respect of impacts on European Sites.

Step 2: Potential impact mechanisms from the project

The subject site is not within or directly adjacent to any Natura 2000 site. In this way, direct habitat loss or disturbance of flora or fauna as a result of the proposed development would not arise. I observed no natural habitats at the site, and I consider that the existing vegetation is of low ecological value owing to its structure and the species present.

EPA mapping does not show any waterbodies at or in the vicinity of the site and I did not see any waterbodies at the site during the site visit. This lack of hydrological connections from the site will prevent direct impacts on European Sites in respect of water quality during the construction and operational phases of development.

Indirect impacts may occur during the construction phase through surface water pollution, ground water pollution and/or transmission of dust. Indirect impacts during the operational phase of the development are not anticipated due to the residential nature of the proposal and the serviced nature of the site.

Given the distance of the site from the nearest European Site, I do not consider that any significant risk from overland transmission of dust arises in this instance. In respect of surface and groundwater impacts, I note that the site is served by public water infrastructure which prevents untreated or contaminated water from entering the environment.

Step 3: European Sites at risk

**Table 1 European Sites at risk from impacts of the proposed project
[example]**

Effect mechanism	Impact pathway/Zone of influence	European Sites	Qualifying interest features at risk
Water Pollution/ Contamination	Hydrological Connection via River Liffey	Rye Water Valley/Cartron SAC (Site Code 001398)	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
Airbourne Demolition and Construction Dust	Overland	Glenasmole Valley SAC (Site Code: 001209)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]
Airbourne Demolition and Construction Dust	Overland	Wicklow Mountains SAC (Site Code: 002122)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the

			<p><i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
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The following summaries are informed by the Department of Arts, Heritage and The Gaeltacht's Site Synopsis for each site:

Rye Water Valley/Carton SAC: The Petrifying springs with tufa formation (*Cratoneurion*) habitat is located at Louisa Bridge in the west of Leixlip, circa 10.5 km from the subject site. The area of this habitat is estimated at 1,250 m². Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail were found in 1 no. 1km grid square in the SAC, proximate to Louisa Bridge.

Glenasmole Valley SAC: Petrifying springs with tufa formation are found in this SAC at the valley edges and at streams within the woodland, which appear to occur throughout the site. Semi-natural dry grassland habitat occur in the drier parts of the valley and *Molinia* meadows occur on the Valley sides, which are approximately 13 km from the subject site.

Wicklow Mountains SAC: This SAC covers a large upland area, with most of the site occurring above 300 metres. Habitats of interest are found across the SAC. Alpine vegetation occurs in the vicinity of Lugnaguilla, circa 40 km south of the subject site. Old sessile oak woods occur near Lough Tay and Lough Dan, circa 30

km and 33 km to the south of the subject site, respectively. Otter and other mammals are found in upland areas across the SAC.

Step 4: Likely significant effects on the European site(s) 'alone'

The Rye Water Valley/Carnton SAC has 3 no. conservation objectives.

- To restore the favourable conservation condition of petrifying springs with tufa formation (Cratoneurion),
- To restore the favourable conservation condition of Narrow-mouthed Whorl Snail (*Vertigo angustior*), and
- To maintain the favourable conservation condition of Desmoulin's Whorl Snail (*Vertigo moulinsiana*).

High Importance pressures or threats to the Petrifying Springs with Tufa Formation habitat type include "*Mixed source pollution to surface and ground waters (limnic and terrestrial)*". The EPA 'Update on Pressures Impacting on Water Quality' published 2024 indicates that the Blackhall Little waterbody (Ref.

IE_EA_09R010400 had poor status from 2016 to 2021 and is at risk of not reaching 'Good' status, as required under the Water Framework Directive. This more recent publication notes significant issues in respect of morphology and nutrients, and significant pressures in respect of domestic wastewater treatment, agriculture and physical habitat modification. The subject site is located downstream from the Rye Water Valley/Carnton SAC. In this way, any potential polluted water arising from the site cannot reach the SAC and, therefore, will not give rise to water pollution. The proposed development is located in a serviced urban location therefore, domestic foul water arising from the site will be treated in a public Wastewater treatment facility prior to discharge. In this way, the proposed development will not have any likely significant impact on overall water quality in the River Rye.

Pressures and Threats to Narrow-mouthed Whorl Snail (*Vertigo angustior*) include changes to grassland management and recreation. The proposed residential development will not alter the management of the Rye Water Valley/Carnton SAC in respect of grazing/mowing or recreational activities and, therefore, significant impacts on Narrow-mouthed Whorl Snail as a result of the proposed development are not anticipated.

Pressures and Threats to Desmoulin's Whorl Snail (*Vertigo moulinsiana*) include natural succession leading to species composition changes and natural habitat changes. Owing to its distance from the SAC, the proposed development will not alter species composition or habitat structure at the site.

I note that there are no natural habitats at the site, which is predominantly under Asphalt. On this basis, I do not consider it likely that the site is used by ex-situ QI habitats or species associated with the Glenasmole Valley SAC and/or Wicklow Mountains SAC. The proposed development will not alter the management or structure of these SACs. Owing to the distance between the subject site at these SACs, and the urban character of the intervening land uses, I do not consider that the proposed development would have likely significant impacts on the QI (habitats and Species) at Glenasmole Valley SAC and Wicklow Mountains SAC. On the basis of the foregoing, I have not assessed these sites further.

Table 2.

