



An
Bord
Pleanála

Inspector's Report ABP-319193-24

Development

Development consisting of modification to FW20A/0058 / ABP-307889-20 and F21A/0189 / ABP-3112431-22 for the construction of a penthouse apartment and all associated site works. The development will bring the total of apartments from 28 to 29 units. The proposed development will result in a modification to extant permissions.

Location

Kilbride Lodge, Castleknock Road, Dublin 15, D15 PH3A.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

FW23A/0378.

Applicant

Castleshore Investments Ltd.

Type of Application

Permission.

Planning Authority Decision

Refusal of Planning Permission.

Type of Appeal

First Party v Refusal of Planning Permission.

Appellant

Castleshore Investments Ltd.

Observer(s)

1. Simon O'Neill.
2. Cllr John Walsh.
3. Castleknock Park Residents'
Association.

Date of Site Inspection

23rd May 2024

Planning Inspector

Enda Duignan

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
4.0 Relevant Planning History	7
5.0 Policy and Context.....	10
6.0 The Appeal	16
7.0 Assessment	23
8.0 Recommendation.....	32
9.0 Reasons and Considerations.....	32
10.0 Conditions	33
Appendix 1 – Form 1: EIA Pre-Screening & Form 2: EIA Preliminary Screening	

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Kilbride Lodge, Castleknock Road, Dublin 15. The site is centrally located within Castleknock Village, c. 90m to the north of the junction of Castleknock Road and College Road. There is an existing entrance on the eastern side of Castleknock Road and a long connecting avenue/driveway leads to a 4 no. storey apartment development which occupies the eastern portion of the site and which is at an advanced stage of construction. Undercroft access is provided through the building and leads to an area of surface level car parking within the rear portion of the site. The apartment development is served by a communal area of amenity space along its western and northern boundaries. Previously, the site contained a two-storey detached house and its attendant garden, which was accessed via a long avenue off Castleknock Road. The approved development has now the name of Kilbride Lodge.
- 1.2.** The site is positioned to the north of a mixed-use commercial development and to the east of Castleknock National School. A traditional two storey suburban residential estate, Castleknock Park, is located to the east of the site. There are a number of mature trees within the public open space area associated with Castleknock Park and are positioned adjacent to the site's eastern boundary.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for amendments to an extant planning permission (FW20A/0058 / ABP-307889-20 and F21A/0189 / ABP-3112431-22), comprising the construction of a penthouse level apartment and all associated site works. The proposed 3 no. bedroom apartment will be located on the southern end of the existing apartment building and will have a total floor area of c. 193sq.m. The proposed open plan living/kitchen/dining room will have a southern aspect and access is provided to a south facing terrace which wraps around the southern, western and eastern sides of the apartment.
- 2.2.** The penthouse level apartment will be set in from the sides of the apartment building and on its eastern side will have a maximum height of c. 17m above natural ground level, a c. 3m increase on the permitted development. The proposed palette of

materials and finishes for the penthouse apartment comprise a combination of off-white coloured render, galvanised and powder coated metal fins and extensive glazing which is consistent with that of the recently constructed development. I note that a brise soleil will partially screen the southern side of the proposed terrace.

- 2.3.** In order to provide additional bicycle storage, it is also proposed to change the permitted janitor store section of the services building into a cycle storage space (measuring c. 8sq.m.) which is to contain 3 no. two tier cycle racks with a total of 6 no. bicycle spaces. The Applicant notes that no changes are required to external elevations of the permitted service building under Ref. FW23A/0313.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council refused planning permission for the proposed development for the following 2 no. reasons.

- The proposed development, having regard to its location relative to the Castleknock Historic Core Architectural Conservation Area and the scale, mass and layout proposed would have a significant negative visual impact upon the surrounding area. The proposed development would detract from the character of the area and would therefore contravene Objective HCA024 and Objective DMSO186 of the Fingal Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.
- The proposed development would negatively impact the current levels of residential amenity enjoyed within the surrounding area most notably those dwellings located within Castleknock Park, in terms of overbearance and would be considered to be visually obtrusive and as such would not be in accordance with the proper planning and sustainable development of the surrounding area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- 3.2.1.1.** The Fingal County Council Planning Report form the basis for the decision. The report notes that the proposed development is permitted in principle under the relevant

zoning ('TC'), subject to the proposal complying with all relevant development plan policies and objectives. In terms of the density of development, the Planning Authority was satisfied that the locational context of the site was sufficient to justify a further increase in density.

3.2.1.2. In terms of built heritage, the Planning Authority noted that the site is partially located within an Architectural Conservation Area (ACA) and there are a group of no. 6 Protected Structures to the west of the site that front onto Castleknock Road. The Planning Authority's report notes that they have always maintained that the height of any building on the subject site should not exceed that of the permitted Lidl building to the site's south. Within their assessment, they note that the photomontages submitted by the Applicant have been presented in such a manner which reduces the visual presence of the recently constructed apartment building. It was their view that the addition of a penthouse level would not accord with the scale, mass and height of any of the adjoining developments or Protected Structures within the ACA and as such would not positively enhance the character of the area. Concerns have also been raised with respect to the visual impact of the development and its impact on the residential amenity of properties within the site's vicinity. A refusal of permission was therefore recommended for 2 no. reasons.

3.2.2. Other Technical Reports

Transportation: Report on file recommending further information with respect to bicycle parking. A condition was also recommended in the event of a grant of permission.

Conservation Officer: Report on file recommending a refusal of permission. The report refers to the planning history of the site which noted that the heights should not be further increased on the site. The report also raises concerns regarding the location of the photomontages.

Parks and Green Infrastructure: No objection to the proposed development subject to compliance with conditions.

Water Services: Report on file stating no objection to the proposed development subject to compliance with conditions.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Observations

A total of 5 no. observations were received by Third Parties. I note that a number of the observers have made a submission on the First Party appeal and the issues raised are discussed in further detail in Section 6 of this report.

