



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318561-23

<b>Development</b>	Amendments to planning permission reg. ref. 2725/21 to add 7no. apartments and a 6th floor with all associated site works.
<b>Location</b>	The former Fodhla Printing Works site, Brookfield Road, Kilmainham, Dublin 8
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4452/23
<b>Applicant(s)</b>	Kavco Project 9 Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Kavco Project 9 Limited
<b>Observer(s)</b>	Grace Kenny & Philip Dempsey Alva DeVoy Scott Lindsay & Dania Riad Ruth Cassidy Alan McDonnell & Alan Morrison

Lydia Fitzgibbon & Niall O'Grady

Mairead Hurley

Judy Harmey

Adele O'Connor

**Date of Site Inspection**

28 August 2024

**Inspector**

Gillian Kane

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## **1.0 Site Location and Description**

- 1.1.1. The subject site is located along Brookfield Road in the south Dublin inner city suburb of Kilmainham. The currently under construction site is bound to the north by the rear of no.s 77-79 Old Kilmainham, to the east by the rear/side boundary of no. 80 Old Kilmainham and the rear boundaries of no.s 4-8 Cameron Square. The southern most corner of the site comprises two single storey cottages: 26 and 28 Brookfield Road.
- 1.1.2. There is a construction vehicular entrance along Brookfield Road. The development permitted under Planning Authority reg. Ref 2725/21 is under construction and appears to be relatively close to completion.
- 1.1.3. The road level along the site frontage falls steeply to the north / towards Kilmainham Road to the north. The area has a mixture of terraced houses, in different states of repair and some small apartment developments. The site is within 500m of the site of the National Paediatric Hospital which is nearing completion.

## **2.0 Proposed Development**

- 2.1. On the 8<sup>th</sup> September 2023, planning permission was sought for amendments to permitted development Planning Authority reg. ref. 2725/21 comprising an additional 7 no. units (624sq.m.) on a new 6<sup>th</sup> floor level of the permitted 8 storey building (ground and lower basement). Total residential unit no.s to be 86 no.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 6<sup>th</sup> of December 2023, the Planning Authority issued a notification of their intention to REFUSE permission for the following three reasons:
  - 1 A grant of permission for the proposed development would be premature pending the determination by An Bord Pleanála of appeal ref. PL29S.318195, regarding the car parking provision and access layout for the scheme.
  - 2 The proposed development is contrary to sections 15.9.1 and 15.9.2 of the Dublin City Development Plan regarding unit mix and unit sizes respectively, and is additionally contrary to SPPR 1 and sections 3.8 – 3.15 of the ‘Sustainable Urban Housing: Design Standards for New Apartments –

Guidelines for Planning Authorities (2023)' with regard to the same. The proposed development would intensify a form of development (Build-To-Rent units built to lower standards) that has been removed from national guidance, and subsequently would provide for substandard development in relation to unit mix and unit sizes. Any additional units for this scheme should adhere to present policy and bring the overall scheme closer to compliance with that policy.

- 3 The applicant has not provided sufficient materials to show that the proposed development would not lead to overlooking and loss of privacy to adjoining premises, and the assessment of overshadowing is not credible.
- Subsequently the applicant has not demonstrated that the provision of additional height at this location would respect the residential amenities of the area and thereby comply with the Building Height strategy (Appendix 3 of the Dublin City Development Plan 2022 – 2028) and the Z1 zoning objective. It is further considered that the provision of additional height at this location should be accompanied by an additional set back, given the transition in scale at this location, and the setbacks introduced into the scheme as the basis for the parent permission (reg. ref. 2725/21).

### 3.2. Planning Authority Reports

3.2.1. **Drainage:** No objection subject to standard conditions.

3.2.2. **Transport Planning:** No objection subject to 4 no. standard conditions.

3.2.3. **Planning Report:**

- Notes that during pre-planning for parent decision, applicant was advised to remove 6<sup>th</sup> floor.
- Plot ratio would increase to 3.06, density will increase from 316 dw/pha to 344 dw/pha. Notes that appendix 3 of the development plan has a general presumption against schemes of more than 300dw/pha.
- Notes that applicant has not demonstrated compliance with 'locally higher building' policies.
- Reliance on roof-terraces to provide communal open space is contrary to section 15.9.9 of the development plan.

