



An
Bord
Pleanála

Inspector's Report

ABP-319456-24

Development	Protected structure (RPS No. 1705): Demolition of existing shed and construction of 3 storey apartment building comprising of 2 apartments and all associated site works.
Location	The rear of No. 258 North Circular Road, Dublin 7
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3044/24
Applicant(s)	Grangelough Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Grangelough Limited
Observer(s)	Glen Galbraith and Martina Nash
Date of Site Inspection	08 th October 2024

Inspector

Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site is located to the rear of no. 258 North Circular Road. The boundary adjoins a mews lane to the rear of North Circular Road which links Rathdown Road with Grangegorman Upper and provides rear access to houses fronting onto North Circular Road. The site is situated approx. 12.7 m from the junction of the lane with Rathdown Road. The site contains a shed and the site measures a stated area of 100 sq.m. The lane has a stated width of approx. 3.6 m wide where it fronts the site and does not contain footpaths or verges. The site boundary fronting the lane comprises a block wall and vehicular and pedestrian entrance gates.
- 1.2. The surrounding pattern of development includes a terrace of two storey dwellings fronting North Circular Road which are protected structures. There are a number of infill developments, including immediately to the east of the appeal site where a detached infill dwelling is located in the rear of no. 260 North Circular Road and on the opposite side of Rathdown Road.

2.0 Proposed Development

- 2.1. The proposal is for demolition of the existing single storey shed and construction of a three-storey mews apartment building fronting the existing lane accessed off Rathdown Road. The shed to be demolished is a small flat roofed structure, set within the site boundary, which is stated as being non-original to the site. The proposed new building comprises a one-bedroomed apartment at ground floor level and a two-bedroomed apartment over the first and second floor levels, with provision of a private ground floor terrace to unit 1 and two balconies located at first and second floors levels to unit 2.

3.0 Planning Authority Decision

- 3.1. **Decision**
- 3.2. On 07th March 2024 the Planning Authority decided to refuse permission for one reason as follows:

Having regard to the substandard, restricted and narrow width of the existing laneway, the applicant has failed to demonstrate that the proposed development of 2 no. apartments could be safely and conveniently accessed for essential and emergency services. The development would be contrary to Section 4.3.8 of Appendix 5 of the 2022-2028 Dublin City Development Plan and would endanger public safety by reason of traffic hazard. As such, the development would therefore be contrary to the proper planning and sustainable development of the area, and would set an undesirable precedent for similar developments in the area.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The report reflects the decision to refuse permission and can be summarised as follows:

- Having regard to the planning history of the lane which includes a number of refused permissions for reasons relating to substandard laneway width the lane would not be considered to be an established mews lane.
- While the development is largely compliant with standards in Section 15.13.5 of the Development Plan, there are concerns regarding the suitability of the laneway.
- Both proposed apartments meet minimum standards as set out in the departmental guidelines in respect of floor area and room sizes. The ground floor apartment is deficient in storage.
- No daylight and sunlight assessment has been submitted for the apartments; the ground floor apartment would have limited outlook, with the bedroom window facing a wall at a distance of c. 2.9 metres, and the living room window facing a screen at a distance of 2.5 metres. Similarly, the living room and kitchen windows and one bedroom window of the duplex unit face walls or screens at a maximum distance of 2.8 metres.
- The area of communal open space retained to the main building would appear to meet the requirement for communal open space for these units.

- The building would not have undue overbearing impacts on any neighbouring property.
- There would be some additional evening overshadowing of no. 26A's side extension, which has a glazed roof. However, as noted in the development plan, some overshadowing is inevitable in an urban environment, and the private open space would not appear to be unduly affected.
- Subject to a number of conditions, including the revisions of the design to avoid projecting over the surviving historic boundary walls, the Conservation Office has no objection. This revision would slightly reduce the widths of the ground floor apartment's living room or bedroom, which are already at or close to the minimum standard (3.3 metres and 2.82 metres respectively)
- The Drainage Division recommend seeking further information, not being in favour of underground attenuation tanks as the sole storage mechanism for surface water runoff.
- The Transportation Planning Division recommend that permission is refused as the lane is substandard in width.