European Site and qualifying feature	Conservation objective	Could the conservation objectives be undermined (Y/N)?	
		Water Pollution/ Contamination	Airbourne Demolition and Construction Dust
Rye Water Valley/Carlton SAC	To restore the favourable conservation condition of petrifying springs with tufa formation (Cratoneurion)	N – No Hydrological Connection.	N – Distance from the site and nature of the conservation objective.
	To restore the favourable conservation condition of Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>),	N – No Hydrological Connection.	N – Distance from the site and nature of the conservation objective.
	To maintain the favourable conservation condition of Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>).	N – No Hydrological Connection.	N – Distance from the site and nature of the conservation objective.

Drawing from the above, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of Rye Water Valley/Carlton SAC. Further AA screening in-combination with other plans and projects is required.

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

I have assessed cumulative impacts in respect of two pathways: the persistent addition or losses of the same materials or resource integral to the protected site; and the compounding effects as a result of the coming together of two or more effects.

The subject site is not located within or in close proximity to any Natura 2000 site and is not identified as an ex-situ habitat for qualifying species, therefore, no incremental loss of habitat will occur as a result of the proposed development either alone or in-combination with other plans or proposals. The proposed residential development, by its scale and nature, will not draw significant volumes of surface water, groundwater or materials, in this way the proposed development will not impact the structure of any Natura 2000 sites either alone or in combination with other sites.

To assess potential compounding effects, I have assessed what I consider to be key plans and projects listed in Table 3 below. This table lists National, Regional and Local Plans and planning applications for large or utility developments within approximately 2 km of the subject site.

Table 4: Plans and projects that could act in combination with impact mechanisms of the proposed project.

Plan /Project	Description & Status	Distance from Subject Site	Effects Arising
National Planning Framework 2040	National Plan	n/a	No likely significant impacts
Regional Spatial and Economic Strategy for the Eastern and Midland Region	Regional Plan	n/a	No likely significant impacts
South Dublin County Development Plan 2022-2028	County Plan	n/a	No likely significant impacts
Adamstown SDZ, as amended.	Strategic Development Zone	1 km south	No likely significant impacts
Balgaddy-Clonburris SDZ	Strategic Development Zone	2 km south	No likely significant impacts
PA Ref. 18233	Wastewater Pumping Station. Leixlip Waste Water Treatment Plant	2 km northwest	No likely significant impacts
VA0019	West Dublin 220/110kV substation	2.2 km south	No likely significant impacts

The National Planning Framework 2040, Regional Spatial and Economic Strategy for the Eastern and Midland Region and the South Dublin County Development Plan 2022-2028 provide a framework for development in the subject area. Each of these plans has been the subject of Strategic Environmental Assessment and contain objectives to support sustainable residential development and to prevent impacts on the environment and Natura 2000 sites. On this basis, I do not consider that significant likely impacts on Natura 2000 sites arise from the implementation of these Plans.

The Adamstown SDZ planning scheme and Balgaddy-Clonburris SDZ planning scheme both facilitate the creation of sustainable communities in the vicinity of the subject site. These planning schemes accommodate residential development supported by local and district centres, schools, and community and recreational

facilities. Both SDZ schemes, and subsequent amendments made, were the subject of Strategic Environmental Assessment and screened for Appropriate Assessment by An Bord Pleanála, which concluded that no likely significant effects on European Sites arise either individually or cumulatively. I note that these planning schemes are located in designated urban areas and are connected to public water services. Owing to the predominantly residential land use of the Adamstown SDZ planning scheme and Balgaddy-Clonburris SDZ planning scheme I do not consider that likely significant in-combination effects with the subject development arise.

PA Ref. 18233: Kildare County Council granted planning permission on the 12 June 2018 for works to the existing Leixlip Waste Water Treatment Plant (WWTP). The Appropriate Assessment in the Planning Report dated 26 March 2018 concludes in stating the proposed development will not cause any adverse impacts on designated sites owing to the extent and nature of the proposed development. I note that these works occur within the existing WWTP, which treats wastewater arising from the surrounding urban area. Owing to the scale and nature of these work, I do not consider that likely significant in-combination effects with the subject development arise.

ABP Ref. VA0019: On the 27 June 2016 permission was granted to Eirgrid Plc for the West Dublin 220/110kV substation and associated works. The Appropriate Assessment screening in Section 19 of the Inspector's Report dated 01 May 2016, concluded that the proposed development either individually or in combination with other plans and projects, would not have likely significant effects on European Sites. Drawing from this assessment, I consider that in-combination effects with the proposed development will not occur.

From this assessment of the planning register, I found that urban residential development comprised the dominant form of development in the vicinity of the subject site. On the basis that these works occur on serviced urban lands, I do not consider that likely significant impacts occur in respect of water quality. Owing to their residential character, significant emissions to air are not associated with these developments. In this way, I do not consider that likely significant in-combination effects arise between the subject development and residential type development in the vicinity.

Drawing from the above, I do not consider that significant impacts arise on the conservation objectives of Natura 2000 sites as a result of the proposed development in combination with other plans or proposals.

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 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] is not required.

This conclusion is based on:

- The serviced urban location of the subject site.
- The nature of the subject site as a car park with no natural habitat.
- The residential character of the proposed development.
- The distance from the subject site to any European Site.
- The lack of direct downstream hydrological or overland connection to the closest European Sites.
- The nature of the conservation objectives at the relevant European Sites.
- The lack of identified in-combination effects.

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