4.0 Relevant Planning History

4.1. The Subject Site.

- 4.1.1. **ABP-304404-19 (FW18A/0173):** Planning permission refused by the Planning Authority and the Board for development comprising the demolition of an existing residential unit and associated structures on the application site, and the development of a three and part four storey, mixed use residential and office development, consisting of 22 apartments and offices and all associated site development works. The application was refused for the following 1 no. reason:

1. Having regard to the limited width, length and alignment of the proposed laneway access to the subject site, and to the lack of segregated pedestrian facilities along this laneway due to its limited width, coupled with the treatment of boundaries and the lack of availability of alternative pedestrian permeability from the subject site other than along this laneway, it is considered that the proposed development would be substandard with regard to providing a safe and comfortable environment for future users, and would endanger public safety by reason of traffic hazard to vulnerable road users, that is, pedestrians. Furthermore, the proposed access arrangements would fail to suitably advocate for the quality of the pedestrian environment and create permeability and legibility for all users, and would accordingly be at variance with Objective Castleknock 4 of the Fingal Development Plan 2017 -2023, which seeks to improve facilities for pedestrians and cyclists. The proposed development

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

- 4.1.2. **ABP-307889-20 (FW20A/0058):** Planning permission refused by the Planning Authority and granted by the Board for development comprising the demolition of an existing residential unit and associated structures on the application site, and the development of a three and part four storey, residential development, consisting of 25 apartments. The apartments will consist of 4 one bed units, 19 two bed units and 2 three bed units. The wider development includes parking for 27 cars and 1 accessible parking bay and bin storage unit; secure cycle storage building; boundary treatment and landscaping; and all underground drainage and service infrastructure. It was proposed to widen the access point onto the Castleknock Road and regrade the driveway. The development included all associated site development works.
- 4.1.3. **ABP-312431-22 (FW21A/0189):** Planning permission refused by the Planning Authority and granted by the Board for modifications to a permitted residential development under Refs FW20A/0058 & ABP-307889-20. Permission was sought to modify the existing apartment building, a three and part four storey residential building, accommodating 25 no. apartments, to a proposed four storey building, the effect of which was the addition of 3 no. 2 bed apartments, bring the total no. of apartment units from 25 no. permitted apartments to 28 no. proposed apartments, with the overall mix consisting of 4 no. 1 bed apartments, 22 no. 2 bed apartments & 2 no. 3 bed apartments. Balconies associated with the 3 no. proposed apartments are also provided on the western & northern elevations, at third floor level.
- 4.1.4. **FW23A/0179:** Planning permission granted for development comprising re-establishing the building (75 sqm) as a single family dwelling unit and the carrying out of conservation works to the existing building, including repairs to the roof and chimney; Returning original window arrangement to the street elevation; Repair of original external joinery to the street; Conservation works to the interior including retention of original peep window under the existing stairs; Adjustment to the top landing of the stairs; Part removal of the first to form an open gallery space; Provision

of 2no. x new openings to rear wall at ground level; Provision of 2no. x conservation grade rooflights and a new dormer window to the existing rear roof and the addition of a two-storey extension (114 sqm) to the rear, which is connected to the existing house by a single-storey, glazed link with the retention of the existing lean-to structure at the rear. The development will also include a minor re-adjustment of the existing site boundary within the ownership of the applicant thereby enhancing the public footpath and the provision of private screened garden and associated parking space for 2 no x cars, which will be accessed off the road serving Kilbride Lodge Apartment complex, (currently under construction).

- 4.1.5. **FW23A/0147:** Planning permission granted by the Planning Authority for modifications to part of a previously permitted residential development, located at "Glenmalure" in Castleknock Village Centre at Castleknock Road, Castleknock, Dublin 15, D15 PH3A. Permission was sought for the construction of a single storey services building (circa 62 sq. m.) to accommodate bin & bicycle storage and associated water tank, to be located in the north-east corner of the development, reorganisation of permitted surface car parking and all associated site development works, on a site area measuring circa 0.35Ha. The effect of the proposed development will result in a modification to extant permissions FW20A/0058 (An Bord Pleanála Ref. ABP-307889-20) and FW21A/0189 (An Bord Pleanála Ref. ABP-312431-22).
- 4.1.6. **FW23A/0313:** Permission granted by the Planning Authority for the construction of a single-storey services building (c. 48sq.m. in area and c. 3.29m in height) to accommodate a bin storage area, a janitor storage area, and a water tank. The proposed services building is located in the north-east corner of the overall "Kilbride Lodge" development site, on a site area of c. 005 hectares (c. 50sq.m) The effect of the proposed development will result in a modification to extant permissions Ref. s FW20A/0058 (An Bord Pleanála Ref. ABP-307889-20) and FW21A/0189 (An Bord Pleanála Ref. ABP-312431-22).
- 4.1.7. **FW23A/0331:** Planning permission granted by the Planning Authority for amendments to the previously approved permitted access road arrangements granted permission

under extant permission Ref's FW20A/0058 (An Bord Pleanála Ref. ABP-307889-20) and FW21A/0189 (An Bord Pleanála Ref. ABP-312431-22). The proposed development includes for: (i) the omission of the previously permitted signalised controlled system and the provision of a proposed priority controlled system. (ii) amendments to the previously permitted access road layout, including for the provision of segregated footpath, measuring 1.5m in width with raised kerb and standard road carriageway over a distance of c. 30 m, located off Castleknock Road, connecting into a shared surface with a 1.5 demarcated footpath, using thermoplastic resin for those with visual and mobility impairments, over a distance of c. 60 m (c. 3.75 m-to-4.8 m in width). (iii) amendments to the previously permitted material finishes, including for traffic signage, and (v) provision of new hard landscaping to act as a traffic calming measure.

5.0 Policy and Context

5.1. Fingal County Development Plan, 2023-2029 (CDP)

- 5.1.1. The Fingal County Development Plan, 2023-2029 (CDP) is the operative plan for the purposes of the appeal determination. The appeal site is zoned 'TC' (Town and District Centre), the objective of which seeks to 'Protect and enhance the special physical and social character of town and district centres and provide and/ or improve urban facilities'. The lands to the north and west of the site are zoned 'CI' (Community Infrastructure) with the lands to the east of the site within the Castleknock Park estate being zoned 'RS' (Residential) and 'OS' (Open Space). The site is also partially located within the boundary of the Castleknock Architectural Conservation Area (ACA).
- 5.1.2. Chapter 3 sets out the strategy to guide successful healthy placemaking and ensure quality housing. It includes a range of policies and objectives which accord with the NPF and RSES, the Housing Strategy and HNDA prepared in support of the Development Plan, and national planning guidance.
- 5.1.3. Chapter 4 outlines the importance of community infrastructure and open space to healthy place making. Relevant policies and objectives include the following:

- Policy CIOSP2 – Promotes the preparation of community and social infrastructure audits for large-scale developments.
- Objective CIOSO5 – Ensure proposals for large scale residential developments include a community facility, unless needs are already adequately served.
- Objective CIOSO44 – Facilitate the provision of appropriately scaled children’s playground facilities within new and existing residential development in line with the Council’s Play Policy.