3.3.2. Other Technical Reports

Conservation Office: No objection subject to conditions requiring revised drawings omitting the projection of the proposed structure over the boundary walls are to be submitted. The development should be fully contained within the boundary walls and not projecting over them.

Drainage Division: Additional information required in relation to an alternative surface water runoff storage mechanism to the underground attenuation tanks proposed.

Transportation Planning: The submitted autotracking drawings show that any fire tender or refuse vehicle would overhang onto a public footpath at a section of Grangegorman Upper, and conflict with parked cars on Rathdown Road. The lane in general is too narrow to allow users of large vehicles to safely open their doors to exit the vehicle and manoeuvre around it. The drawings submitted show a proposed one-way system with contraflow cycle lane which is outside the applicant's ownership and outside their control. The proposal would give rise to the potential for poor precedent for other developments on the lane and refusal is recommended.

3.4. Prescribed Bodies

None (check)

3.5. Third Party Observations

Two third party observations were received objecting to the proposed development. The grounds of objection are similar to those raised in the observation to the appeal.

4.0 Planning History

Appeal Site:

2982/19: Permission refused for alterations to No. 258 North Circular Road for reasons relating to serious injury to the historic fabric, integrity and architectural character of the Protected Structure.

4630/22: Permission refused for demolition of single storey shed, construction of a three-storey mews building comprising two apartments with access from the existing mews lane via Rathdown Road and Grangegorman Upper. Reason for refusal: 1. Having regard to the location of the site on a narrow laneway, which is substandard in width with no verges or footpaths, it is considered that the proposed mews would be contrary to Section 16.10.16 of the Dublin City Development Plan 2016-2022 with respect to mews dwellings. Furthermore, the applicant has not demonstrated that the laneway can provide adequate access arrangements for construction vehicles, refuse vehicles, access for emergency vehicles and deliveries, and it is considered that the proposed development would endanger public safety by reason of traffic hazard. The development would therefore, by itself and by reason of the undesirable precedent it would set for other similar substandard development in the area, be contrary to the proper planning and sustainable development of the area.

3079/23: Permission refused for (i) demolition of existing single storey shed; (ii) construction of 3 storey mews apartment building comprising 2 no. apartments with access from the existing Mews Lane via Rathdown Road and Grangegorman Road Upper. Reason for refusal: 1. Having regard to the substandard, restricted and the narrow width of the existing laneway, the applicant has failed to demonstrate that the proposed development could be safely and conveniently accessed for essential and

emergency services. The proposed development would therefore be contrary to Section 4.3.8 of Appendix 5 of the current Dublin City Development Plan (2022-2028) and would endanger public safety by reason of traffic hazard. As such, the proposed development, in itself and in the precedent it would set for similar developments, including multiunit developments, along the lane, would be contrary to the proper planning and sustainable development of the area.

316482: On 01/09/2023 An Bord Pleanála confirmed the determination of the local authority to include land at 258 – 260 North Circular Road on the Residential Zoned Land Tax draft map.

0014/24: Social Housing Exemption Certificate Granted on 12/02/2024 in relation to construction of two units.

Neighbouring sites:

6149/07: Permission refused for demolition of storage structure and construction of a two-bedroomed two-storey mews house in lieu, at the rear of and within the curtilage of no. 250 North Circular Road, a protected structure, with a garage for one car space with vehicular access off the existing laneway to the rear of No. 250. The reason for refusal relates to unsatisfactory width of laneway.

4536/22: Permission refused for development to rear of No. 240 North Circular Road (a protected structure), consisting of removal of existing concrete block rear boundary wall, pillars and steel gates. Reasons for refusal relate to substandard laneway width; impact on the amenity, special architectural character and setting of the protected structure; and failure to provide sufficient private and communal open space for existing residents.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dublin City Development Plan 2022-2028 is the operative Development Plan for the area. It has regard to national and regional policies in respect of infill development within existing built-up areas.

