



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319492-24**

### Development

#### PROTECTED STRUCTURE:

Revisions to previously granted residential development. Permission to omit the 4 storey nursing home to facilitate alterations and extension to Block B to increase in height to 6 storeys to provide 99 apartments and all associated site works.

### Location

Lands at the former Carmelite Convent of the Incarnation, Hampton, Grace Park Road and Griffith Avenue, Drumcondra, Dublin 9

### Planning Authority

Dublin City Council North

### Planning Authority Reg. Ref.

3406/23

### Applicant(s)

Grelis Limited.

### Type of Application

Permission.

### Planning Authority Decision

Refusal

### Type of Appeal

First-Party

### Appellant(s)

Grelis Ltd.

**Observer(s)**

Transport Infrastructure Ireland

**Date of Site Inspection**

19/03/2025

**Inspector**

Catherine Hanly

## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	6
3.0 Planning Authority Decision .....	7
3.2. Planning Authority Reports .....	8
3.3. Prescribed Bodies .....	11
3.4. Third Party Observations .....	11
4.0 Planning History .....	12
5.0 Policy Context .....	13
5.1. Dublin City Development Plan 2022 – 2028 .....	13
5.3. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities ( <i>Compact Settlements Guidelines</i> ) 2024 .....	17
5.4. Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2023) ( <i>Apartment Guidelines</i> ) .....	17
5.5. Urban Development and Building Height Guidelines (2020) ( <i>Building Height Guidelines</i> ) .....	18
5.6. Cycle Design Manual (2023) .....	18
5.7. Natural Heritage Designations .....	18
5.8. EIA Screening .....	19
6.0 The Appeal .....	19
6.1. Grounds of Appeal .....	19
6.2. Revised Proposal .....	23
6.3. Planning Authority Response .....	23
6.4. Observations .....	24
7.0 Assessment .....	24

8.0 AA Screening.....	52
9.0 Recommendation.....	52
10.0 Reasons and Considerations.....	52
11.0 Appendix 1 Form 1 .....	54
12.0 Appendix 2 Form 2 .....	56

## 1.0 Site Location and Description

- 1.1. The subject site is located in Drumcondra, in a residential area. Drumcondra village is located approximately 700 m to the southwest of the site.
- 1.2. The application site is located in the north-eastern corner of the Hampton residential estate, which consists of dwellings, a church and a former convent. The former convent is located to the south of the application site and is within the ownership boundary of the applicant. The former Carmelite Convent of Incarnation is a protected structure which consists of a number of buildings that make up the convent complex including a detached bungalow to the east of the main building and a church. The site is bordered by Griffith Avenue to the north and Grace Park Road to the east. Constructed houses in the Hampton estate are located to the west and southwest of the site. To the south of the site, houses are permitted to be constructed as part of the Hampton development under **ABP Ref. PL29N.246430 & Ref. 4105/15**. These houses have not been constructed.
- 1.3. Griffith Avenue is served by the N2 bus which serves between Heuston Station and Clontarf Road station. The bus stop on the N1 which is located approximately a 5 minute walk to the west of the site is served by the nos. 1 (serves between Sandymount and Santry), 16 (serves between Dublin Airport and Ballinteer), 33 (serves between Balbriggan and Lower Abbey Street), 41 (serves between Swords Manor and Lower Abbey Street), 41B (serves between Rolestown and Lower Abbey Street), 41C (serves between Swords Manor and Lower Abbey Street), 41D (serves between Swords Business Park towards Lower Abbey Street) and 44 (serves between DCU and Enniskerry) buses. The A spine route with Bus Connects will operate on Drumcondra Road, approximately 550m to the west of the site which will operate the A1 (serves between Beaumont and Knocklyon), A2 (serves between the Airport and Dundrum), A3 (serves between DCU and Tallaght) and A4 (serves between Swords and Dundrum) routes.
- 1.4. The site slopes gradually from the north to the south and measures 0.54 ha. The site contains a row of trees along the northern boundary. The northern boundary is formed by a high wall. To the north of the wall and outside the boundary of the site is a planted area with trees which is enclosed by railings with concrete pillars which abuts the public footpath along Griffith Avenue. The eastern boundary of the site

consists of a high wall. The western, southern and a portion of the eastern boundaries of the application site are currently enclosed by construction hoarding with an access provided along the western boundary and an advertised construction access on the eastern boundary off Grace Park Road. The overall Hampton estate is accessed in the southeastern corner of the Hampton estate off Grace Park Road.

## **2.0 Proposed Development**

2.1. The proposed development comprises the following:

- Revisions to the granted residential development An Bord Pleanála Ref. PL29N.246430 (Planning Authority Reg. Ref. 4105/15) as extended under Reg. Ref. 4105/15/x1.
- Permission is sought to omit the granted 4-storey 69 no. bedroom nursing home to facilitate alterations and an extension to the previously permitted Block B.
- Alterations include an increase in height of the permitted apartment Block B from 4-storeys to 6-storeys (five storey with sixth floor set back) over basement, with associated internal and external elevational and layout changes providing for a residential development comprising 99 no. apartments (41 no. one beds and 58 no. two beds) each with associated balcony, to all elevations, in lieu of the permitted 20 no. apartments (1 no. one bed, 18 no. two bed and 1 no. three bed units) and the 69 no. bedroom nursing home.
- The proposed development will include revisions to the permitted basement car park to now provide 72 no. car parking spaces (with 9 no. visitor spaces, 3 no. disabled parking spaces and 14 no. electric vehicle charging points), 3 motorbike parking spaces and 212 no. bicycle parking spaces (200 no. at basement level and 12 no. at surface level).
- Access to the basement level has been altered with vehicular access now proposed along the western boundary of Block B and pedestrian access to the northwest.

- Access to the proposed Block B is from Grace Park Road as permitted under Ref. 4105/15.
- Planning permission is also sought to move the permitted ESB substation to the north of previously approved in addition to all ancillary site, landscaping and engineering works necessary to facilitate the development.

### 3.0 Planning Authority Decision

3.1. Notification of the Decision to Refuse Permission was issued on 15<sup>th</sup> March 2024, for the following 3 no. reasons:

*“1. Having regard to the Z1 zoning objective, the form, scale and mass of the proposed development at 72 metres in length and 20 metres height, the articulation of the facades, the materiality of the development and the prevailing local height, it is considered that the proposed development is overly dominant, would create an insensitive imbalance on Griffith Avenue, failing to relate to or integrate with the existing character of the area and would harm the setting of adjacent protected structures. The development would appear visually incongruous and would have a negative visual impact on the character of the area. The development would therefore set an undesirable precedent for future development and would be contrary to the proper planning and sustainable development of the area.*

*2. Having regard to the underprovision of communal amenity to serve the development its overall poor quality in terms of fragmentation and convoluted access from residential units, it is considered that the proposal would provide a substandard level of residential amenity for future occupants of the scheme and represents over development of the site. The proposed development by itself and by the precedent it would set for other unsuitable forms of development, would seriously injure residential amenity, would be contrary to the provisions of the Dublin City Development Plan 2022-2028 and be contrary to the proper planning and sustainable development of the area.*

*3. Having regard to the proposed location of windows and balconies facing onto the ground floor underpass, the provision of 1.8 metre high balustrading around balconies which comprises opaque glazing and the location of ventilation grills from the basement car park adjoining ground floor windows and terraces, it is considered*

*that the development would provide a poor aspect for residents and would result in a substandard level of accommodation and residential amenity for future occupants and is contrary to the development standards as set out in the Dublin City Development Plan 2022-2028 to the proper planning and sustainable development of the area.”*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The initial Planner's Report dated 17<sup>th</sup> May 2023, requested Further Information (FI) in relation to 15 no. items.
- The Planner's Report following the submission of the FI Response, dated 15<sup>th</sup> March 2024 assessed the applicant's FI response.

The following provides a summary of the FI items and their assessment in the Planner's Report dated 15<sup>th</sup> March 2024:

- Item no. 1 requested details to address the clarifications requested by Transport Infrastructure Ireland in relation to pedestrian crossings, the removal of a retaining wall, revised drop-off area, taking in charge, an updated Traffic and Transport Assessment and an increase in accessible spaces and provision for car share facilities. Following the submission of FI, it was considered that any remaining issues can be addressed by way of conditions.
- Item no. 2 requested details in relation to traffic management and bicycle parking. Following the submission of FI, it was considered that any remaining concerns can be addressed by way of conditions.
- Item no. 3 requested details in relation to tree protection, landscape proposals and open space provision. Following the submission of FI, the Planner's Report notes that there are serious concerns regarding the under provision of communal open space and as such considers that the development represents overdevelopment of the site.