5.1.4. Chapter 5 outlines the role of the plan in helping Fingal realise its potential to be a low carbon society and mitigating the impacts of climate change. It encourages the form, design, and layout of new development to positively address climate change.

5.1.5. Chapter 6 ‘Connectivity and Movement’ recognises and supports a collaborative approach that needs to be taken by all stakeholders to ensure the delivery of a sustainable transport network including key transport projects, new walking and cycling infrastructure, behavioural change initiatives and improved roads access.

Relevant policies and objectives include the following:

- Policy CMP2 – Concentrate compact growth around existing and planned transport services ensuring that travel demand and car-based travel is reduced.
- Policy CMP25 – Implement a balanced approach to car parking, using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.

5.1.6. Chapter 9 deals with ‘Green Infrastructure and Natural Heritage’ and aims to develop and protect a network of interconnected natural areas, biodiversity, and natural heritage. Objective GINHO20 relates to new residential development proposals and seeks, where appropriate, to maximise the use and potential of existing parks, open spaces and recreational provision, by upgrading and improving the play and recreational capacity of these existing facilities through development contributions in lieu of new open space or play provision.

5.1.7. Chapter 10 of the current Plan relates to Heritage, Culture and Arts and Section 10.5.2.2 Architectural Conservation Area (ACA)) is directly relevant to the subject proposal. Policies of note include:

- Objective HCAO24 – Alteration and Development of Protected Structures and ACAs Require proposals for any development, modification, alteration, extension or energy retrofitting affecting a Protected Structure and/or its setting or a building that contributes to the character of an ACA are sensitively sited and designed, are compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural or historic features.
- Policy HCAP14 – Architectural Conservation Areas Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.
- Policy HCAP15 – Character of Architectural Conservation Areas Support and encourage the sympathetic and appropriate adaptive reuse, refurbishment, and upgrading of protected structures and buildings or structures that contribute to the character of an Architectural Conservation Area ensuring that their special interest, character and setting is retained. Prohibit development that seeks the demolition of a Protected Structure or buildings that contribute to the character of an ACA in almost all circumstances.

5.1.8. Chapter 11 deals with 'Infrastructure and Utilities'. It outlines a range of policies and objectives to develop and protect water and waste infrastructure, and to protect air, noise, and light conditions.

5.1.9. Chapter 14 outlines 'Development Management Standards' in an aim to ensure that development occurs in an orderly and efficient manner which contributes to the Core

Strategy and related policies and objectives. Relevant aspects include the following:

- Section 14.5.2 and 14.5.3 promote building density and height in accordance with national and regional policy and guidance.
- Section 14.6 outlines a range of design criteria and standards for various types of residential development, which is based on national guidance documents including the Apartments Guidelines.

5.1.10. Section 14.17 'Connectivity & Movement' outlines a range of transport standards and objectives, including bicycle and car parking standards.

- Objective DMSO109 – Bicycle Parking Ensure that all new development provides high quality, secure and innovative bicycle parking provision in accordance with the bicycle parking standards set out in Table 14.17 and the associated design criteria for bicycle parking provision set out in this Plan, where feasible, practical and appropriate, having regard to local, national and international best practice.

5.1.11. Section 14.19.3.3 (Architectural Conservation Areas) and 14.19.3.4 (Documentation to accompany Planning Applications within ACA's)

- Objective DMSO109 – Bicycle Parking Ensure that all new development provides high quality, secure and innovative bicycle parking provision in accordance with the bicycle parking standards set out in Table 14.17 and the associated design criteria for bicycle parking provision set out in this Plan, where feasible, practical and appropriate, having regard to local, national and international best practice.
- Objective DMSO110– Provision of Bicycle Parking at Public Transport Stations / Stops Ensure that all new and renovated public transport stations/stops provide appropriate levels of cycle parking provision based on the existing and proposed passenger levels, surrounding environments and future transportation infrastructure.

5.2. Section 28 Ministerial Guidelines.

5.2.1. Having considered the nature of the proposal, the receiving environment, and the

documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020, updated in 2022) (the 'Apartment Guidelines')
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines')
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (May 2021).
- Architectural Heritage Protection Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2011. (updated in 2022).
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).
- Climate Action Plan (CAP) 2024

5.3. Project Ireland 2040 National Planning Framework (NPF)

- 5.3.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a

commitment towards ‘compact growth’, which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate cities with increased housing and employment.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

5.4. ‘Housing for All - a New Housing Plan for Ireland (September 2021)’.

5.4.1. is the government’s housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland’s housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

5.5. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

5.5.1. The primary statutory objective of the RSES is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a

long-term strategic planning and economic framework for the Region. A key National Strategic Outcome (NSO 1) in the NPF and Regional Strategic Outcome (RSO 2) in the RSES is the need to achieve ambitious targets for compact growth in our urban areas.

5.6. Natural Heritage Designations

- 5.6.1. The nearest designated site is the Rye Water Valley/Carlton SAC (Site Code: 001398) which is located c. 8.4km to the west of the appeal site.

5.7. EIA Screening

- 5.7.1. See completed Form 2 on file. 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, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party appeal has been prepared and submitted on behalf of the Applicant. The appeal submission provides a description of the site, an overview of the relevant planning policy context and summary of the site's planning history. The submission also provides a detailed description of the proposed development.
- 6.1.2. In terms of the grounds of the appeal and the Applicant's response to the 2 no. reasons for refusal, it is stated that the Planning Authority assertions that the site is located within an ACA is a disingenuous assertion as the main part of the site where the permitted apartment building is located is not within an ACA. Rather, only the main entrance avenue into the site is within the ACA, and which does not form part of the subject application. The Applicant refers to the site's planning history (ABP-307889-20) and commentary of the Planning Inspector in that case who considered that the apartment building itself would have not any material impact on the character or setting of the Protected Structures and Architectural Conservation Area within the site's

vicinity and it is put forward that the same can be said about the current proposal.