- 5.1.2. The site is zoned Z2 Residential Conservation area zoning, which has the stated objective 'To protect and/or improve the amenities of residential conservation areas'. Residential' is a permissible use within this land use zoning. The Development Plan states that the general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- 5.1.3. In Chapter 11, Policy BHA2 states in relation to development of protected structures that it is the Policy of Dublin City Council that development will conserve and enhance protected structures and their curtilage. Policy BHA9 and Section 11.5.3 seek to protect the special interest and character of all Dublin's Conservation Areas – including within the Z2 zoning objective.
- 5.1.4. Policy BHA 14 states that it is the Policy of Dublin City Council to promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.
- 5.1.5. Section 15.13.5 sets out development standards to be considered in applications for mews housing. Relevant considerations include
- The distance between the opposing windows of mews dwellings and of the main houses shall ensure a high level of privacy is provided and potential overlooking is minimised. In such cases, innovative and high quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling.
 - Private open space shall be provided to the rear of the mews building to provide for adequate amenity space for both the original and proposed dwelling and shall be landscaped so as to provide for a quality residential environment.
 - If the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for the main house divided into multiple dwellings and for mews development.

- In relation to access, potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. Where access cannot be provided, an access and movement strategy must be provided to justify that the development can be adequately served.

- 5.1.6. Mews parking is addressed in the development plan in Appendix 5. Of relevance to the proposed development is section 4.3.8 which states that “Car free mews developments may be permitted in certain circumstances where there are specific site constraints and where alternative modes of transport are available Potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. A minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) is required. In circumstances where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated”.
- 5.1.7. No. 258 North Circular Road is included in the Record of Protected Structures, ref no. 1705.

5.2. Ministerial Guidelines

- 5.2.1. Architectural Heritage Protection – Guidelines for Planning Authorities

This guidance sets out comprehensive guidance for development affecting protected structures. It promotes the principle of minimum intervention (Para.7.7.1) and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure, whether in the long or short term (Para.7.2.2).

- 5.2.2. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines)

- SPPR 1 requires a separation distance of at least 16 metres between rear opposing windows above ground floor level. Separation distances below 16 metres may be considered where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

- SPPR 2 outlines minimum private open space standards for houses, with 50 sq.m. required for a 4+ bed house. For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (for example, sites of up to 0.25 hectares) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.
- SPPR 3 requires that in city centres car-parking provision should be minimised, substantially reduced or wholly eliminated.
- SPPR 4 relates to cycle parking and storage and states that a general minimum standard of 1 cycle storage space per bedroom should be applied.
- Section 5.3.7 deals with Daylight and states ‘The potential for poor daylight performance in a proposed development or for a material impact on neighbouring properties will generally arise in cases where the buildings are close together, where higher buildings are involved, or where there are other obstructions to daylight. Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard’.

5.2.3. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) set out national policy and standards for apartment development including recommended standards in relation to housing mix, aspect, and minimum floor areas. The guidelines provide that for urban infill schemes on sites of up to 0.25ha, certain standards may be relaxed on a case-by-case basis, subject to overall design quality.

5.3. Natural Heritage Designations

5.4. The site is located approximately 750 metres south of the Royal Canal pNHA (002103). The site is not located on any designated Natura 2000 site(s), with the nearest Natura 2000 sites, South Dublin Bay and River Tolka Estuary SPA (004024)

located approximately 3.5 kilometres east and South Dublin Bay SAC (000210) (and pNHA) located approximately 5.2 kilometres east of the site.

5.5. EIA Screening

- 5.5.1. 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

A first party appeal has been submitted and can be summarised as follows

- The Planning Authority did not assess the application on its merits, basing their decision on the precedent that might be set and resulting development of the overall laneway. The appeal site is not bound by the same constraints as neighbouring properties located further along the lane. Any precedent that would be established as a result of the subject development would relate to the mews site which benefits from close access to a principal street.
- Auto-track analysis shows how emergency vehicles and refuse trucks can safely access the subject site via the laneway.
- The site is located within 15m of the junction with Rathdown Road providing easy access to the proposed building. Bins can be wheeled to Rathdown Road for collection and the proposal can be adequately accessed by fire tender as per the provisions of Section 5.2.3 of the Building Regulations Technical Guidance Document B – Fire Safety which provides that access for fire service pump appliances should generally be provided within 45m of the principal entrance to the building.