- Item no. 4 requested CGIs that also depict the permitted development on the site. Following the submission of FI, the Planner's Report expressed concern regarding the bulk and mass of the development on Griffith Avenue which would appear overbearing. Concerns were also stated regarding the articulation of the facades and materiality which should complement the existing surrounding built form. The Planner's Report considered that the development does not provide an appropriate transition in scale and does not respond to the local character, scale and landscape.
- Item no. 5 requested a Shadow Analysis. The analysis was considered acceptable.
- Item no. 6 requested details of mitigation measures for the units which do not meet the Daylight and Sunlight requirements. The Planner's Report notes that mitigation measures were not outlined and that the performance of sunlight is disappointing, in particular in relation to unit nos. 9 and 10 which front onto the ground floor underpass. It was considered that the development would provide a poor aspect and an unacceptable level of residential amenity for future occupants.
- Item no. 7 requested a social audit. This was considered acceptable by the Planning Authority.
- Item no. 8 requested a Childcare Assessment. The Planner's Report notes that the assessment does not take into account childcare generated by the wider Hampton development and lists the creche in the Griffith Wood development to provide spaces for the subject development.
- Item no. 9 requested details in relation to permitted internal residential amenities across the parent site. The Planner's Report notes that the open space is the primary residential amenity.
- Item nos. 10 and 11 requested a building lifecycle report, operational management statement, climate action report, community safety strategy and details of the net density and unit mix for the overall site. The Planner's Report considers that the FI response has addressed these items.

- Item no. 12 relates to the impact of the development on the Dublin Port Tunnel. The response was considered acceptable subject to conditions.
- Item no. 13 relates to the privacy of future occupants. The response from the applicant outlined how some windows are now removed to eliminate overlooking. The balconies for units perpendicular to each other have glass balustrades 1.8m in height. Screen panels are also proposed between some balconies. The Planning Authority considered that the glass balustrades, included opaque glazing would result in an unacceptable level of residential amenity for future occupants. It is not considered that the response addressed the concerns raised.
- Item no. 14 relates to the landscaping and circulation spaces. The response submitted was considered acceptable.
- Item no. 15 relates to the submission of clear plans and a Housing Quality Assessment. The response submitted was considered acceptable.
- The Planner's Report concluded that by reason of the design, bulk, scale and mass, that the proposed development would have a negative visual impact on the area. The report further stated that by reason of the under provision, poor quality in terms of fragmentation and convoluted access from the residential units, that the communal amenity space would provide poor level of residential amenity for future occupants and represents overdevelopment. It was also considered that the development would have a negative impact on the residential amenity of future occupants due to the design of windows and balconies.

### 3.2.2. Other Technical Reports

- Roads Streets & Traffic Department: Following the receipt of Further Information, the Department had no objection, subject to conditions.
- Parks Report: An updated report from Parks was not received following the submission of Further Information.
- Drainage Division: No objection, subject to conditions.
- Archaeological Division: No objection, subject to conditions.

- Conservation Office: No official report was produced. However notes were provided to the Planner who summarised them. The notes outlined the following, no pre-app occurred with the Conservation Office, the planning consultant produced the conservation assessment, the dark metal attic level is unsatisfactory and overbearing, the photomontages are difficult to interpret and examine the impact on trees and on the established scale.

### 3.3. Prescribed Bodies

#### 3.3.1. Transport Infrastructure Ireland

- No objection, subject to the inclusion of a condition in relation to the submission of a Construction Management Plan to confirm whether any piling is to be utilised in the construction. If piling is proposed, a method statement for works above the tunnel shall be submitted.

### 3.4. Third Party Observations

#### 3.4.1. Seven observations from Third-Parties were received by the Planning Authority following the lodgement of the application. The issues raised in the observations are as follows:

- Increased traffic and risks to children's play and safety
- Impact on vulnerable road users
- Lack of adequate parking
- Impact of construction work on existing residents
- Overdevelopment
- Impact on local infrastructure
- Overcrowding
- The development will be out of character with surrounding development
- Negative impact on protected structures
- Negative impact on sunlight and daylight in the surrounding area
- Preservation of community spaces

- Number of amendment planning applications
- Issues with development in Ireland
- Water services in the area
- Benefits of urban trees
- Grace Park Road Area – Implementing the Development Plan Draft document
- Drumcondra Local Area Plan
  - Permission should be refused until a local area plan has been created for the area.
- Loss of accommodation options

#### 4.0 Planning History

##### 4.1. Relevant Planning History on the Subject Site

- 4.1.1. **4277/22**: Revisions to PL29N. 246430 and ref. 4105/15 to increase the height of block A from 3 to 5 no. storeys and provide 29 no. apartments. 2022 **Grant**.
- 4.1.2. **3529/22**. Permission and retention permission for revisions to PL29N. 246430 and ref. 4105/15 to amend condition no. 16 regarding the removal of trees, to change house types, amendments to road network, housing positioning and parking, the omission of an ESB substation and retention for 2 no. entrance porches on the Protected Structure. 2022 **Grant**.
- 4.1.3. **3309/20**. Omit condition no. 25 of PL29N. 246430 and ref. 4105/15 for the omission of a right hand turning lane at the junction of Grace Park Road and Griffith Avenue. 2020 **Grant**.
- 4.1.4. **ABP PL29N.248901 & Ref. 2839/17**. Amendments to PL29N. 246430 and ref. 4105/15 to provide 1 no. additional dwelling. 2017 **Refusal**. Refused as the roadway and parking would materially contravene condition nos. 2 (a) and 2 (c).
- 4.1.5. **2814/17**. Amendments to PL29N. 246430 and ref. 4105/15 involving changes to the layout and works to the bungalow which forms part of the Protected Structure. 2017 **Grant**.

- 4.1.6. **4411/16.** Amendments to condition nos. 2 and 19 under PL29N. 246430 and ref. 4105/15 regarding removal of trees and the use of management company. 2017 **Grant.**
- 4.1.7. **4410/16.** Provision of an extension to a dwelling permitted under PL29N. 246430 and ref. 4105/15. 2017 **Grant.**
- 4.1.8. **4105/15/X1.** Extension of duration of ABP Ref. PL29N.246430 & Ref. 4105/15. 2021 **Grant.** The extension of duration was granted for a period of five years, until 4<sup>th</sup> January 2027.
- 4.1.9. **ABP Ref. PL29N.246430 & Ref. 4105/15.** Construction of 101 no. residential units and part conversion of existing Protected Structure to a residential nursing home. 2016 **Grant.**

## 5.0 **Policy Context**

### 5.1. **Dublin City Development Plan 2022 – 2028**

- 5.2. I consider that the following policy is relevant to the assessment of this application:

#### **Zoning**

- 5.2.1. The site is zoned Z1, Sustainable Residential Neighbourhoods, with the objective “*to protect, provide and improve residential amenities*”, in the Dublin City Development Plan 2022 – 2028 (*Dublin CDP*).
- 5.2.2. The Carmelite Convent of the Incarnation is located within the blue line ownership boundary of the application and is located to the south of the application site. The Carmelite Convent of the Incarnation is a Protected Structure, RPS Ref. No. 3238.
- 5.2.3. A walled area to the north of the Protected Structure and areas to the south of the Protected Structure, between the Protected Structure and the existing houses at Hamptons is zoned Z9 (amenity/ open space/ green networks) in the *Dublin CDP*.

#### **Housing**

- 5.2.4. Policy SC10 Urban Density: “*It is the policy of Dublin City Council to ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable*

*Residential Development in Urban Areas (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide and any amendment thereof.”*

- 5.2.5. Policy SC12 Housing Mix: *“It is the policy of Dublin City Council to promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provide for communities to thrive.”*
- 5.2.6. Policy QHSN6 Urban Consolidation: *“It is the policy of Dublin City Council to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.”*
- 5.2.7. Objective QHSNO4: *“It is an objective of Dublin City Council to support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.”*
- 5.2.8. Policy QHSN10 Urban Density: *“It is the policy of Dublin City Council to promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.”*
- 5.2.9. Policy QHSN48 Community and Social Audit: *“It is the policy of Dublin City Council to ensure that all residential applications comprising of 50 or more units shall include a community and social audit to assess the provision of community facilities and infrastructure within the vicinity of the site and identify whether there is a need to provide additional facilities to cater for the proposed development. Refer to Section 15.8.2 of Chapter 15: Development Standards”.*

### **Open Space**

- 5.2.10. Policy GI28 New Residential Development: *“It is the policy of Dublin City Council to ensure that in new residential developments, public open space is provided which is*

*sufficient in amenity, quantity and distribution to meet the requirements of the projected population, including play facilities for children and that it is accessible by safe secure walking and cycling routes.”*

### **Development Standards**

5.2.11. Section 15.4.2 Architectural Design Quality: *“Through the use of high quality materials and finishes and the appropriate building form, the architectural quality of development should positively contribute to the urban design and streetscape, enhancing the overall quality of the urban environment. In particular, development should respond creatively to and respect and enhance its context”.*

5.2.12. Section 15.5.1 Brownfield, Regeneration Sites and Large Scale Development: *“Dublin City Council will seek to ensure the following considerations are incorporated in proposals for large-scale, regeneration and brownfield development:*

- To analyse and review the surrounding built environment to ensure the new development is consistent with the character of the area,*
- to prioritise pedestrian and cycle movements in connection with public transport infrastructure.”*

5.2.13. Section 15.6.12 Public Open Space and Recreation: There is a 10% minimum requirement of public open space on Z1 zoned land.