6.1.3. The Applicant refers to the objectives of the current Plan (DMSO186 & DMSO187) and the argument is made that the policies refer to developments within an ACA. It is put forward that the referenced objectives of the current Plan are not entirely or genuinely applicable to the proposed development given that only the entrance avenue to the overall development is within the ACA. Furthermore, it is stated that permission is in place for a high-quality, contemporary 4 storey apartment building which itself has gone through the rigours of the planning system and deemed to be appropriate, including from a conservation viewpoint. It is argued that the addition of a penthouse apartment, set back from the front line of the building, further set back from all neighbouring properties and at a lower level than the adjoining Lidl development to the south, is considered appropriate and not considered to have any negative impacts on the receiving environs, including the ACA. The submission notes that the photomontages, taken from within the ACA and looking towards the proposed development, clearly illustrate that the addition of the proposed penthouse will have no impact on the ACA and/or neighbouring Protected Structures. In addition, the sympathetic design, proposed materiality and set back of the penthouse as well as the separation distance does not give rise to any significant overbearance, negative impacts on mass or scale or exceedance of height. The submission refers to View 03 that was enclosed with the appeal and it is submitted that the proposed penthouse, with its setback from the main building and the setback of the entire building from the ACA and the existing Lidl building, that there is no perceived increase in height over the existing Lidl.

6.1.4. The submission goes on to note that judicious consideration has been paid not only to the design of the proposed development but the assessment of the proposed development by the Planning Authority. It is submitted that the photomontages with the appeal clearly demonstrate that the proposed development will not have a negative impact on adjoining dwellings to the east in Castleknock Park. In order to genuinely demonstrate the bone fides of the proposed development, it is confirmed that the submitted photomontages include five views from Castleknock Park. It is also noted

that that the proposed development is sited between 40m - 60m from the rear wall of the nearest houses, Nos. 60 and 61 Castleknock Park, as illustrated on the submitted Drawing No. CKN-1-02-1-XXX-DR-STAC-AR-1255. It is highlighted within the submission that the addition of three further apartments to the scheme (FW21A/0189 & ABP-312431-22) which are closer to the dwellings in Castleknock Park was deemed acceptable by both the Planning Authority and An Bord Pleanála. Taking this into consideration, it is put forward that the addition of the penthouse apartment, further setback from the top floor of the permitted building, and with increased separation distances from the neighbouring dwellings in Castleknock Park is also appropriate.

- 6.1.5. In the Applicant's concluding commentary, it is reiterated that the proposed development is not located in an ACA, it is only the access route/avenue into the Kilbride Lodge development that is located in the ACA, which is not within the red line of the subject application. The proposed penthouse is setback over 100m from the rear of the neighbouring Protected Structures at Nos. 1-4 Castleknock Road and is also separated from the rear wall of the nearest dwellings in Castleknock Park to the east by between 40m-60m. It is contended that the proposed penthouse is not considered to exacerbate the status quo at this location on what is a brownfield, infill, urban site. Having regard to the policies and objectives of the Development Plan, the land use zoning objective attached to the site, the planning history and extant permissions on this site, and the scale, design and setback of the proposed development, it is put forward that the permission being sought is acceptable, will not impact on the character and setting of the area or ACA, will have no impact on the character and setting of the site or on existing or future residential amenity in the area.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority confirms its decision and requests the Board to uphold the decision to refuse permission.

6.3. Observations

- 6.3.1. A total of 3 no. observations have been received from the following Third Parties;
- Simon O'Neill.

- Cllr John Walsh.
- Castleknock Park Residents' Association.

6.3.2. The various issues raised in each of the observations can be summarised as follows:

Simon O'Neill

6.3.3. The observer is a resident of the Castleknock Park residential estate which lies to the east of the appeal site. The matters raised in the observation to the appeal can be summarised as follows:

- The submission refers to the site's planning history and it asserted that it is unacceptable that the developer would seek to creep intensification of the development in a piecemeal fashion such as this.
- The submission has raised concerns that the development has progressed at speed despite no agreement on one of the core pre-commencement planning conditions. In such circumstances, the application should be dismissed and rejected without further consideration.
- The submission notes that there has been zero engagement by the developer with adjoining residents and utter contempt for concerns around compliance with pre-commencement planning condition concerning boundary treatments.
- It is highlighted that the current application makes no reference to boundary treatments and is a flawed design concept and it is incorrect to assert that it has no impact on Castleknock Park. In failing to address in any way an appropriate and consistent boundary, the application has a highly detrimental impact on Castleknock Park residents and its amenity.
- The development will have a detrimental effect on the residents of Castleknock Park as the current development towers over the existing houses in Castleknock Park and is visible from a substantial distance away (photographs included).
- The submission notes that for the Applicant to locate the bike/bin and janitor stores on the boundary of adjoining houses of Castleknock Park is inconsiderate, and detrimental to the enjoyment of these existing houses due to noise, odour and vermin and could have been accommodated against the

boundary of the Lidl or to the front of the development.

- The resultant height of the development is inappropriate for the village centre and a structure of this height is inconsistent with all other buildings in the village.
- It is submitted that the series of planning application amendments and appeals is an abuse of the planning process and amounts to planning creep and is further inconsistent with proper planning process and policy.
- The observer notes that the submitted photos show clearly the impact on adjoining homes in Castleknock Park and the domination of the development on existing homes in contrast to the deliberately manipulated and misleading photos submitted by the developer in its appeal documentation. It is argued that developer's photomontage demonstrates bad faith in this appeal by including further extremely inaccurate and misleading photos as part of this appeal to mislead ABP in assessing this appeal.
- It is contended that the proposed penthouse will overlook adjoining homes in Castleknock Park, and balconies/roof terraces will negatively impact on the use and enjoyment homes and intrusion of noise, lack of privacy and light.