- The proposal addresses previous reasons for refusal on the site and complies with national planning policy which supports development on underused infill sites and is consistent with the Dublin City Development Plan.
- The proposal provides for widening the laneway width to 4.4m in front of the site.
- Precedent exists whereby DCC and ABP granted permission for development with a carriageway width of between 3.3 m and 3.5 m.
- The proposal should be treated in the same regard as no. 262 North Circular Road permitted under 4682/18.
- The lane is currently used to provide vehicular access to houses and a commercial garage located along the lane.
- The non provision of car parking for the apartments means the lane will not be subjected to increased vehicular traffic as a result of the development.
- The lane could be developed with each property increasing the lane width adjacent to their site similar to the proposed development.
- The planning authority's decision has established an unfavourable precedent for other similar sites in the city.

6.2. Planning Authority Response

A response received requests that the decision of the planning authority be upheld and that if permission is granted conditions be attached requiring a section 48 development contribution, a section 49 Luas X City development contribution, a condition requiring the payment of a contribution in lieu of open space (if applicable) and a naming and numbering condition.

6.3. Observations

One observation received on behalf of Glen Galbraith and Martina Nash can be summarised as follows:

- The laneway is a shared surface measuring 3.6m wide in front of the appeal site and this is reduced further where telegraph poles and lamp standards are located on the lane.
- The proposal to set back the proposed development from the laneway to provide for a width of 4.4m in front of the development is below the minimum requirement of the development plan.
- Autotracking plans submitted show oversailing of the footpath on both Rathdown Road and Grangegorman Upper and can not be considered safe for all vehicles and pedestrians as required in the development plan.
- The Fire Strategy Appendix in the Transport Statement notes that there is no direct access to the front of the building as the laneway is too narrow to allow direct access to the site and therefore relies on fire appliance servicing the site from Rathdown Road as 'safe access and egress to the laneway is not possible'.
- The planning history of the area indicates the substandard nature of the laneway.
- At least 9 other sites on the northern side of the laneway could rely on a similar alternative solution with fire appliances servicing sites from either Rathdown Road or Grangegorman Upper resulting in increased traffic flows. The proposal would result in piecemeal development along the laneway where safe access and egress for all vehicles and pedestrians is not possible.
- The precedent referred to in the first party appeal is not comparable or relevant.
- There is inadequate capacity on Rathdown Road for concentration of additional bins.
- There are concerns in relation to the impact on daylight and sunlight to private open space and the kitchen/dining room at no. 26A Rathdown Road.
- The proposal is excessive in scale, massing and height and would have a significant visual impact when viewed from Rathdown Road.

7.0 **Assessment**

7.1. 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 inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as follows:

- Principle of Development
- Design and Layout
- Conservation Issues
- Traffic Safety
- Precedent
- Other Matters

7.2. **Principle of Development**

7.2.1. The site is zoned Z2 Residential Neighbourhoods (Conservation Areas) whereby it is the Council's objective 'to protect and/or improve the amenities of residential conservation areas' and residential use is a permissible use. The site comprises a back land site which is surrounded by residential development and is serviced. I am satisfied that residential development is acceptable in principle and I note that national, regional and local policy and Ministerial guidelines seek to consolidate and provide for compact growth in urban areas.

7.3. **Design and Layout**

7.4. The proposal provides for two own door units comprising a one bed apartment at ground level with a terrace to the rear and a two-bedroom apartment at first and second floor provided with a terrace on both floors. The proposed building is three storey with an eaves height at first floor of 5.7m and a dormer roof with a maximum height of 9.2m which is generally in line with the adjoining infill dwelling to the east at no. 26A Rathdown Road. Proposed material finishes include roman cement on the south elevation facing the mews lane and clay brick on the remaining elevations which are ochre colour and stated to be low maintenance and sympathetic to existing houses including adjoining protected structures. The roof is proposed to be

finished in a dark coloured zinc to match the tone of roof finishes of existing buildings. I consider the scale and height of development as proposed is acceptable for this site and that the material finishes are appropriate and that the development will not give rise to an unacceptable visual impact.