5.2.14. Section 15.8.2 Community and Social Audit:

*“A community and social audit should address the following:*

- Identify the existing community and social provision in the surrounding area covering a 750m radius.*
- Assess the overall need in terms of necessity, deficiency, and opportunities to share/ enhance existing facilities based on current and proposed population projections.*
- Justify the inclusion or exclusion of a community facility as part of the proposed development having regard to the findings of the audit.”*

5.2.15. Section 15.9.18 Overlooking and Overbearance:

*“Overbearance’ in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private*

*open space service a home. In established residential developments, any significant changes to established context must be considered. Relocation or reduction in building bulk and height may be considered as measures to ameliorate overbearance. Overlooking may be overcome by a variety of design tools, such as:*

- *Building configurations (bulk and massing).*
- *Elevational design / window placement.*
- *Using oblique windows.*
- *Using architectural features.*
- *Landscape and boundary treatments.”*

### **Density and Height**

5.2.16. Appendix 3, section 3.1 – Height: *“The key factors that will determine height will be the impact on adjacent residential amenities, the proportions of the building in relation to the street, the creation of appropriate enclosure and surveillance, the provision of active ground floor uses and a legible, permeable and sustainable layout.”*

5.2.17. Appendix 3, section 3.2 – Density: Table 1 states that in the outer suburbs a net density range of 60 – 120 units per hectare will be supported.

5.2.18. Appendix 3, section 4.0 - The Compact City – How to Achieve Sustainable Height and Density: *“Outside of the canal ring, in the suburban areas of the city, in accordance with the guidelines, heights of 3 to 4 storeys will be promoted as the minimum. Greater heights will be considered on a case by case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in Table 3.”*

5.2.19. Appendix 5, section 3.0 – Cycle Parking Standards: 1 long term space per bedroom and for visitors 1 space per 2 apartments.

5.2.20. Appendix 5, section 4.0 Car Parking Standards: 1 space per dwelling is required.



5.3. **Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (*Compact Settlements Guidelines*) 2024**

- 5.3.1. Table 3.1 – Areas and Density Ranges Dublin and Cork City Suburbs. In City – Suburban/ Urban Extension areas residential densities in the range of 40 – 80 net units per hectare shall be applied in Dublin and densities up to 150 units per hectare shall be open for consideration.
- 5.3.2. Policy and Objective 5.1 – Public Open Space: Minimum of 10% open space.
- 5.3.3. SPPR 3 – Car Parking: The site is in an intermediate location where the maximum parking provision shall be 2 no. spaces per dwelling.
- 5.3.4. SPPR 4 Cycle Parking and Storage: 1 cycle storage space per bedroom should be applied.
- 5.3.5. Section 5.3.7 Daylight: The provision of acceptable levels of daylight in new residential developments in an important planning consideration.

5.4. **Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2023) (*Apartment Guidelines*)**

- 5.4.1. Specific Planning Policy Requirement (SPPR) 1 – Mix: *“Housing developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.”*
- 5.4.2. SPPR 3 – Minimum Apartment Floor Areas

Minimum Apartment Floor Areas	
1 bedroom (2 persons)	45 sq.m
2 bedroom (3 persons)	63 sq.m
2 bedroom (4 persons)	73 sq.m

- 5.4.3. SPPR 4 – Dual Aspect: *“in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme”.*

- 5.4.4. SPPR 5 – Floor to Ceiling Height: The minimum floor to ceiling height is 2.4m and 2.7m at ground floor.
- 5.4.5. SPPR 6 – Maximum Apartments per Floor per Core: “A maximum of 12 apartments per floor per core may be provided in apartment schemes”.

## 5.5. Urban Development and Building Height Guidelines (2020) (*Building Height Guidelines*)

- 5.5.1. SPPR 3: An application needs to set out how the development complies with development management criteria in relation to at the scale of the relevant city/ town, at the scale of district/ neighbourhood/ street and at the scale of the site/ building.

## 5.6. Cycle Design Manual (2023)

- 5.6.1. Section 6.3 Universal Access: 5% of cycle parking spaces should be provided for larger non-standard cycles so that they can be used by disabled people with adapted cycles and other people using tandems, child trailers, cargo bikes and tricycles.

## 5.7. Natural Heritage Designations

- 5.7.1. The following distances are noted between the site and natural heritage designations:

Site	Distance from the Subject Site
North Dublin Bay proposed Natural Heritage Area (site code 000206).	1.74 km
North Dublin Bay Special Area of Conservation (site code 000206)	4.3 km
North Bull Island Special Areas of Conservation (site code 004006)	4.3 km

North-west Irish Sea Special Protection Area (site code 004236)	7.01 km
South Dublin Bay Special Area of Conservation (site code 000210)	5.2 km
South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024)	1.85 km
Santry Demesne Proposed Natural Heritage Area (site code 000178)	2.6 km
Royal Canal Proposed Natural Heritage Area (site code 002103)	1.3 km

## 5.8. EIA Screening

- 5.8.1. See completed Forms 1 and 2 in Appendices 1 and 2.
- 5.8.2. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, I have concluded at preliminary examination stage that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A First-Party appeal has been lodged in this instance. The grounds of appeal can be summarised as follows:
- Planning Precedent
    - A number of planning applications in the surrounding area are referenced including Bonnington on Swords Road (ABP Ref. 306721 – 124 no. apartments) and Griffith Avenue in Marino (ABP Ref. 303296 – 377 no. apartments).

- The permission granted at Sybill Hill Road (ABP Ref. 246250) represents a similar context to the site.
- Permission was granted on Santry Avenue and Swords Road (Ref. 2737/19) for an apartment block of up to 7 no. storeys.
- Permission was granted under Reg. 3269/10 on Swords Road for 358 no. apartments. An amendment application was then permitted to increase the number of units.
- Planning Policy
  - The development accords with Project Ireland 2040 – National Planning Framework, objectives 3a and 3b, the Regional Spatial and Economic Strategy, Quality Housing for Sustainable Communities and Urban Development and Building Heights Guidelines for Planning Authorities.
  - The development accords with the National Development Plan 2018 – 2027.
  - The development accords with policies SC9, SC10, SC11, SC12, SC16 and QHSN8 in the *Dublin CDP*.
  - The development accords with the *Apartment Guidelines*, in relation to mix, unit size, dual aspect and communal amenity space.
- Design
  - Indicative plot ratio for the outer employment and residential area is between 1.0 – 2.5. The plot ratio proposed is 1.48.
  - The *Dublin CDP* states that indicative site coverage standards for lands within the Central Area are required to be between 60-90%. The site coverage for the proposed development is 13.6% in order to protect the existing residential amenities.
  - There will be no overlooking of private amenities.
  - The communal open spaces meet the BRE guidelines.
  - The majority of rooms tested show compliance with the BRE guidelines.
- Height

- The site has capacity for increased building height due to the separation distances between the development and existing residential units.
  - It is demonstrated that the site will not negatively impact on visual amenity and daylight access.
  - The pattern of development in the immediate and wider area supports increased heights and density.
- Parking
    - The site is served by 65 no. parking spaces.
    - There are a number of Go-Car bases in proximity to the site.
    - The site will provide 212 no. bicycle parking spaces, 162 no. spaces which will be for residents and 50 no. spaces will be for visitors. This is above the minimum requirement of 157 no. spaces for residents and 50 no. spaces for visitors.
- Response to Refusal Reason No. 1
    - The development is compliant with the Z1 zoning objective for the site. Sufficient separation distances are provided to ensure the protection of daylight access.
    - Setbacks at the fifth-floor on the eastern, western and southern elevations reduce the mass of the structure and provide a transition in height.
    - The height is suitable for the site which is in an accessible location.
    - The Further Information request did examine the height of the development. The Planner's Report stated that the height was considered to be similar to prevailing heights in the vicinity, including that approved at Griffith Wood and was considered acceptable.
    - Mature trees are retained along Griffith Avenue, which will screen the development.
    - The site is located less than 500 m from a number of bus routes and as such the site is suitable for increased building height in accordance with the *Dublin CDP*.

- The Urban Development and Building Height Guidelines (*Building Height Guidelines*) support increased heights in urban areas.
- Compact growth is supported through the *Compact Settlement Guidelines*. The development complies with these guidelines through the design, location, unit mix and open space design.
- The development will deliver a density of 51.5 units per hectare. Appendix 3 of the Development Plan states that a density between 60-120 units per hectare is acceptable.
- The site will be served by the A Spine under the Bus Connects revised network plan. The A Spine route is less than 500 m to the west of the site. The site will also be served by the N2 along Griffith Avenue. The site is therefore suitable for an increased density and height.
- Response to Refusal Reason No. 2
  - Within the site, 909 sq.m of communal open space and 1,262 sq.m of public open space are provided. A further 9,576 sq.m of public open space is also provided in the wider Hampton site.
  - The *Apartment Guidelines* requires 606 sq.m of communal open space. There is therefore a sufficient provision of communal open space.
- Response to Refusal Reason No. 3
  - Unit nos. 9 and 10 face out onto the underpass. The Daylight and Sunlight Assessment identifies that these units achieve the minimum room specific daylight provisions. This design complies with the Development Plan guidance.
  - Opaque glazing was proposed at unit nos. 27, 28, 45, 46, 63, 81 and 82 to allow for an increased density on the site.
  - Item no. 13 in the Further Information request related to privacy. The Planner's Report noted that the privacy of future occupants can be maximised within the scheme.
  - Further Information was never requested to require revisions to the location of ventilation adjoining ground floor windows and terraces. A

revised design has been now submitted to the Board which includes revisions to the locations of basement ventilation.