Cllr. John Walsh

6.3.4. The matters raised in the observation to the appeal can be summarised as follows:

- The proposed development means that effectively a fifth storey is being added to the existing building and the resulting structure is excessive and out of character with the surrounding area.
- It is contended that the development will have a detrimental effect on residential amenity for residents of Castleknock Park, as even the current building towers over the existing houses in Castleknock Park and is visible from a substantial distance away. The proposed development is visually obtrusive and has a detrimental impact on visual amenity for residents of Castleknock Park.
- The submission notes that the development would establish a very negative precedent for five storey development in close proximity to an Architectural Conservation Area, which contains a large number of protected structures and St Brigid's historic medieval church. The development is contrary to the objectives of the current Plan and does not amount to sympathetic or sensitive

development and in fact ignores the ACA completely.

- Arguments that Castleknock village is 'a central or accessible urban location' is inaccurate based on the criteria cited by the applicant. The applicant's argument that cumulatively the revised routes for Bus Connects would offer a high frequency peak time service is firstly untested, as it has not happened yet in practice, and secondly, generally not supported by evidence as the current service is often delayed and impacted by 'ghost' buses which fail to arrive on time or sometimes at all.
- It is contended that the application is not in compliance with the very permissive guidelines on the height of apartment buildings and specific policy planning requirements, notably Section 3.5.
- It is noted that the application fails to reference the boundary treatment with Castleknock Park and fails once again to uphold the original planning condition of the parent application in 2020 and the decision of the Planning Authority, which requires a consistent boundary treatment along the eastern side, namely a wall along the length of the boundary rather than a fence which is easily undermined or broken through.

Castleknock Park Residents' Association.

6.3.5. The matters raised in the observation to the appeal can be summarised as follows:

- The observation refers to the "photomontage" under 6.2.11 Fig 2 of the appeal submission and it is noted from the elevations submitted with the application that the 4 no. storey apartment building is higher than the existing Lidl building. It is stated that the Board had previously restricted Lidl to a maximum of 3-storeys in view of its impact on the surrounding buildings. It is stated that the Applicant's "photomontage" of the 4 no. storey apartment block has shrunk to below the level of the Lidl building and it is stated within the submission that the Board should take no notice of these impressions in the applicants' letter and concentrate on the facts and drawings submitted with the application.
- Photos have been enclosed with the submission and it argued that these clearly show the over-bearing structure of the recently constructed development. It is stated that the prospect of a fifth storey with access for all the other 28

apartments onto the northern balcony is intimidating.

- Notwithstanding the Applicant's claims, it is highlighted that the current Plan clearly shows that part of the site is within the boundary of the ACA and the rest very much on the edge and clearly visible from the Edwardian red-brick listed buildings.
- The proposed development fails to comply with the policy of the current Plan which requires new developments within or adjoining an ACA to positively enhance the character of the area and be appropriate in terms of the proposed design, including scale, mass, height, proportions, density, layout, materials etc.
- The submission notes that they agree with the Planning Authority, insofar as they were not satisfied that the proposed development would integrate appropriately within the approved scheme and within the surrounding context by virtue of the increased height and extent of the scale, bulk and mass which is not considered to be sympathetic to the volume of the approved building.
- It is contended that the Applicant is trying to squeeze as much profit as possible from the site and the provision of a luxury penthouse is not an attempt to address the National housing stock.
- It is the observer's view that a more appropriate response would have been (for example) to propose a mixture of 1 and 2 storey redbrick houses - possibly with some as sheltered accommodation which would have released valuable 4 and 5 bedroomed houses in the area and have been sympathetic to the historic village.
- Concerns are raised that the proposed development may establish a very dangerous precedent for future speculative endeavours, and it is highlighted that their historic village will descend into just another piece of suburbia instead of at present, the jewel in the crown of Fingal.
- It is their view that the number of applications on the site amounts to a gross abuse of the planning process - or planning by stealth. The result is a development that would not have been approved if presented as a single application in the first place.
- Concerns highlighted with respect to the impact of the proposed development

on the architectural character of the site and surrounding area.

- The observation highlights that the red line boundary on the submitted plans has managed to cover over a vital aspect of the proposed development. It is stated that there is a door which allows access from the common stairwell and lift onto the northern patio. This door does not have a stipulation that it is only for emergencies or access for maintenance etc. Concerns are raised that the entire 29 apartments' owners and guests could go onto the large northern patio terrace. Concerns have been raised with respect to overlooking and noise associated with impacts.
- It is stated that newer car parking, EV charging, motor bike requirements etc must be incorporated into this new planning application.
- Concerns have been raised regarding the adequacy of the eastern boundary treatment and the requirement that exists for a concrete block wall with railings above, where the site has an abuttal with the Castleknock Park estate.

6.4. Further Responses

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the reports of the Local Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Built Heritage & Visual Impact
- Residential Amenity
- Other Matters
- Appropriate Assessment

7.1. Built Heritage & Visual Impact

- 7.1.1. Under the current Plan (2023-2029), the appeal site is located on lands zoned 'TC' (Town and District Centre) where it is an objective to 'Protect and enhance the special physical and social character of town and district centres and provide and/ or improve

urban facilities' and where residential development is identified as a permitted in principle land use. The proposed seeks planning consent for development comprising the construction of a penthouse level apartment above an existing 4 no. storey apartment building which is currently at an advanced stage of construction. I note that the Planning Authority was satisfied that the principle of development was acceptable within this backland site and the modest increase in density proposed was deemed to be appropriate given the site's central and accessible location. However, the Planning Authority noted the site's partial location within the Castleknock ACA and its siting relative to Protected Structures within the site's vicinity. Planning permission was ultimately refused as it was the Planning Authority's view that the proposed development would have a significant negative visual impact on the character of the area by reason of its scale, height and mass. In this regard, the proposal was deemed to contravene the relevant objectives (Objectives HCA024 and DMSO186) of the current Plan.