- Notes that applicants overshadowing assessment has reversed the orientation, so is not reliable. Notes that the proposed additional floor would impact the sunlight analysis of the units on the 5<sup>th</sup> floor and therefore the applicants shadow analysis is defective. Notes that this defective shadow analysis (sun path is incorrect) also fails to address the overshadowing of the adjoining dwellings.
- Notes that the proposed apartments would bring the entire development to a 77%1-bed or studio mix, and that only one unit in the scheme would exceed the minimum standards by 10% and therefore this would be contrary to policy.
- Notes that pre-planning decision to reduce height was likely made in light of the then-policy of restricting heights to 24m, rather than concerns re, overlooking. Considers that the proposed development creates additional risks for increased and undue overlooking, loss of privacy.
- Notes the adjoining appeal before the Board and states that should the Board grant permission for the removal of car parking, an increase in density would be inappropriate.
- Recommends refusal for three reasons.

### 3.3. **Prescribed Bodies**

- 3.3.1. None on file.

### 3.4. **Third Party Observations**

- 3.4.1. Observations to the Planning Authority regarding the proposed development raised the issues of increased height, visual impact, out of character with surrounding development, proposed development being over 24m height threshold, impact on light / privacy and overlooking of adjoining houses, lack of parking, construction traffic impacts, the planning history of the site and noise impacts.

## 4.0 **Planning History**

- 4.1.1. **PL29S.247001:** Permission granted for the construction of a mixed use development comprising fourteen houses, office accommodation, associated works and landscaping at site of former Fodhla Printing Works

- 4.1.2. Planning Authority reg. ref. **2725/21**: Planning permission was granted for the construction of a BTR residential development of 79 no. apartments and all associated site works. An appeal ABP-312072-21 was withdrawn.
- 4.1.3. **ABP-31819523**: A concurrent appeal of Planning Authority reg. ref. 4203/23 lies with the Board. Permission to omit permitted car parking at basement level.

## 5.0 Policy Context

### 5.1. Project Ireland 2040: National Planning Framework

- 5.1.1. National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

- 5.1.2. Of relevance to the subject application are the following:

- **National Policy Objective 2a**: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs
- **National Policy Objective 5**: Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

**National Policy Objective 6**: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

- **National Policy Objective 33**: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 35**: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights.



- **National Policy Objective 27:** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- **National Policy Objective 33:** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

## 5.2. Sustainable Residential Development & Compact Settlement Guidelines 2024

- 5.2.1. The guidelines expand on the higher-level policies of the National Planning Framework (NPF) in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlement.
- 5.2.2. In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).
- 5.2.3. Of relevance to the subject application are the following:
- Residential densities of 50-250dhp for city-urban neighbourhoods in Dublin and Cork with typical density range for low rise apartments – c.100-150 dph,
  - **SPPR1** – separation distances
  - **SPPR2** - 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). All residential developments are required to make provision for a reasonable quantum of public open space.
  - **SPPR3:** In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of

car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

- **SPPR4:** It is a specific planning policy requirement of these Guidelines that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors. The following requirements for cycle parking and storage are recommended: (i) Quantity – in the case of 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. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/ enlargement, etc. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers. (ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

### **5.3. Urban Development and Building Height Guidelines for Planning Authorities 2018.**

- 5.3.1. These Guidelines set out national policy considerations in relation to building height in order to guide planning authorities in developing local planning policy and in determining planning applications. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height.

### **5.4. Sustainable Urban Housing: Design Standards for New Apartments 2023**

- 5.4.1. The minimum floor area for one-bedroom apartments is 45m<sup>2</sup>, for two-bedroom apartments it is 73m<sup>2</sup> and for three-bedrooms it is 90m<sup>2</sup>. Most of proposed

apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m<sup>2</sup> storage for one-bedroom apartments, 6m<sup>2</sup> for two-bedroom apartments and 9m<sup>2</sup> for three-bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.