- Environment
  - Appropriate Assessment and Natura Impact Assessment Screening is not required.
  - An Environmental Impact Assessment is not required.

## **6.2. Revised Proposal**

- 6.2.1. In the grounds of appeal, the First-Party has requested that the Board consider the development as submitted to the Planning Authority. However, if the Board has concerns regarding the development, a revised proposal has been submitted. The amended scheme omits the underpass and breaks the building into 2 no. separate blocks. The mix is amended from 41 no. one beds and 58 no. two beds to 48 no. one beds and 51 no. two beds. The First-Party states that the revised design reduces the mass of the development. There is a separation distance of 10 m between the 2 no. blocks and as such opaque glazing is proposed on 5 no. units along the eastern elevation of the western block to mitigate overlooking to the east.

## **6.3. Planning Authority Response**

- 6.3.1. The Planning Authority's response to the grounds of appeal can be summarised as follows:
- The Planning Authority request that the Bord uphold their decision to refuse permission.
  - The Planning Authority request that if permission is granted that the following conditions are applied: a section 48 development contribution condition, a condition requiring the payment of a bond, a naming and numbering condition and a management company condition.
- 6.3.2. Please note that the Planning Authority did not comment on the revised proposal submitted by the appellant.

## 6.4. Observations

6.4.1. An observation was received from Transport Infrastructure Ireland (TII). The key points raised in the observation are as follows:

- The development is located over the Dublin Tunnel.
- In the event that An Bord Pleanála consider granting planning permission, TII recommend including a condition requiring the submission of a Construction Management Plan, prior to the commencement of development. If piling is proposed to be used, a method statement for works above the tunnel shall be submitted.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, including the reports of the planning authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Height, Design & Density
- Compliance with Standards
- Impact on Amenities
- Open Space
- Parking & Access
- Other Matters

7.2. Each of these issues are addressed in turn below.

### 7.3. Principle of Development

7.3.1. The proposed development is located on land zoned Z1 – Sustainable Residential Neighbourhoods. Land zoned Z1 has the objective “*to protect, provide and improve*



*residential amenities*” in the *Dublin CDP*. Residential development is permissible on land zoned Z1.

- 7.3.2. Some of the land to the south of the site, which is in the ownership of the applicant is also zoned Z1. Two areas of land within the ownership of the applicant, which are located to the north and south of the Carmelite Convent of the Incarnation are zoned Z9 – Amenity, Open Space Lands/ Green Network. The Z9 land has the objective “*to preserve, provide and improve recreational amenity, open space and ecosystem services*” in the *Dublin CDP*.
- 7.3.3. Generally, the principle of constructing apartments on the site is acceptable under the zoning objective for the site. However, the site occupies a focal position at the junction of Grace Park Road and Griffith Avenue, within the Hampton residential estate. Therefore, the impact of the development on the amenities of adjacent properties and the streetscape must be considered. As such, there are a number of other considerations which must be examined, and these are addressed in subsequent sections below.
- 7.3.4. Furthermore, the development proposes to omit the permitted four storey, 69 no. bedroom nursing home from the north-eastern corner of the site. The permitted apartment block, known as block B, which is located in the north-western corner of the site is proposed to be increased in height from 4 to 6 no. storeys and the number of apartments is proposed to be increased from 20 to 99 in place of the nursing home. Given the historical institutional use of the site, I consider that the provision of a nursing home is an appropriate use in the evolution of the site. I note policy SC12 in the *Dublin CDP*, which promotes a variety of accommodation options to help create a distinctive sense of place in an area and to enable communities to thrive. Section 5.3 of the *Dublin CDP* further highlights the challenges facing neighbourhoods, particularly given that Dublin City has an ageing population. As such, I consider the omission of the nursing home to be a significant loss to the Hampton community and wider area. This is a new issue and the Board may wish to seek the views of the parties.

#### **7.4. Height, Design & Density**

- 7.4.1. The first reason for refusal which issued from the planning authority stated that having regard to the Z1 zoning objective, the form, scale and mass of the proposed

development at 72 metres in length and 20 metres height, the articulation of the facades, the materiality of the development and the prevailing local height, it was considered that the proposed development is overly dominant, would create an insensitive imbalance on Griffith Avenue, failing to relate to or integrate with the existing character of the area and would harm the setting of adjacent protected structures. The development would appear visually incongruous and would have a negative visual impact on the character of the area. The development would therefore set an undesirable precedent for future development and would be contrary to the proper planning and sustainable development of the area.

- 7.4.2. The First-Party refutes this reason for refusal and states that the proposed development is considered compliant with the zoning objective as the proposal has been designed to ensure that sufficient separation distances are provided to ensure the protection of existing residential amenity inclusive of daylight access. The First-Party states that the setbacks at fifth-floor level on the eastern, western, and southern elevations reduce the perceived mass of the structure. As such, the First-Party considers that the development protects residential amenity.
- 7.4.3. The First-Party also states that the height is considered suitable given the location of the site. The First-Party highlights that the Further Information request did not seek alterations to the height, scale or massing of the development. An overshadowing analysis identified that the dwellings to the west of the site would not be overshadowed. The First-Party states that the development is similar in height to the development approved at Griffith Wood and that the retention of trees along the northern boundary of the site will screen the development.
- 7.4.4. The First-Party considers that the development is compliant with the Compact Settlement Guidelines. The First-Party considers the site to be located in the City – Suburban/ Urban Extension as defined in Table 3.1 which allow densities in the range of 40 – 80 dph and up to 150 dph shall be open for consideration. The proposed development has a density of 51.5 units per hectare.
- 7.4.5. I note the contents of the observations submitted to the Planning Authority, which raise concerns regarding overdevelopment, impact on residential amenities and consider the development to be out of character with the surrounding area.

#### Compact Settlement Guidelines

7.4.6. I have examined all of the documentation before me in this regard and I have visited the site and its environs. I have also had regard to the *Compact Settlement Guidelines* which identifies areas and density ranges for Dublin and the suburbs in table 3.1. In this instance the site is located in the 'City – Suburban/ Urban Extension' area where densities in the range of 40 - 80 units per hectare (uph) will be applied and densities of up to 150 uph will be open for consideration at accessible suburban/ urban extension locations. The development is proposed at a density of 51.5 units per hectare and therefore accords with the density range for city – suburban/ urban extension areas in the *Compact Settlement Guidelines*.

Appendix 3 of the *Dublin CDP*

7.4.7. I have also had regard to the *Dublin CDP*. Appendix 3 of the *Dublin CDP* sets out guidance regarding density and building height in the city. Appendix 3 identifies key locations which are suitable for increased height. The location applicable for the subject site is the outer city (suburbs) where heights of 3 to 4 storeys will be promoted as a minimum. The *Dublin CDP* further states that “*greater heights will be considered on a case by case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in table 3*”.

7.4.8. Table 1 in Appendix 3 identifies density ranges for different locations. The subject site is located in the outer suburbs where a density range of 60 – 120 units per hectare will be supported. As noted above, the development is proposed at a density of 51.5 units per hectare which is below the density range for outer suburbs.

7.4.9. Appendix 3 in the *Dublin CDP* states that where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in table 3 shall apply. The development comprises the construction of 1 no. block which ranges in height between 5 and 6 no. storeys over a basement car park, at a density of 51.5 units per hectare.

7.4.10. The First-Party has included examples of planning precedents for development of similar scale and massing which include Bonnington on Swords Road, Sybil Road in Raheny, Santry Avenue and Swords Road in Santry, Swords Road in Whitehall and Griffith Wood. The character of the immediate surroundings of the development consists of residential and institutional uses with two and three storey dwellings,

buildings between 3 - 5 no. storeys in height and low-density housing estates. Whilst I note the proximity of the Griffith Wood development to the north of the site, several of the other planning precedent examples referenced by the First-Party are not located in the immediate vicinity of the site. Noting the height and low density of the surrounding area, I consider the proposed development to comprise buildings and a density which is higher and denser than the prevailing context. I therefore consider that an assessment against the performance criteria in table 3 is required.