- 7.5. Separation distances from the rear elevation of the existing dwelling at no. 258 to the proposed rear elevation are 17.5m from the main rear elevation and 10.9m from the four storey rear return. There are no directly opposing windows located less than 16m from the existing windows in no. 258 and overlooking from private open space is avoided through the use of screen wall boundaries to the terraces. I note the concerns of the planning authority in relation to the proximity of screens to windows serving the proposed apartments and the impact of these screens on daylight. This issue would be most noticeable in bedroom 2 on the second floor with a separation distance of approx. 1.5m between the window. I note that the boundary treatment contains louvres to allow daylight to penetrate and I am satisfied that sufficient daylight will be afforded to the proposed units. Furthermore, having regard to the infill nature of the site and the overall design quality, including the provision of dual aspect units and private open space exceeding the minimum required, I am satisfied that the proposed units will provide for an adequate level of amenity for future occupants.
- 7.6. In relation to impacts on existing residential amenity, private open space in excess of 85 sq.m. will be retained for the existing dwelling at no. 258 which I consider is acceptable. The proposed building will adjoin the rear of no. 26A Rathdown Road and will be located forward of its southern elevation. I note the concerns of the observers in relation to overshadowing of their private amenity space and kitchen which are located to the south of no. 26A and to the west of the appeal site. No sunlight or daylight assessment has been submitted in relation to the proposed development. Having regard to the orientation of the appeal site to the west of 26A I consider some overshadowing is likely, however having regard to the scale of development proposed I am satisfied that the private amenity space serving no. 26A will receive in excess of two hours of sunshine on March 21st in accordance with BRE standards and I do not consider the proposal will result in an unacceptable impact on daylight serving no. 26A.

- 7.7. A schedule of accommodation included with the floor plan drawings indicates compliance with the Apartment Guidelines, with the exception of a slight shortfall of storage space for the two-bed unit. Having reviewed the drawings submitted I note that there appears to be a shortfall in storage space for both units. The planning officer in their report considered the internal layout was generally acceptable and I note that the units exceed the minimum floor areas and room sizes, the aggregate living area exceeds the minimum for both units, the proposal includes external storage for bins and bikes along with private open space which exceeds the minimum standards, and as such it would therefore be possible to provide storage to meet the minimum requirement without unduly compromising the accommodation provided. Having regard to the above I am satisfied that the proposal is acceptable in terms of internal layout.
- 7.8. The pattern of development surrounding the appeal site includes a terrace of two storey over basement houses on North Circular Road and a number of infill houses, including on the site immediately to the east at 26A Rathdown Road which contains a detached two storey dwelling and on the opposite side of Rathdown Road to the rear of no. 262 North Circular Road. I note these dwellings front onto Rathdown Road rather than on to the laneway and that the PA noted that the laneway is not an established mews laneway and that one other dwelling exists on the laneway for which no planning permission can be found and which may be constructed pre 1963. Notwithstanding that the laneway is not an established mews laneway, I consider the proposed apartments are in keeping with the pattern of development surrounding the appeal site.
- 7.9. Having regard to the above, I am satisfied with the quality of development proposed for future occupiers in terms of living accommodation, private open space provision and compliance with other development standards and consider that the proposed development would integrate well with established development that adjoins this site without detracting from the residential amenities of the area and would be in accordance with the Z2 zoning objective attached to this site.

7.10. Conservation Issues

- 7.10.1. The appeal site is located to the rear of No. 258 North Circular Road which is a Protected Structure and is included on the National Inventory of Architectural Heritage and identified of regional importance.
- 7.11. An original stone boundary wall located along the western site boundary between the appeal site and no. 256 North Circular Road is proposed to be retained. The Conservation Officer noted that the proposed structure is shown on drawings projecting over this boundary wall and considered that the development should be fully contained within the original boundary walls and not project over them. I agree with the findings of the Conservation Officer in this regard. The Conservation Officer considered this matter could be addressed by a condition requiring the submission of revised drawings omitting the projection of the proposed structure over the boundary walls and showing the interface between the proposed structure and the surviving historic boundary wall. I note the concerns of the planning officer in relation to any such potential setback reducing the width of the living room or bedroom which are currently at or close to minimum standards, I consider any setback required to facilitate the retention of the historic wall would be minimal and would not significantly impact on the internal layout. I consider the matter can be addressed by condition if the Board decides to grant permission.
- 7.12. The Conservation Officer also considered that the materiality of the proposed structure requires confirmation in advance of the works commencing and the finish to the screened entrance to the laneway is not indicated on the submitted drawings and considered this matter can be addressed by a condition requiring a 1:20 drawing of the screen/gate be provided and provision of samples of the proposed brick and render finish for approval in advance of works commencing. I agree with the recommendations of the Conservation Officer in this regard. If the Board decides to grant permission, I consider this matter can be addressed by condition.
- 7.13. Having regard to the size of the site, the distance from the existing dwelling at no. 258 North Circular Road, and to the scale and design proposed, I am satisfied that the proposal will not have a negative impact on the character and setting of the protected structures in the vicinity.