## 5.5. Dublin City Development Plan 2022-2028

- 5.5.1. The subject site is zoned Z1, Sustainable Residential Neighbourhoods, which has the stated objective 'to protect, provide and improve residential amenities'.
- 5.5.2. The northern part of the subject site is located in the registered monument DU018-020, Historic City.
- 5.5.3. Policies of relevance to the proposed development include:
  - **QHSN2:** To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2020), 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009), Housing Options for our Aging Population 2019, the Design Manual for Quality Housing (2022), the Design Manual for Urban Roads and Streets (DMURS) (2019), the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Affordable Housing Act 2021 including Part 2 Section 6 with regard to community land trusts and/or other appropriate mechanisms in the provision of dwellings.
  - **QHSN6 Urban Consolidation** To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.
  - **QHSN11 15-Minute City** To promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages

throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible.

- **QHSN36 High Quality Apartment Development** To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.

5.5.4. Development management standards applicable to the proposed development are set out in Chapter 15 and Appendix 3 of the Development Plan.

## 5.6. Natural Heritage Designations

5.6.1. The subject site is 6km from the South Dublin Bay and River Tolka Estuary SPA (004024) and the South Dublin Bay SAC (000210).

## 5.7. EIA Screening

5.7.1. Having regard to the nature of the site on lands zoned for urban development, the availability of public sewerage and water supply, the absence of features of ecological importance within the site which has been developed, the nature of the adjoining land uses as residential and commercial, I conclude that there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. No EIAR is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. An agent for the applicant has submitted a first-party appeal against the decision of the Planning Authority to refuse permission. The appeal provides detail of the planning background as follows:

- Following the Planning Authority refusal, the proposed development is amended to provide for 6 no. units (total 85 no.) with a privacy screen and a minor set-back at the top floor. This complies with both the July 2023 amended apartment guidelines and the original 2020 BTR guidelines.

- Appeal provides detail of how the proposed development complies with the policies and objectives of the National Planning Framework, 2018 Urban Development and Building Heights Guidelines, 2023 Sustainable Urban Housing Design Standards for new Apartments, 2009 Sustainable Urban Development in Urban Areas Design Guidelines, 2023 (Draft) Compact Settlement Guidelines, 2016 Rebuilding Ireland Actin Plan, 2019-2031 RSES and the Dublin City Development Plan 2022-2028.

6.1.2. The grounds of the appeal can be summarised as follows:

**Reason no. 1**

- Appeal relating to the removal of car parking (PI29S.318195) is not a material planning consideration. That proposal for zero parking is irrespective of the number of units. Superstructure remains the same, therefore decision on that appeal has no bearing on the subject proposal.
- Increase in density is minimal and will not create new parking demand.
- Abundance of sustainable travel options nearby.
- Much larger BTR developments have been granted with no parking: ABP-312268-21 and LRD6025/23-S3.

**Reason no. 2**

- Under the Planning and Development Act 2000, as amended, the applicant is entitled to amend an existing development without having to revisit the established development principles.
- This is not a new BTR application and therefore the 2023 Guidelines are not applicable.
- The overall amended mix will be reflective of a typical BTR scheme of mostly 1-bed units.
- Other BTR schemes have been consented since July 2023.

**Reason no. 3**

- No new impact on the amenity of Brookfield Road above that already consented.

- Additional floor has been set back further, benefits from opaque glass balustrades and screening. There is no overlooking between windows given the height difference.
- A revised preliminary daylight / sunlight analysis demonstrates that there would be no sustained harmful impact in terms of overshadowing at any time of year.
- Infill development necessitates a pragmatic approach. Consented scheme demonstrates response to local context. Diagrams submitted.
- In conclusion, the Board is requested to grant permission.

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority request that the Board uphold the Planning Authority decision to refuse permission. If permission is granted, requests the attachment of 6 no. specific conditions regarding development contribution, bond contribution, contribution in lieu of open space, social housing condition, naming and numbering condition and a management company condition.

## **6.3. Observations**

- 6.3.1. A planning agent has submitted an observation on behalf of 12 no. named residents of Brookfield Road, and one resident of Cameron Square. The observation states that it is also supported by a number of other residents of Brookfield Road. The grounds of the observation can be summarised as follows:
- Fully support the Planning Authority grounds for refusal and request the Board to uphold this decision.
  - Notes the concurrent appeal re. car parking and raises concerns about overspill parking.
  - Submits that the first party grounds of appeal do not rebut the Dublin City Council decision.
  - Notes that the first party appeal includes an amendment to provide for only six units: three x 2-bed/ four person, one x 2-bed/ three person, one x 1-bed and one studio. There is no clarification or confirmation of floor areas.