7.4.11. The following table examines the performance criteria in table 3, appendix 3 from the *Dublin CDP* against the proposed development:

Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale	My Analysis
To promote development with a sense of place and character	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints,</li> <li>• have a positive impact on the local community and environment and contribute to 'healthy placemaking',</li> <li>• create a distinctive design and add to and enhance the quality design of the area,</li> <li>• be appropriately located in highly accessible places of greater activity and land use intensity,</li> <li>• have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/adjacent development in an established area,</li> </ul>	<ul style="list-style-type: none"> <li>• The immediate surroundings of the site to the west consists of permitted 3 no. storey dwellings. Three storey dwellings are also permitted to the south of the site and these are yet to be constructed. I consider that the massing of the block at a length of 72.4 m which is set back a minimum of 13 m from the future houses to the south, fails to respect the local context. I therefore consider that the development would fail to make a positive impact on the environment and would not enhance the quality of the area.</li> </ul>

	<ul style="list-style-type: none"> <li>• not be monolithic and should have a well-considered design response that avoids long slab blocks,</li> <li>• ensure that set back floors are appropriately scaled and designed.</li> </ul>	
To provide appropriate legibility	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• make a positive contribution to legibility in an area in a cohesive manner,</li> <li>• reflect and reinforce the role and function of streets and places and enhance permeability.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed pedestrian and cycle lane on a north south axis aims to provide connectivity to Griffith Avenue and provides key permeability between the site and the wider area. The enclosure of this connection within the building through an opening at ground floor is not considered to be an appropriate design response. The route is not considered to be legible and will not enhance permeability.</li> </ul>
To provide appropriate continuity and enclosure of	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• enhance the urban design context for public spaces and key thoroughfares,</li> </ul>	<ul style="list-style-type: none"> <li>• The design of the pedestrian and cycle lane through a tunnel at the ground floor is not considered to enhance the urban design of the area.</li> </ul>

streets and spaces	<ul style="list-style-type: none"> <li>• provide appropriate level of enclosure to streets and spaces,</li> <li>• not produce canyons of excessive scale and overbearing of streets and spaces,</li> <li>• generally be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3,</li> <li>• provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street-level activity, animation and visual interest</li> </ul>	<ul style="list-style-type: none"> <li>• The length of the building at 72.4m is considered to be overbearing on the street to the south.</li> <li>• The scheme will provide adequate passive surveillance.</li> </ul>
To provide well connected, high quality and active public and communal spaces	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• integrate into and enhance the public realm and prioritises pedestrians, cyclists and public transport,</li> <li>• be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and communal spaces, particularly to residential courtyards,</li> </ul>	<ul style="list-style-type: none"> <li>• I do not consider the design of the pedestrian and cycle lane through a tunnel at the ground floor to be an attractive route. I do not consider the design of the pedestrian and cycle lane to enhance the public realm and it does not prioritise the movement of pedestrians and cyclists. I do</li> </ul>

	<ul style="list-style-type: none"> <li>• ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other activities – see Appendix 16,</li> <li>• ensure the use of the perimeter block is not compromised and that it utilised as an important typology that can include courtyards for residential development,</li> <li>• ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated,</li> <li>• provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability</li> </ul>	<p>not consider the design to create a safe environment which is people friendly.</p> <ul style="list-style-type: none"> <li>• Given the length of the block at 72.4m and the height of the building between 5 and 6 no. stories, I do not consider that the development is appropriate scaled for the site.</li> <li>• The Daylight and Sunlight Assessment states that the communal amenity space will achieve 2 hours of sunlight on the 21<sup>st</sup> March in excess of 50% of the area.</li> <li>• A Wind Impact Assessment has not been submitted. However noting the layout proposed, the existing and proposed vegetation and the row of terraced houses to the south, I do not consider that wind impact would be a major issue on this site.</li> </ul>
To provide high quality, attractive and	Enhanced density and scale should:	<ul style="list-style-type: none"> <li>• The design of the ground floor balconies at unit nos. 9, 8, 7 and 6 are considered to be poorly designed as they are set back a</li> </ul>



<p>useable private spaces</p>	<ul style="list-style-type: none"> <li>• not compromise the provision of high quality private outdoor space,</li> <li>• ensure that private space is usable, safe, accessible and inviting,</li> <li>• ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16,</li> <li>• assess the microclimatic effects to mitigate and avoid negative impacts,</li> <li>• retain reasonable levels of overlooking and privacy in residential and mixed use development.</li> </ul>	<p>minimum of 1 m from the pedestrian and cycle lane traversing through the site.</p> <p>Whilst this design provides passive surveillance, I consider that the privacy of the private amenity space of these units is negatively impacted. Limited space has been allocated for planting in this location which could offer some privacy to the ground floor units.</p> <ul style="list-style-type: none"> <li>• Given the separation distance of 8 m between the balcony at no. 9 and apartment no. 10 and taking into account its positioning under apartment no. 27 at the first floor level, I consider that the balcony for no. 9 would have a poor outlook.</li> <li>• The Daylight and Sunlight Assessment states that 80.8% of the units meet the minimum recommended 1.5 direct sunlight hours which is in line with the BRE</li> </ul>
-------------------------------	--	--

		Guideline example. I consider that this is acceptable.
To promote mix of use and diversity of activities	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• promote the delivery of mixed-use development including housing, commercial and employment development as well as social and community infrastructure,</li> <li>• contribute positively to the formation of a 'sustainable urban neighbourhood',</li> <li>• include a mix of building and dwelling typologies in the neighbourhood,</li> <li>• provide for residential development, with a range of housing typologies suited to different stages of the life cycle.</li> </ul>	<ul style="list-style-type: none"> <li>• The development would deliver a mix of 41 no. one beds and 58 no. two beds within the Hampton estate which contains a mixture of houses and apartments.</li> </ul>
To ensure high quality and environmentally sustainable buildings	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise and views to minimise</li> </ul>	<ul style="list-style-type: none"> <li>• The Daylight and Sunlight Assessment states that 80.8% of the units meet the minimum recommended 1.5 direct sunlight hours which is in line with the BRE</li> </ul>

	<p>overshadowing and loss of light – see Appendix 16,</p> <ul style="list-style-type: none"> <li>• not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain,</li> <li>• ensure a degree of physical building adaptability as well as internal flexibility in design and layout,</li> <li>• ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive,</li> <li>• maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage,</li> <li>• be constructed of the highest quality materials and robust construction methodologies,</li> <li>• incorporate appropriate sustainable technologies, be energy efficient and climate resilient,</li> </ul>	<p>Guideline example. I consider that this is acceptable.</p> <ul style="list-style-type: none"> <li>• I have concerns regarding the privacy of the private amenity space serving the ground floor units at unit nos. 6, 7, 8 and 9.</li> <li>• In response to the Further Information request the applicant proposed to install glass balustrades 1.8 m in height which would contain clear glass for the first 800 mm and then 1 m of opaque glass to prevent overlooking between perpendicular balconies. I consider this to be a poor design response which would provide poor quality amenity space for future residents.</li> <li>• Noting the location of the development in the context of the existing and permitted houses in the Hampton estate and the results of the Daylight and Sunlight Assessment, I am satisfied that any</li> </ul>
--	---	--

	<ul style="list-style-type: none"> <li>• apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. In exceptional circumstances compensatory design solutions may be allowed for where the meeting of sun lighting and daylighting requirements is not possible in the context of a particular site (See Appendix 16),</li> <li>• incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature based SUDS solutions are in place – see Appendix 13,</li> <li>• include a flood risk assessment – see SFRA Volume 7.</li> <li>• include an assessment of embodied energy impacts – see Section 15.7.1</li> </ul>	<p>impacts on the daylight received by the surrounding dwellings would be minimal.</p> <ul style="list-style-type: none"> <li>• The Climate and Energy Impact Report identifies that the development would be constructed to high building standards and would provide a sustainable and energy efficient properties for the occupants.</li> <li>• The development proposes to incorporate a green roof, swales, permeable paving, petrol interceptor, blue roof modular storage, tree pits and controlled runoff rates.</li> <li>• A flood risk assessment was submitted which identifies that the site has a low probability of experiencing a flood.</li> </ul>
To secure sustainable density, intensity at	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>• be at locations of higher accessibility well served by public transport with high capacity frequent</li> </ul>	<ul style="list-style-type: none"> <li>• The site is located in close proximity to a number of bus stops which connect the site to the wider area. Griffith Avenue is served by the N2 bus which serves between Heuston Station and Clontarf Road station.</li> </ul>

locations of high accessibility	<p>service with good links to other modes of public transport,</p> <ul style="list-style-type: none"> <li>• look to optimise their development footprint; accommodating access, servicing and parking in the most efficient ways possible integrated into the design.</li> </ul>	<p>The bus stop on the N1 which is located approximately a 5 minute walk to the west of the site is served by the nos. 1 (serves between Sandymount and Santry), 16 (serves between Dublin Airport and Ballinteer), 33 (serves between Balbriggan and Lower Abbey Street), 41 (serves between Swords Manor and Lower Abbey Street), 41B (serves between Rolestown and Lower Abbey Street), 41C (serves between Swords Manor and Lower Abbey Street), 41D (serves between Swords Business Park towards Lower Abbey Street) and 44 (serves between DCU and Enniskerry) buses.</p> <ul style="list-style-type: none"> <li>• A set down area is proposed at surface level and all car parking and car sharing spaces are located in the basement.</li> </ul>
To protect historic environments	Enhanced density and scale should:	<ul style="list-style-type: none"> <li>• The former Carmelite Convent of Incarnation is a protected structure and is</li> </ul>

from insensitive development	<ul style="list-style-type: none"> <li>not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments – see section 6 below.</li> <li>be accompanied by a detailed assessment to establish the sensitivities of the existing environment and its capacity to absorb the extent of development proposed,</li> <li>assess potential impacts on key views and vistas related to the historic environment.</li> </ul>	located to the south of the site within the wider Hampton estate. Having regard to the height and design of the development in addition to the distance to the protected structure, I do not consider that the development would have an adverse impact on the character of the historic environment. This is shown in the views nos. 3, 4 and 5 of the Verified Photomontages.
To ensure appropriate management and maintenance	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> <li>Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc.</li> </ul>	<ul style="list-style-type: none"> <li>An Operational Management Statement has been submitted. Having regard to the contents of the Statement which include management of resident amenities, resident support services, fire, health and safety strategy, building operational strategy and planned and preventative maintenance, I consider the Statement to be acceptable.</li> </ul>