- 7.1.2. The appeal site has an irregular shape with a long access lane which is accessible from the eastern side of Castleknock Road. The recently constructed apartment development occupies the eastern portion of the site, and it is the entrance and access lane that lies within the ACA itself, the boundary of which culminates at the eastern end of the access lane. A brief summary of the ACA's special character is set out in Appendix 5 of the current Plan, and I note that Policy HCAP14 (Architectural Conservation Areas) is relevant to this appeal, whereby it seeks to protect the special interest and character of all areas which have been designated as an ACA. The policy notes that development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible.
- 7.1.3. Within their assessment of the application, the Planning Authority note that they have always maintained that the height of any building on the subject site should not exceed that of the adjoining Lidl building (south of site) and it is stated that this has been reiterated to the Applicant. The Planning Authority refer to the submissions to the application which raised concerns with regard to appropriateness, overbearance,

precedent and overlooking - all of which were also concerns of the Planning Authority. The Planning Authority also refer to the submitted photomontages and it was their view that they have been presented in such a manner which reduces the visual presence of the recently constructed building. The Planning Authority also state that it is unclear how the proposed scheme would accord with any of the objectives of the current Plan that seek to protect the County's protected building stock and architectural conservation areas and it is highlighted that this concern is also reiterated by the Conservation Officer. I have read the Conservation Officer's report on file and similar concerns have been highlighted regarding the Applicant's photomontages of the proposed development.

7.1.4. It is noted within the Applicant's appeal that the proposed development itself (i.e. penthouse apartment) lies outside the boundary of the ACA and the policies relied upon by the Planning Authority relate to developments within ACAs and are therefore not directly applicable to the subject proposal. Whilst I acknowledge that the wording of some of the objectives of the current Plan refer to applications within ACAs (i.e. Objective DMSO186), I note that Objective HCAO24 is clear insofar as that any development affecting a building that contributes to an ACAs character shall be sensitively sited and designed, be compatible with the special character, and be appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials and impact on architectural or historic features. Given the site's partial location within the ACA and the siting of the proposed penthouse level apartment relative to the ACA's boundary, it is my view that due regard should be given to the relevant objectives of the Plan that relate to ACAs.

7.1.5. Although the Planning Authority have noted in their assessment that the addition of a penthouse level would not accord with the scale, mass and height of any adjoining permitted building or Protected Structure and as such would not positively enhance the character of the area, the rationale remains unclear as to why they have maintained a view that the height of any building on the subject site should not exceed that of the adjoining Lidl building. Whilst the site partially lies within the ACA, the proposed penthouse level apartment is set back in excess of c. 100m from the

entrance to the site on Castleknock Road and the Protected Structures which form this side of the streetscape. I note that the permitted 4 no. storey apartment building is substantially completed and when inspecting the site and surrounding area, it was evident that views of the existing building are largely obscured from within the village itself. I acknowledge that there are some glimpses of the building between the Protected Structures and then from further to the north at the entrance to the site, where there are more open and expansive views towards the development. It was clear however that the permitted building has had no adverse impact on the character of the ACA itself.

7.1.6. Table 14.24 (Direction for Proposed Development within Architectural Conservation Areas) of the current Plan notes that development proposals for new builds need to follow a sensitive design approach that respects the established character of the ACA in terms of the scale, massing, bulk, plot sizes, proportions and materials of the adjoining buildings to the development site. Whilst I fully accept that the proposed penthouse level is taller than the adjoining commercial building and the buildings that lie within the core of the ACA, a taller building is not strictly prohibited by the policies of the current Plan. In my view, the visual impact of the development has been ameliorated through its setback from the building's lower-level elevations and its carefully considered palette of materials and finishes which softens and reduces the overall bulk and massing of the development. Coupled with the substantial separation distances from the Protected Structures on Castleknock Road and its location outside the boundary of the ACA, I am fully satisfied that the development does not erode or detract from the architectural or historic features of the ACA, when considering its description contained within Appendix 5 of the current Plan. In my view, the building has been designed and finished to a very high standard and the addition of a setback level adds visual interest to the building itself and is of a scale, design and form which is sympathetic to the architectural character of the ACA and provides an appropriate transition in scale.

7.1.7. I note that concerns have been highlighted by the Planning Authority and the observers to this appeal regarding the adequacy of the photomontages that were

submitted in support of the application. The Planning Authority and their Conservation Officer have contended that the images have been presented in such a manner to reduce the visual presence of the building as constructed. Having inspected the site and surrounding area, I would agree that the locations from where the photomontages were taken were far from optimal. However, a full series of updated photomontages have now been submitted with the appeal and these have now been provided from vantage points where the development is most visible. These include locations to the west of the site on Castleknock Road and within the attendant grounds of Saint Brigid's Church. They have also been taken in winter, so a no leaf scenario has been provided. Having inspected the site and the surrounding ACA and having regard to the updated verified photomontages, I am fully satisfied that the development is of a scale, form, massing and design which is complimentary to the architectural character of the site and surrounding area and the proposed development is therefore in accordance with the relevant policies and objectives of the current Plan, notably, Policy HCAP14 and Objectives HCAO24, DMSO186 and DMSO187.

- 7.1.8. In terms of the current Plan's policies on building height, Section 14.5.3 (Building Heights) refers specifically to national policies with respect to the achievement of consolidation, increased densities and long-term strategic development which are supported by guidance on building height, including Urban Development and Building Heights – Guidelines for Planning Authorities 2018 (referred to herein as the Building Height Guidelines). The policy notes that applications for development proposals which include buildings of increased height and density should clearly demonstrate the suitability and positive impacts of the proposal with reference to the receiving environment, including justification for the height strategy proposed and demonstration of compliance with the 4 no. Specific Planning Policy Requirements (SPPR's). I note that the Building Height Guidelines were in operation when the existing apartment development was originally approved. An observer to the appeal has referred to Section 3.5 of the Building Height Guidelines which notes that development within suburban/edge locations (City and Town) should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing

larger buildings, trees and parkland, river/sea frontage or along wider streets. The policy goes on to note that infill development should not be subject to specific height restrictions. As indicated earlier in this assessment, the Planning Authority was satisfied that the increase in density was acceptable due to the central and accessible location of the site. I note that the proposed development represents a modest increase in height, with the additional apartment being sited on the less sensitive side of the building. As I have detailed in the foregoing, I am satisfied that the development has been designed to a high standard and is one which integrates well into this historical neighbourhood. Overall, I am satisfied that the additional height can be absorbed at this location without impacting on the character of the existing Protected Structures or the ACA within which they are located, and I am therefore satisfied that permission can be granted for the proposed development.