- Submits that proposed development does not address daylight, sunlight and shadow impacts, failing to quantify the difference between the permitted and proposed scheme.
- Proposed development is premature pending the Boards decision on the concurrent appeal.
- Build-to-rent units are no longer permissible under the 2023 Guidelines. The Planning Authority's decision regarding unit mix, is correct. If permission was sought for the entire development now, it would be refused.
- Proposed development will cause excessive overlooking of Observers properties.
- Proposed height increases is too abrupt a transition, will be over bearing and is contrary to Appendix 3 of the development plan. Lack of set-back will have significant overbearing impact, will be deleterious to the character of the area and negatively impact on residential and visual amenity. This is contrary to policy SC16 of the development plan.
- Use of roof-terraces to provide communal open space is contrary to section 15.9.9 of the development plan.
- Inadequate parking for proposed increase in units. Board must take into account the concurrent appeal to remove all car parking. Under-provision of car-parking will increase pressure along Brookfield Road. Proposed development will increase demand for on-street car parking, which has been exacerbated by recent developments in the area.
- No assessment of existing capacity on public transport.
- Proposed development will have a profound impact on residential and visual amenity of the area.
- Board is requested to refuse permission.

#### **6.4. Further Responses**

##### **6.4.1. None on file.**

## **7.0 Assessment**

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows

- Principle of proposed development
- Impact on Residential Amenity
- Building Height
- Parking

### **7.2. Principle of Proposed Development**

7.2.1. The subject site is zoned for residential development and the principle of a residential development has been established on the site. I note that the Observer raised the BTR status of the permitted development and notes that both the current Dublin City Council development plan and national policy have moved away from such schemes. I note that in considering the proposed development, the Planning Authority assessed the proposed additional units against current standards for new apartment developments.

7.2.2. The proposed development to add additional residential units to a permitted development is in keeping with the zoning objective of the site and subject to other planning considerations is acceptable in principle.

### **7.3. Impact on Residential Amenity**

7.3.1. In the appeal submission, the appellants sought to address one of the Planning Authority's areas of concerns (typology / mix of units) by amending the proposed sixth floor units. The appeal submission includes on page 5, a figure 3.0 which purports to show three 2bed/4per units, one 2bed/3pers unit, one 1bed unit and a studio unit. The Board will note that no drawing of this floor plan was submitted, that fig 3.0 is not to scale and no dimensions or floor areas are given. The size of the diagram within the written part of the appeal submission is such that detail is not clear and is certainly not sufficient for a planning assessment. I am not satisfied that this can be accepted as a serious proposal to amend the layout submitted to the



Planning Authority and as such will confine my assessment to the submission as made to the Planning Authority (drawing no. 3.1.101 refers).

- 7.3.2. Should the Board disagree and accept the appeal amendments, I provide the following analysis. The development as permitted includes 14 no. studio units, 48 no. one-beds, 17 no. two-beds (total 79). The appeal amendments increases those numbers to 15 no. studios, 49 no. one-beds, and 21 no. two-bed units (total 85 no.). The proportion of 1bed/studio units is 75% of the overall total.
- 7.3.3. I concur with the assessment of the Planning Authority that the addition of more one-bed or studios would not represent an appropriate mix of units in the entire development. I note section 15.9.1 of the development plan which refers to SPPR1 and discourages more than 50% of a development being one bedroom or studio type units, in keeping with national policy as provided for in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023)'
- 7.3.4. In their assessment of the proposed development, the Planning Authority noted that both the daylight / sunlight report and the overshadowing assessment submitted to the Planning Authority were not correct. The appeal submission is accompanied by a 'Shadow Analysis of Current proposal, Comparative Study'. The drawings are not to scale, are of very low resolution and are difficult to analyse. I am not satisfied that they are adequate to definitively assess the impact of the proposed development on the surrounding low-rise development. Further, I note that no analysis of the impact of the proposed additional floor on the balconies of the fifth floor has been carried out.
- 7.3.5. The Planning Authority raised a concern about using roof terraces as communal open space, quoting section 15.9.9 of the development plan. I note that this was not addressed in the appeal submission. I draw the Boards attention to drawing no. 8.1.101 submitted at appeal states that is shows the roof plan as per the permitted scheme, as per amendments to the Planning Authority and a proposed roof plan. The Board will note that the diagram showing the 'permitted' development does not match drawing no. BRK-HJL-ZZ-06-DR-A-1016 as permitted by the Planning Authority under reg. ref. 2725/21. The principle of using the 5<sup>th</sup> floor as communal open space was accepted by the Planning Authority in that application.