Conclusion of Analysis on the Performance Criteria in Table 3, Appendix 3 from the  
*Dublin CDP*

- 7.4.12. To conclude, I consider that the proposed development does not accord with the performance criteria set out in table 3 in Appendix 3 of the *Dublin CDP*. I am not satisfied that the development has justified the increased height, density and scale of development proposed. I consider that given the scale and mass of the block at 72 m in length and 20 m in height, which is set back a minimum of 13 m from the future houses to the south, would have a negative visual impact on the permitted houses to the south. As such, I consider that the development does not promote development with a sense of place and character.
- 7.4.13. In addition, I note the safety concerns from the observations regarding the tunnel like design for the pedestrian and cycle lane. From an examination of the design, I consider that the path does not provide an attractive route for a pedestrian or cyclist. I therefore consider that the enclosure of the pedestrian and cycle lane which provides connectivity to Griffith Avenue would negatively impact the legibility of the area, does not appropriately enclose the streetscape and would not enhance permeability of the area. I therefore consider that the development does not accord with section 15.5.1 of the *Dublin CDP* which seeks to ensure that pedestrian and cycle movements are prioritised on regeneration sites.
- 7.4.14. I also have concerns regarding the design of the private amenity areas serving units nos. 6. 7. 8 and 9. These private amenity areas are located a minimum of 1 m back from the pedestrian and cycle lane which traverses the development and provides connectivity from the wider Hampton development to Griffith Avenue. The minimal setback, whilst providing passive surveillance, allows for a limited area of planting which will not offer any privacy to these private amenity areas. Furthermore, I consider the installation of opaque glazing in a number of balconies to prevent overlooking between perpendicular balconies to be a poor design response which would provide poor quality private amenity space for future residents. Having regard to my concerns listed above, I consider that the development constitutes overdevelopment of the site, which has been poorly designed to respond to the existing context.

### Building Height Guidelines

- 7.4.15. The *Building Height Guidelines* under section 3.2, sets out criteria which An Bord Pleanála should be satisfied that the development adheres to. The criteria are divided into 3 no. categories in relation to the development at the scale of the relevant city/ town, at the scale of the district/ neighbourhood/ street and at the scale of the site/ building.
- 7.4.16. With regards to development at the scale of the relevant city/ town, I consider that the site is well served by public transport. However, as noted above in my assessment against table 3, I do not consider that the development enhances the character and public realm of the area.
- 7.4.17. In relation to the development at the scale of district/ neighbourhood/ street, I have concerns regarding the length of the block, which coupled with the separation distances is considered to overbear the surrounding area. Furthermore, the enclosure of the pedestrian and cycle lane through the building will negatively impact legibility. Whilst the revised proposal does alleviate these concerns, I consider that the articulation of the building façade and minimal setbacks from the pedestrian and cycle route, fail to appropriately respond to the pedestrian and cycle route.
- 7.4.18. With regards to the scale of the site/ building, I consider the massing of the block to be overly dominant. Whilst, the revised proposal improves the massing of the block, views from private amenity spaces are restricted due to the placement of opaque glazing which I consider to be a poor design response.

### Height, Design and Density Conclusion

- 7.4.19. As set out above, I consider that the proposed development does not accord with the performance criteria set out in table 3 in Appendix 3 of the *Dublin CDP* and the development management criteria in the *Building Height Guidelines*. As such, I am not satisfied that the development has justified the increased height, density and scale of development proposed. I therefore recommend that the application is refused on the basis of failing to integrate with the existing character of the area, the poor building design and the negative visual impact it would have on the character of the area. I recommend that it is also refused on the basis of providing a substandard level of accommodation and residential amenity for future residents.



#### 7.4.20. Revised Proposal

7.4.21. The revised proposal breaks the apartment block into 2 no. blocks, resulting in the eastern block measuring a length of 42.2 m. There is a 10 m separation distance between the 2 no. blocks. I consider that the revised proposal significantly improves the massing and scale of the development and ultimately addresses my concerns regarding overbearing and negative visual impacts on the immediate area.

7.4.22. In the revised proposal, the pedestrian and cycle lane are no longer enclosed within the apartment block. I consider that this approach improves the legibility of the site and the attractiveness of the route, which in turn will enhance the permeability between the site and the wider area.

7.4.23. However, I still have significant concerns regarding the design of the development which ultimately does not support the height and density proposed. In particular, the separation distance between the 2 no. blocks and limited landscaping area will not allow for sufficient landscaping design to protect the privacy of the ground floor balconies at nos. 6. 7. 8 and 9.

7.4.24. Furthermore, I have concerns regarding the quality of the building design, in relation to the articulation of the eastern façade of the western block. This location is a key thoroughfare through the site providing connectivity to Griffith Avenue. There is no modulation along the eastern façade and the placement of balconies in combination with the balcony design has resulted in continuous rows of balconies with no relief. This coupled with reliance on opaque glazing to minimise overlooking between the 2 no. apartment blocks exemplifies the poor-quality design and overdevelopment of the site.

7.4.25. I consider that the following items are required to be amended in the revised proposal:

- Re-design of the eastern side of the western block is required in order to re-position balconies and windows to avoid directly opposing windows,
- Amend the balcony design,
- Examine the modulation and material design,
- Provide an increased separation distance between the apartment blocks,

- Provide landscaping treatment for ground floor balconies to provide privacy and reduce the impact from the vents serving the basement carpark.

7.4.26. Whilst I have considered if this can be addressed by condition, I am not satisfied that it would be an appropriate solution in this instance. I consider that the changes required, including moving the positioning of the buildings, are too significant and would have material consequences on the assessments which support the application, for example the Daylight and Sunlight Assessment, Verified Photomontages and the Dublin Port Tunnel Impact Assessment. Furthermore, I consider the changes submitted in the revised proposal to be materially different to the application submitted to the Planning Authority. Notwithstanding my concerns set out above, if the Board is considering granting the application with these revised proposals, I consider that the applicant would need to publish notices to invite submissions from the public.

## 7.5. Compliance with Standards

### Private Open Space, Storage and Floor Areas

7.5.1. I note the minimum requirements for private open space, storage and floor areas for one and two bedroom apartments as set out in the *Apartment Guidelines*. I have examined the proposed drawings, and I am satisfied that they comply with the minimum requirements and SPPR 3 in the *Apartment Guidelines* in relation to minimum floor areas.

7.5.2. Furthermore, I note that the majority of the apartments in both the proposed development and the revised proposal submitted to An Bord Pleanála, exceed the minimum floor area standard by a minimum of 10% in accordance with section 3.8 in the *Apartment Guidelines*.

### Mix

7.5.3. SPPR 1 in the *Apartment Guidelines* states that developments may include up to 50% one bedroom or studio type units. The development proposes to provide 41% one bedroom units. The revised proposal seeks to provide 48% one bedroom units. Having regard to the proposed mix (including that submitted in the revised proposal), I am satisfied that the development complies with SPPR1.

- 7.5.4. I note that no more than 4% of the unit mix in both the proposed development and the revised proposal account for two bedroom three person apartments. This is therefore in accordance with the *Apartment Guidelines*.

#### Dual Aspect

- 7.5.5. SPPR 4 in the *Apartment Guidelines* requires that in suburban locations a minimum of 50% of the units shall be dual aspect. I have examined the proposed drawings and I am satisfied that both the proposed development and the revised proposal comply with SPPR 4.

#### Floor to Ceiling Height

- 7.5.6. SPPR 5 in the *Apartment Guidelines* requires that the ground level apartment floor to ceiling heights shall be a minimum of 2.7m. I have examined the proposed drawings and I am satisfied that both the proposed development and the revised proposal comply with SPPR 5.

#### Maximum Apartments per Floor per Core

- 7.5.7. SPPR 6 in the *Apartment Guidelines* states that a maximum of 12 apartments per floor per core may be provided in apartment schemes. I have examined the proposed drawings and I am satisfied that both the proposed development and the revised proposal comply with SPPR 6.