7.2. Residential Amenity

- 7.2.1. In terms of amenity impacts, the Planning Authority noted within their assessment that the building is clearly visible when viewed from the north when looking to the rear of the row of Dwelling Nos. 56-61 Castleknock Park. It was the Planning Authority's view that to add any additional height, at any point of the permitted building would be detrimental to the current level of residential amenity enjoyed at this location in terms of overbearance. Therefore, the Planning Authority was not satisfied that the proposed amendments would integrate appropriately within the approved scheme and within the surrounding context by virtue of increased height and extent of the scale, bulk and mass which was not considered to be sympathetic to the volume of the approved building. I note that similar concerns have been expressed by the observers to this appeal and within the submissions by Third Parties during the application stage and it was their view that the proposed development was visually obtrusive and would have a detrimental impact on the residential amenity of the neighbouring residents by reason of visual overbearance. The observers noted that the existing building was visually obtrusive when viewed from the surrounding area and the proposed development would exacerbate this impact. Concerns had also been raised with respect to the accuracy of the photomontages submitted in support of both the application and appeal.

7.2.2. As noted, the penthouse level apartment is proposed to be sited above the southern half of the recently constructed apartment building. The existing centrally located lift and stairwell is to be extended and will provide direct access to the upper floor level apartment. The proposed 3 no. bedroom apartment has a total floor area of c. 193sq.m. and is served by a c. 159sq.m. terrace on its southern side which also wraps around its eastern and western sides. I note that the terrace serving the penthouse level will be bound by a glass balustrade. The addition of a penthouse level apartment will increase the height of the building by c. 3m from what was originally permitted on site. I note that the Castleknock Park residential estate is located to the east of the appeal site. The southern half of the apartment building is located opposite the area of public open space associated with the neighbouring residential estate. A stand of mature coniferous trees is located along the boundary of the open space area and currently acts to filter views of the development from this interface, particularly during the spring and summer months when the trees are in leaf. To the north of this public open space area are Nos. 59-61 Castleknock Park who all appear to have an abuttal with appeal site. I note that the northern half of the existing apartment building is located opposite the rear amenity space of these properties. The existing development's surface level car parking is located between the apartment building and the eastern site boundary, and the proposed penthouse level is set back by between c. 20.4m and c. 28.2m from the public open space area and the rear boundaries of the dwellings within the Castleknock Park estate respectively. I note that the penthouse level apartment has been sited within the least sensitive area of the site, whereby it has been located adjacent the commercial building to the south and the public open space area to the east. Having regard to the overall scale, height and form of the proposed penthouse level, the way in which the apartment has been set in from the lower level elevations and the separation distances provided from the rear boundaries of the properties within the Castleknock Park estate, I am fully satisfied that the additional height can be absorbed at this location and will not unduly impact the residential amenity of properties within the site's vicinity by reason of being visually overbearing. I have also inspected the site and surrounding area and have had regard to the updated photomontages that have been enclosed with the First Party appeal.

Overall, I am satisfied that the development's design has been carefully considered and maintains an appropriate transition in scale to the residential zoned lands to the east. However, it is my recommendation that a brick finish, similar to what has been utilised on the principal elevations, be provided on facades of the lift and stair rise on the upper floor level. Subject to compliance with this condition, I am satisfied that the proposed development is acceptable having regard to the residential amenity of the surrounding area.

- 7.2.3. I note that concerns have been raised with respect to the potential for undue overlooking from the proposed penthouse level and its associated terrace. As noted, the terrace serving the upper level apartment is provided on its southern side, adjacent to the existing commercial building to the south. To the east of the apartment is the area of public open space associated with the Castleknock Park residential estate. Although I note the substantial separation distances from the neighbouring properties on Castleknock Park to the north-east of the apartment, it is my view that a condition should be included which restricts access to the eastern side of the terrace, where it is located adjacent to the living room and master bedroom and plans demonstrating same shall be submitted to the Planning Authority prior to the commencement of development. Subject to compliance with this condition, I am satisfied that undue overlooking of properties within the vicinity shall not arise.
- 7.2.4. An observer has highlighted that the roof on the northern half of the building could be used as a communal space that was accessible to all residents within the development and concerns have been raised with respect to overlooking and noise related impacts. I note that a door has been shown on the penthouse level floor plan which provides access to this space. Although the floor plans identify this as a green roof, it is my view that a condition should be included which restricts access to this side of the roof of the apartment building to maintenance purposes only.
- 7.2.5. It is highlighted within an observation on file that the Applicant's decision to locate the bike/bin and janitor stores on the boundary of adjoining houses of Castleknock Park was inconsiderate, and detrimental to the enjoyment of these existing houses due to

noise, odour and vermin. It is stated that this structure could have been accommodated against the boundary adjacent the neighbouring Lidl or to the front of the development. It is noted that the location of the bin store was permitted under a previous permission on the site (i.e. FW23A/0313). No additional refuse storage is proposed at this location and the development comprises the provision of 6 no. bicycle parking spaces within the footprint of the existing structure. Give the intended use of this structure for bicycle parking, I am satisfied that the revisions to the scheme would not impact on the residential amenity of neighbouring properties and is therefore considered to be acceptable.

7.3. Other Matters

- 7.3.1. As noted above, the proposal seeks to modify the internal layout of the existing bin store to provide a cycle store which can accommodate a total of 6 no. covered and secured bicycle parking spaces. Within their assessment of the application, the Planning Authority noted that it was not clear whether the proposed cycle storage can be accommodated in the proposed area, and it was highlighted that cargo bike storage was not being proposed. I note that a condition has been recommended by the Planning Authority's Transportation Department pertaining to bicycle parking and should in my view be attached in this instance, if the Board is minded to grant permission for the proposed development.
- 7.3.2. Multiple concerns have been highlighted within the observations to the appeal regarding the eastern boundary treatment, where the site has an abuttal with the public open space area associated with Castleknock Park. It is noted by a Third Party observer that works have progressed on site without a pre-commencement condition regarding boundary treatments being satisfied. It is also highlighted that the Applicant is required to provide a concrete block wall with railings above at this location, similar to what was constructed on the neighbouring commercial development to the south. I note that there are no works proposed to the existing boundary treatments and development description relates to the construction of a penthouse level apartment and modifications to the existing bin store. Any issues relating to enforcement and compliance are an issue for the enforcement section of a Planning Authority and the

matter raised by the observers is therefore beyond the scope of this appeal and not a matter for the Board's consideration.