- 7.3.6. In terms of overlooking, I note that the appellant submits that there will be no window-to-window direct overlooking from the proposed additional floor. Overlooking will occur however, from the balconies proposed on the eastern elevation, to the private open spaces of the dwellings on Cameron Square.
- 7.3.7. I am not satisfied that the proposed development will provide adequate residential amenity to the existing apartments in the almost complete building – specifically those on the 5<sup>th</sup> floor, nor will it protect the residential amenity of the low-rise development surrounding the scheme.

#### **7.4. Building Height**

- 7.4.1. Appendix 3 of the Dublin City Council development plan 2022-2023 provides the City Height Strategy. The appendix states that there will be a general presumption against schemes in excess of 300 units per hectare. The density of the proposed development would be 344 dwellings per hectare. The guidance states that “Schemes in excess of this density will only be considered in exceptional circumstances where a compelling architectural and urban design rationale has been presented”. No such evidence has been submitted, other than noting the proximity of the subject site to transport and employment hubs. I do not consider that to be exceptional or compelling. The plot ratio of the proposed development would be 3.06, also in excess of the recommended maximum. I consider these breaches to demonstrate that the proposed development is over-development of the subject site.
- 7.4.2. Table 3 of Appendix 3 sets out the key criteria that all proposals for increased urban scale and height must demonstrate. Ten specific objectives for enhanced height, density and scale are listed, with performance criteria for each. The applicant submitted a Design Statement to the Planning Authority but the very specific performance criteria are not addressed. It is acknowledged that the proposed development is an addition to an existing permitted development, and therefore full compliance from first principles is somewhat onerous. Should the Board wish to grant permission, they may consider requesting the Applicant to address this specific Objective of the development plan.

#### **7.5. Parking**

- 7.5.1. The Planning Authority’s first reason for refusal states that the proposed development is premature pending a decision by the Board on the concurrent appeal

ABP-318195-23, regarding the provision of car parking at basement level. The appellant submits that this is not a material consideration in the subject proposal. I do not agree, I consider the increase in unit numbers and therefore the consequent increase in residents of the building to be explicitly linked to the services provided by the building. Services including car parking. I consider the Planning Authority's reason for refusal to be reasonable and rational. I note that at the date of this report, no decision has been made on ABP-318195-23.

## **8.0 AA Screening**

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approx. 6km from the South Dublin Bay and River Tolka Estuary SPA (site code 004024). The proposed development comprises the construction of an additional floor of seven res units on a permitted development of BTR units. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion stems from the limited scale and nature of the proposed development and the lack of connections to the nearest environmentally sensitive site.
- 8.1.2. I conclude that on the basis of objective information, 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. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

I recommend permission be REFUSED for the following reason and considerations

- 1 It has not been demonstrated that the proposed development comprising an additional floor of seven units will provide adequate residential amenity to future residents, will not adversely affect the residential amenity of the existing units in the development, and will not adversely affect the residential amenity of the two-storey dwellings to the north. The proposed

development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

- 2 The proposed development of largely one bed and studio units in a development with a majority of one-bed and studio units is contrary to the unit mix sought by section 15.9.1 of the 2022-2028 Dublin City Development Plan and therefore is contrary to SPPR 1 and sections 3.8 – 3.15 of the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023)’. The proposed development is not in keeping with the proper planning and sustainable development of the area.
- 3 Having regard to the proximity of the existing development to low-rise residential development, to the excessive density and plot ratio proposed, it is considered that the proposed development would constitute over development of the site and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

---

Gillian Kane  
Senior Planning Inspector

18 September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-318561-23		
<b>Proposed Development Summary</b>	Amendments to planning permission reg. ref. 2725/21 to add 7 apartments and a 6th floor with all associated site works		
<b>Development Address</b>	The former Fodhla Printing Works Site, Brookfield Road, Kilmainham, Dublin 8.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	YES
<b>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?</b>			
<b>No</b>		Only 7 no. units	Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
		<b>Conclusion</b>	
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>4. Has Schedule 7A information been submitted?</b>			
N/A			

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_