### **7.6. Impact on Amenities**

- 7.6.1. In the third reason for refusal, the Planning Authority state that having regard to the proposed location of windows and balconies facing onto the ground floor underpass, the provision of a 1.8 m high balustrading around balconies, which comprises opaque glazing and the location of ventilation grills from the basement car park adjoining ground floor windows and terraces, it is considered that the development would provide a poor aspect for residents and would result in a substandard level of accommodation and residential amenity for future occupants. The reason for refusal states that as such, it is considered that the development is contrary to the development standards as set out in the Dublin City Development Plan 2022-2028 and to the proper planning and sustainable development of the area.
- 7.6.2. The First-Party states that unit nos. 9 and 10, which adjoin the underpass achieve the minimum room specific daylight provisions and that the location of windows

facing onto the ground floor underpass has no negative impact on the residential amenity for future occupants.

- 7.6.3. The First-Party further outlines that the provision of 1 m of opaque glazing at 0.8 m from the finished floor level at units nos. 27, 28, 45, 46, 63, 64, 81 and 82 and the provision of opaque glazing to the western elevations of balcony areas of unit nos. 29, 47, 65 and 83 is a minimal intervention to allow for increased density on the site.
- 7.6.4. From an examination of the drawings, I am satisfied that the provision of opaque glazing to the western elevations of balcony areas of unit nos. 29, 47, 65 and 83 is acceptable as future occupants will continue to have an outlook to the north.
- 7.6.5. In relation to unit nos. 9 and 10 on the ground floor which adjoin the underpass, I have serious concerns regarding the proposed design. As noted above in my assessment on the height, design and density, the pedestrian and cycle lane which is proposed to traverse the site, provides key connectivity between the wider Hampton estate and Griffith Avenue. The minimal separation distance of 10 m between the facades, which is 8 m when taking into account the balcony at no. 9 is considered insufficient to allow for appropriate landscaping and set back in order to protect the privacy of future occupants. The outlook for no. 9 is particularly poor given that it is located next to a vent, is located at the underpass, overlooks bicycle parking and is 10 m from an opposing wall.

#### Revised Proposal

- 7.6.6. In the revised proposal, the underpass design is removed as the development is divided into 2 no. blocks. Having examined the drawings, I consider that the revised proposal has many benefits including improving the sense of enclosure between unit nos. 9 and 10 and removing the need for opaque glazing between balconies which are perpendicular to each other on the southern facade. However, I am still not satisfied that the development would provide a suitable standard of residential amenity for future occupants. As noted above in my assessment on the height, design and density, the development continues to rely on the provision of opaque glazing in the balconies and windows on the eastern elevation of the western block to prevent overlooking to the block to the east which is located 10 m away. I am not satisfied that this is an appropriate solution. I agree with the Planning Authority that

the development would provide a poor aspect for residents and would result in a substandard level of accommodation and residential amenity for future occupants.

#### Sunlight and Daylight

- 7.6.7. The Daylight and Sunlight Assessment identifies that 100% of the living, dining, kitchen and bedroom spaces achieve the target values set out in BS EN 17037:2018+A1:2021 for daylight provision. The development also receives a high level of compliance for minimum illuminance at 98.8% and target level with 94.5% of the spaces achieving the minimum target for each metric.
- 7.6.8. The Assessment states that 80.8% of the units meet the minimum recommended 1.5 direct sunlight hours which is in line with the BRE Guideline example. I consider that this is acceptable.
- 7.6.9. The Assessment includes shadow diagrams to identify where shading may occur on the 21<sup>st</sup> March both on the site and in the surrounding area. In accordance with the Building Research Establishment (BRE) BR209: 2022 “Site Layout Planning for Daylight and Sunlight”, it is recommended that in order for an area to appear adequately sunlight throughout the year, at least half of a garden or amenity should receive at least two hours of sunlight on the 21<sup>st</sup> March. Having regard to the submitted shadow diagrams, I am satisfied that the development will not cause an unacceptable level of shadow on the properties in the surrounding area or the proposed areas of open space.

#### Impacts on Neighbouring Properties

- 7.6.10. The development is located to the front of permitted dwelling nos. 29 – 51 in the Hampton estate. I note the development is positioned a minimum of 17 m to the front of the permitted dwellings. Having regard to the positioning of the development, the separation distances and the proposed heights, I do not consider that the development will result in an undue level of overlooking to the permitted dwellings.
- 7.6.11. As noted above in my assessment on the height, design and density, I have serious concerns regarding the massing of the development. I consider that the development at 72 metres in length and 20 metres height, in combination with the separation distances to the permitted dwellings to the south will significantly overbear the permitted dwellings. Whilst the revised proposal addresses these overbearing

concerns through the division of the development into 2 no. blocks, I still have significant concerns regarding the proposed development as outlined above.

## **7.7. Open Space**

- 7.7.1. In the reasons for refusal the Planning Authority reference the under provision of communal amenity space. The Planning Authority also highlight the poor quality of the communal amenity space including its fragmentation and convoluted access from the residential units.
- 7.7.2. The First-Party has highlighted in the grounds of appeal that the development provides 909 sq.m of communal open space within the application site, which is in excess of the 606 sq.m required by the *Apartment Guidelines*.
- 7.7.3. The communal open space is located to the west, south and east of the proposed apartment block. I note that across the wider site, a total of 2,057 sq.m of communal open space and 9,576 sq.m of public open space is proposed, which include 2 no. playgrounds and a landscaped walled garden.
- 7.8. In accordance with the *Apartment Guidelines* the minimum area of communal amenity space required is 606 sq.m. Having regard to the proposed delivery of 909 sq.m of communal open space within the subject site, I consider that the quantum of communal amenity space is acceptable.
- 7.9. I note the Planning Authority's concerns that the communal open space is fragmented and has convoluted access from the residential units. I have examined the landscaping drawings and I consider that the quality of the communal amenity space is acceptable.
- 7.10. The Planning Authority considered that the quantum and design of the communal amenity space represented the overdevelopment of the site. Noting that I have no concerns regarding the quantum and design of the communal amenity space, I disagree with this statement.
- 7.11. *The Compact Settlement Guidelines* state that a minimum of 10% public open space is required. The subject site proposed to provide 1,262 sq.m of public open space, in addition to public open space across the wider Hampton estate which in total amounts to 9,576 sq.m, representing 34.2% of the Hampton site area. I therefore

consider that the overall site is served by an acceptable quantity of public open space.

- 7.12. I note that the parent permission for the site, **ABP Ref. PL29N.246430 & P.A Ref. 4105/15** was determined under the 2011 – 2017 Dublin City Development Plan. Under the 2011 – 2017 Dublin City Development Plan, the site was zoned Z15 which required a public open space provision of 25%, hence the reason for the large quantity of open space.
- 7.13. I note the location of the public open space along the northern boundary of the site, in addition to the public open space, including the playgrounds on the wider Hampton site which are located to the south of the subject site. Having regard to the design of the public open space and communal amenity space on the remainder of the Hampton estate, I consider that the open space provision is acceptable.

#### Revised Proposal

- 7.13.1. The mix of the units is altered in the revised proposal which accompanied the First-Party appeal. In accordance with the *Apartment Guidelines*, the minimum area of communal amenity space required is 591 sq.m. The communal open space provision has not been confirmed by the First-Party for the revised proposal. However, I have compared the drawings and I consider that the quantum and design of communal open space to be the same. As such, I have no concerns regarding the design of the open space in the revised proposal should the Board seek to permit it.

#### **7.14. Parking & Access**

- 7.14.1. The application site is located in Parking Zone 2 of Map J in the *Dublin CDP*. Residential developments located in Parking Zone 2 are required to provide 1 no. car parking space per dwelling in accordance with Table 2 of Appendix 5 of the *Dublin CDP*. The *Dublin CDP* states that the parking standards are maximum standards and that they can be relaxed for a site in a highly accessible location.
- 7.14.2. The development proposes to provide 65 no. parking spaces in a basement car park which is accessed to the west of the apartment block. In accordance with SPPR 3 of the *Compact Settlements Guidelines*, the parking standards do not include car sharing spaces or accessible spaces. As such, when the accessible spaces and car sharing spaces are discounted, the parking ratio results in 0.59 spaces per unit.

- 7.14.3. The First-Party appeal has included a justification for the proposed parking provision. I note the site's proximity to a number of bus routes.
- 7.14.4. I note the report from the Road Planning Division in the Planning Authority which states that more car sharing and accessible spaces should be provided which in turn would reduce the number of visitor spaces. The report recommended that this was addressed by way of condition. Appendix 5 of the *Dublin CDP* states that at least 5% of the total number of spaces shall be designated car-parking spaces for accessible parking. The applicant currently proposes to provide 16 no. visitor spaces, 2 no. car sharing spaces and 4 no. accessible spaces. The design submitted to the Planning Authority proposes to provide 6% of the parking spaces as accessible spaces. I therefore consider that a suitable number of accessible car parking spaces have been proposed. Furthermore, for a development of 99 no. apartments, I consider the quantum of car sharing spaces proposed to be suitable.
- 7.14.5. I note the concerns raised in the observations regarding the limited number of car parking spaces proposed and the traffic concerns related to the development being accessed from the wider Hampton estate.
- 7.14.6. Having regard to the site's location in proximity to public transport and the proposed parking provision, I consider the parking provision to be acceptable.
- 7.14.7. I note the results from the Traffic and Transport Assessment which identifies that the development will have a very low level impact on the nearby 3 no. junctions which were analysed. Furthermore, having regard to the overall quantity of development in the Hampton estate, the car parking management plan, the site's location in proximity to public transport and the proposal to provide car sharing and bicycle parking, I consider the proposed use of the existing entrance to be acceptable.
- 7.14.8. I note the report from the Road Planning Division in the Planning Authority which recommends conditioning that 50% of all car parking spaces shall incorporate EV charging infrastructure, with the remaining spaces ducted to facilitate future EV charging. It further states that all accessible spaces and car club spaces shall be provided with EV charging. This condition would accord with section 5.0 in Appendix 5 in the *Dublin CDP*. As such, should the Board consider granting planning permission, I recommend that a similar condition is included.