7.4. Appropriate Assessment

- 7.4.1. I have considered the proposed residential development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within an urban area, on 'TC' zoned lands in the village of Castleknock. The nearest designated site is the Rye Water Valley/Cartron SAC (Site Code: 001398) which is located c. 8.4km to the west of the appeal site. The proposed development comprises the construction of a penthouse apartment above a recently constructed 4 no. storey apartment building.
- 7.4.2. Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, removed from and with no direct hydrological or ecological pathway to any European site, 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.

8.0 Recommendation

- 8.1.1. Grant of permission is recommended.

9.0 Reasons and Considerations

- 9.1.1. Having regard to:
- i. The site's location on lands zoned 'TC' (Town and District Centre), and the policy objectives and provisions in the Fingal County Development Plan, 2023 - 2029 in respect of residential development,
 - ii. The nature, scale and design of the proposed development which is consistent with the provisions of the Fingal County Development Plan, 2023 - 2029 and appendices contained therein,
 - ii. The location and specific characteristics of the site and the pattern of

development in the surrounding area, including the site's partial location within the Castleknock Architectural Conservation Area,

- iii. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- iv. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2022,
- v. Urban Development and Building Height, Guidelines for Planning Authorities (2018),
- vi. Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,
- vii. To the Rebuilding Ireland Action Plan for Housing and Homelessness 2016, and,
- viii. To the submissions and observations received,

it is considered that, subject to compliance with the various conditions set out below, which includes a requirement to restrict access to the eastern side of the terrace serving the penthouse level apartment, the proposed development is of a scale, height, design, massing and form which would not adversely impact the residential amenity of existing properties within the site's vicinity and would not adversely impact or detract from the architectural character of the existing Protected Structures to the site's west and the Castleknock Architectural Conservation Area, within which the site is partially located. The proposed development is considered to accord with the relevant policies and objectives of the current Plan, notably, Policy HCAP14 and Objectives HCAO24, DMSO186 and DMSO187, is sympathetic to the site's historical setting and would comprise an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be

required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The terms and conditions of the grant of permission made under planning permission reference FW20A/0058 (ABP-307889-20) and FW21A/0189 (ABP-3112431-22) shall be complied with in full in the course of the development herein permitted, save for the changes to the plans submitted for this application.

Reason: In the interest of the proper planning and sustainable development of the area.

3. The proposed development shall be amended as follows:
 - a. A brick finish, similar to what has been utilised on the principal elevations of the apartment building, shall be provided on facades of the lift and stair rise on the upper floor level.
 - b. Access to the eastern side of the penthouse level terrace, where it is located adjacent to the living room and master bedroom shall be restricted.

Reason: In the interest of visual amenity.

4. Access to the roof on the northern side of the apartment building shall be restricted to maintenance purposes only.

Reason: In the interest of visual amenity.

5. Prior to the commencement of development, revised plans shall be submitted to the Planning Authority for written agreement, which demonstrate bicycle parking provision for the penthouse apartment in accordance with the bicycle

parking standards set out in Table 14.17 and the associated design criteria for bicycle parking provision set out in Fingal County Development Plan, 2023 – 2029.

Reason: In the interest of the proper planning and sustainable development of the area.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To prevent flooding and in the interests of sustainable drainage.

7. Site development and building works shall be carried out between the hours of 8am to 6pm Mondays to Fridays inclusive, between 9am to 2pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied

to the permission.

9. The developer shall pay to the Planning Authority a financial contribution in lieu of public open space provision, in accordance with the terms of note 5 'open space shortfall' of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the Planning Authority may facilitate. The application or indexation required by this condition shall be agreed between the Planning Authority and the developer, or in default of such agreement, the matter shall be referred to An Bord Pleanála to determine. The shortfall in public open space for the purposes of this condition is set at 0.00875 hectares.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the development contribution scheme made under section 48 of the act be applied to the permission.

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.

Enda Duignan
Planning Inspector

30th August 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319193-24		
Proposed Development Summary	Development consisting of modification to FW20A/0058 / ABP-307889-20 and F21A/0189 / ABP-3112431-22 for the construction of a penthouse apartment and all associated site works. The development will bring the total of apartments from 28 to 29 units. The proposed development will result in a modification to extant permissions.		
Development Address	Kilbride Lodge, Castleknock Road, Dublin 15, D15 PH3A		
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	Yes
		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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			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				No EIAR or Preliminary Examination required
Yes	X	500 residential units	Class 10(b)(i)	Proceed to Q.4

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

Inspector: _____

Date: 30th August 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319193-24	
Proposed Development Summary	Development consisting of modification to FW20A/0058 / ABP-307889-20 and F21A/0189 / ABP-3112431-22 for the construction of a penthouse apartment and all associated site works. The development will bring the total of apartments from 28 to 29 units. The proposed development will result in a modification to extant permissions.	
Development Address	Kilbride Lodge, Castleknock Road, Dublin 15, D15 PH3A	
The Board carries 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.		
•	Examination	Yes/No/ Uncertain
<ul style="list-style-type: none"> • Nature of the Development • Is the nature of the proposed development exceptional in the context of the existing environment? • Will the development result in the production of any significant waste, emissions or pollutants? 	The proposed development is for a residential development within the village of Castleknock which has a number of existing housing developments and is connected to public services.	<p>No</p> <p>No</p>
<ul style="list-style-type: none"> • Size of the Development • Is the size of the proposed development exceptional in the context of the 		No

<p>existing environment?</p> <ul style="list-style-type: none"> Are there significant cumulative considerations having regard to other existing and/or permitted projects? 		No
<ul style="list-style-type: none"> Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? 	<p>No designations apply to the subject site.</p> <p>The development would be connected to the public wastewater services.</p>	<p>No</p> <p>No</p>
<p>• Conclusion</p>		
<ul style="list-style-type: none"> There is no real likelihood of significant effects on the environment. EIA not required. 		

Inspector: _____

Date: 30th August 2024

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)