7.14. Traffic Safety

- 7.14.1. The PA reason for refusal refers to the substandard, restricted and narrow width of the existing laneway and failure to demonstrate that the proposed development could be safely and conveniently accessed for essential and emergency services which would be contrary to Section 4.3.8 of the Development Plan and would endanger public safety by reason of traffic hazard.
- 7.14.2. I note that numerous vehicle entrances are located on the laneway to the west of the appeal site serving existing dwellings on North Circular Road and a commercial car garage. The laneway has no footpaths or road markings and is unable to accommodate passing traffic. Having regard to the pattern of development on the lane and to my observations during a site inspection, the laneway does not appear to be heavily trafficked.
- 7.14.3. The proposal does not provide for car parking which I consider is acceptable and in accordance with Compact Settlement Guidelines specific planning policy SPPR 3 given its nature and scale and its locational context within a 'City - Urban Neighbourhoods' location that is highly accessible and lies proximate to local retail, services and employment centres within the area.
- 7.14.4. The Development Plan requires under Section 15.13.5.4 that: "potential news laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles". Volume 2 Appendix 5 Section 4.3.8 also highlights this stating that a "minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) is required. In circumstances where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated". Whilst the laneway width in this case is below the recommended width of 4.8m, the Development Plan provides for flexibility where the width is less than 4.8m. The laneway has a stated width of approx. 3.6m in front of the site and the proposed development provides for a setback from the lane providing an increase in width of the laneway in front of the site to 4.4m. The planning application included a Transport Statement and Tracking drawings in relation to the proposed development which demonstrates that access for refuse and emergency vehicles can be accommodated.

- 7.14.5. Notwithstanding that a slight oversail is shown on the Fire Engine Tracking and that specifications for access for emergency vehicles is a matter for the building regulations, I am satisfied that the applicant has demonstrated that the site can be accessed for emergency vehicles, either directly from the lane or from Rathdown Road located approximately 15 m to the east of the site. I am satisfied that bin collection can be facilitated from Rathdown Road as proposed by the first party and if the Board decides to grant permission that a condition should be attached in relation to a management company who would be responsible for management of bins.
- 7.14.6. I note the observers concerns that the proposed development will result in traffic safety issues for pedestrians and cyclists using the lane. Given the established use of the laneway in accommodating low levels of traffic movements, including an existing vehicular access to the appeal site which is proposed to be removed, and to the type and volume of traffic movements likely to be generated by the proposed apartments once occupied, I do not consider the proposal is likely to give rise to traffic safety issues. Whilst I note that the proposed development will require access for construction vehicles, should the Board be minded to grant permission, I consider that any outstanding details can be addressed by way of condition, including that an updated Construction Management Plan be provided for the approval of the Planning Authority which clearly details proposals on construction access.
- 7.14.7. A drawing has been submitted in relation to potential lane upgrade works to provide for a one way system on the lane. I consider such a proposal is outside the scope of this application and that the subject application should be considered on its merits.

7.15. Precedent

- 7.15.1. The appeal submission includes details of applications which are considered to demonstrate precedent for the proposed development. I note the application referred to is located on a laneway with a width below that outlined in Section 4.3.8 in Appendix 5 to the development plan. However, I consider each application should be considered on its merits and as outlined above I am satisfied that the applicant has demonstrated that the appeal site can be adequately accessed for emergency and essential services.
- 7.15.2. In relation to the concerns of the observer that the proposal will create a precedent for other developments along the lane, I consider the appeal site has demonstrated

adequate access for emergency and essential vehicles and I consider each application would be considered on its merits. As such I do not share the concerns of the observers that the proposal would create an undesirable precedent.