7.14.9. With regards to bike parking, SPPR 4 in the *Compact Settlements Guidelines* requires that a minimum standard of 1 no. cycle storage space per bedroom should be applied. Any deviation from this standard shall be at the discretion of the planning authority and shall be justified. The application proposes to provide 162 no. resident bike spaces and 50 no. visitor bike spaces. Having regard to the unit mix proposed, I am satisfied that the number of bike spaces exceeds the minimum of 157 no. spaces required. I note that 12 no. cycle stands are proposed at ground level with the remainder proposed at basement level. Having regard to the mixture of Sheffield and two tier bike parking stands, I consider that the proposed design is acceptable.

7.14.10. I note the report from the Road Planning Division in the Planning Authority in response to the Further Information response which noted that Cycle Design Manual (2023), requires that 5% of bicycle spaces are for cargo/ accessible spaces. It also outlines that the route from the public road should be clear and a minimum of 1.2m in width. Should the Board consider granting planning permission, I recommend that this is addressed by way of condition.

#### Revised Proposal

7.14.11. In the revised proposal submitted to An Bord Pleanála, I note that the basement plan and therefore the car parking provision remains the same as that submitted to the Planning Authority. As such, I have no further comments on the car parking proposal.

7.14.12. With regards to bike parking, in accordance with the Compact Settlement Guidelines a minimum of 150 no. bike parking spaces are required. Noting the provision of 212 no. bike parking spaces at ground at basement level, I am satisfied that suitable bike parking will be provided.

### **7.15. Other Matters**

#### Dublin Port Tunnel

7.15.1. The development is located over the Dublin Port Tunnel. I note the observation from TII requesting that in the event that An Bord Pleanála consider granting planning permission, that a condition requiring the submission of a Construction Management Plan, prior to the commencement of development. TII recommend that the condition

specifies that if pilling is proposed to be used, a method statement for works above the tunnel shall be submitted. Should the Board consider granting planning permission, I recommend that a similar condition is included.

#### Community Infrastructure

- 7.15.2. I note the concerns raised by the observations regarding the impact of the development on local infrastructure.
- 7.15.3. At Further Information stage the applicant submitted a Childcare Assessment. The Assessment identifies that there are currently 223 childcare spaces in 4 no. childcare facilities within 1 km of the site. The Assessment further outlines that there are 393 no. spaces in a further 7 no. facilities in close proximity to the site. The Assessment however does not identify if there are any available spaces in any of these facilities or if they are currently operating at full capacity.
- 7.15.4. The Childcare Assessment also identifies that there is a creche at Griffith Wood (ref. **3268/23**) which will provide 125 no. childcare spaces. Whilst I note the proximity of Griffith Wood to the subject site at a distance of c. 800 m, the Griffith Wood creche is located on the Griffith Wood development which contains 385 no. residential units and as such will primarily serve the Griffith Wood development.
- 7.15.5. Furthermore, I am not satisfied with the approach undertaken in the Childcare Assessment which has not examined the childcare requirement generated by the remainder of the Hampton estate which includes 3 no. storey dwellings and apartments.
- 7.15.6. At Further Information stage the applicant submitted a Social and Community Infrastructure Audit. The Social and Community identifies the provision of community, healthcare, recreation and sports facilities, religious centres and retail provision in the surrounding area of the site.
- 7.15.7. The Audit also identifies the primary and post-primary schools in proximity to the site and identifies their current enrolment. I note however that the Audit does not identify the overall number of places available in the schools. Therefore it is unclear if there is any capacity available in the existing schools to cater for the future population of the subject site.

7.15.8. To conclude, I am not satisfied that the Social and Community Infrastructure Audit and the Childcare Assessment accord with policy QHSN48 of the *Dublin CDP*. In accordance with Policy QHSN48, the audit should identify whether there is a need to provide additional facilities to cater for the proposed development. As noted above, the audit has not included the overall Hampton estate in the assessment. Furthermore the Audit has not identified if there is any available capacity in any of the schools or childcare facilities referenced. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

#### Water Services

7.15.9. I note the concerns raised by the observations regarding the impact of the development on water services.

7.15.10. I have reviewed the documentation, and I note that it is proposed to construct a new 150 mm diameter foul sewer within the site which will ultimately connect to the existing wastewater sewer on Grace Park Road. The applicant has included a copy of the outcome of the Pre-Connection Enquiry from Irish Water, which indicates that the wastewater connection can be facilitated without infrastructure upgrades. The letter identifies that upgrades are required in order to facilitate the water connection. The letter further details that the development can connect to the 150 mm watermain located 25 m to the south of the site. The Engineering Report outlines that the pre-connection enquiry was submitted for 128 no. units. Given that the development is for 99 no. units, the Engineering Report outlines that a 100 mm watermain connection shall be deemed appropriate for the 99 no. unit development. The development proposes to discharge surface water to the existing 225 mm surface water pipe along the southern boundary which serves the wider site. I am aware of the sustainable urban drainage systems proposed.

7.15.11. I have reviewed the report from the Drainage Division and I note that they had no objection to the proposed development subject to conditions. Having regard to the contents of the Engineering Report and the report from the Drainage Division in the Planning Authority, I am satisfied that the development will not negatively impact the existing water services in the area.

## **8.0 AA Screening**

- 8.1. Having regard to the nature and scale of the development proposed and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

- 9.1. The appeal documents present revised proposal which are a significant improvement on the application as submitted to the Planning Authority. However, the revised proposal is materially different to the application submitted to the Planning Authority. If the Board is considering granting the application with these revised proposals, I consider that the applicant would need to publish notices to invite submissions from the public. In the event that the Board chooses not to this, I recommend refusal for the following reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

1. Having regard to the Z1 zoning objective, the form, scale and mass of the proposed development at 72 metres in length and 20 metres height, the articulation of the facades, the materiality of the development and the prevailing local height, it is considered that the proposed development is overly dominant, failing to relate to or integrate with the existing character of the area. The development would appear visually incongruous and would have a negative visual impact on the character of the area. The development would also militate against an attractive pedestrian and cycle environment connecting the site to Griffith Avenue. The development would therefore set an undesirable precedent for future development and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the positioning of balconies adjacent to the pedestrian and cycle lane traversing the site, the 10 m separation distance between the 2 no. apartment blocks, the provision of 1.8 m high balustrading around balconies

which comprises opaque glazing and the location of ventilation grills from the basement carpark adjoining ground floor windows and terraces, it is considered that the development would provide a poor aspect for residents and would result in a substandard level of accommodation and residential amenity for future residents. The development is considered to be contrary to the Z1 zoning objective for the site, the development standards as set out in the Dublin City Development Plan 2022 – 2028 and to the proper planning and sustainable development of the area.

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

---

Catherine Hanly  
Planning Inspector

3<sup>rd</sup> April 2025

11.0 Appendix 1 Form 1

**EIA Pre-Screening**

<b>An Bord Pleanála Case Reference</b>	ABP-319492-24		
<b>Proposed Development Summary</b>	Revisions to previously granted residential development. Permission to omit the 4 storey nursing home to facilitate alterations and extension to Block B to increase in height to 6 storeys to provide 99 apartments and all associated site works.		
<b>Development Address</b>	Lands at the former Carmelite Convent of the Incarnation, Hampton, Grace Park Road and Griffith Avenue, Drumcondra, Dublin 9		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	10(b)(i) Construction of more than 500 dwelling units.	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			

<b>No</b>	X	The proposed development does not equal or exceed the 500 unit threshold.	Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	Class 10(b)(i) construction of more than 500 dwelling units. The development is for 99 units.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 319492-24</b>
<b>Proposed Development Summary</b>	Revisions to previously granted residential development. Permission to omit the 4 storey nursing home to facilitate alterations and extension to Block B to increase in height to 6 storeys to provide 99 apartments and all associated site works.
<b>Development Address</b>	Lands at the former Carmelite Convent of the Incarnation, Hampton, Grace Park Road and Griffith Avenue, Drumcondra, Dublin 9
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development involves the construction of 99 no. apartments on a 0.54 ha site. The site is located in a residential area. During the construction phase, the proposed development



	<p>would generate waste during excavation and construction.</p> <p>However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located in or immediately adjacent to any European site.</p> <p>The closest Natura 2000 site is South Dublin Bay and River Tolka Estuary Special Protection Area which is 1.85 km from the site.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p>

<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>X</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

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

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

**DP/ADP:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)