7.16. Other Matters

- 7.16.1. In relation to surface water drainage, the local authority Drainage Division report outlines a requirement for additional information in relation to an alternative surface water runoff storage mechanism to the underground attenuation tanks proposed, noting that only where it has been demonstrated that is not feasible to provide alternative attenuation storage measures shall the use of underground storage tanks be permitted. I am satisfied that surface water drainage requirements can be addressed by way of a condition requiring agreement of details in this regard with the planning authority prior to commencement of development.
- 7.16.2. A Social Housing Exemption Certificate was granted in relation to the proposed development by Dublin City Council on 12th February 2024. As such, in the event of a grant of permission I do not consider it appropriate to attach a condition in relation to the provision of Social Housing.

8.0 AA Screening

- 8.1. 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. 3.5 km from the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and 5.2 kilometres from the South Dublin Bay SAC (000210).

The proposed development comprises the demolition of a shed and construction of 2 no. apartments and associated ancillary works. No nature conservation concerns were raised in the planning appeal.

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 is as follows:

- The nature and scale of the proposed development and the serviced nature of the site.
- The location and distance from the nearest European site and the lack of any hydrological connectivity between the application site and the SAC/SPA.
- Taking into account the screening determination by the Planning Authority.

I consider that the development to be retained would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted for the following reasons and considerations.

10.0 Reasons and Considerations

- 10.1. Having regard to the provisions of the Dublin City Development Plan 2022-2028 including the Z2 zoning objective and to the standards for urban consolidation and the development of infill and mews development, to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, would not adversely impact on the character of the protected structure and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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.

Reason: In the interest of clarity

2. The following requirements of the Planning Authority's Conservation Section shall be fully complied with in the proposed development:
 - a) The applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority prior to the commencement of development:
 - i. Finishes to the elevations of the proposed structure are to be submitted for agreement in advance of construction commencing including the colour of the proposed render and brick.
 - ii. 1:20 drawing of the screen/gate to the screened entrance to the laneway, clarifying its finishes.
 - iii. Revised drawings omitting the projection of the proposed structure over the boundary walls are to be submitted. The development should be fully contained within the boundary walls and not projecting over them.
 - iv. Revised 1:20 details of the interface between the proposed structure and the surviving historic boundary wall are to be provided.
 - b) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.
 - c) The proposed development shall be carried out in accordance with the following:
 - i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items

to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. (iii) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the amenity, setting and curtilage of the Protected Structure at No. 258 North Circular Road and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

- 4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

- 5. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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

- 6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of

intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

7. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

8. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas].

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

An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

10. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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.

Bernadette Quinn
Planning Inspector

25th October 2024

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

An Bord Pleanála Case Reference	ABP-319456-24			
Proposed Development Summary	Protected structure (RPS No. 1705): Demolition of existing shed and construction of 3 storey apartment building comprising of 2 apartments and all associated site works.			
Development Address	The rear of No. 258 North Circular Road, Dublin 7			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(i) and (iv) of Schedule 5 Part 2		Proceed to Q.4

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

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319456-24	
Proposed Development Summary	Protected structure (RPS No. 1705): Demolition of existing shed and construction of 3 storey apartment building comprising of 2 apartments and all associated site works.	
Development Address	The rear of No. 258 North Circular Road, Dublin 7	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Proposal for residential development on land zoned Z2 residential and located in an existing urban area is not considered exceptional in the context of the existing urban environment.</p> <p>No, the proposal will be connected to the existing water supply and waste water drainage infrastructure.</p>	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The proposed development seeks permission for 2 apartments on a site measuring 100 sq.m. which is not considered exceptional in the context of the existing urban environment.</p>	No
Location of the Development	No, the site is located 3.5 km from the South Dublin Bay and	No

<p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>River Tolka Estuary SPA (site code 004024) and 5.2 kilometres from the South Dublin Bay SAC (000210). The site is approx.. 750 metres south of the Royal Canal pNHA (002103).</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance</p>	
Conclusion		
<ul style="list-style-type: none"> • There is no real likelihood of significant effects on the environment. • EIA is not required. 		

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)