



An
Bord
Pleanála

Inspector's Report ABP-319557-24

Development	The demolition of existing sheds for the construction of a three-storey apartment block consisting of 8 apartments and all associated site works.
Location	291A Richmond Road, Fairview, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4469/23
Applicant(s)	Hermitage Estates Limited.
Type of Application	Permission.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Martin Slattery Jialong Chen
Observer(s)	None.
Date of Site Inspection	18 th December 2024.

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site refers to a number of vacant and semi-derelict commercial sheds located at 291A Richmond Road, which is to the rear of the established building line set by the properties at 289-291 Richmond Road and 71 Fairview Strand. The existing sheds are single/1.5 storey in height, generally constructed of blockwork and corrugated sheet roofing and in a poor state of repair. The site is unkempt and has been subject to fly-tipping.
- 1.2. Access to the site is via a narrow laneway between no. 291 Richmond Road and no. 71 Fairview Strand. The laneway fronts onto the large three arm junction comprising Richmond Road, Fairview Strand and Ballybough Road/ Luke Kelly Bridge. The laneway is gated, measures c.2.2 metres in width at its narrowest point and appears to be used for the storage of bins associated with the commercial use at 289 Richmond Road, as well as bins and an additional access to no. 291 Richmond Road. No. 289 Richmond Road is currently in use as a takeaway, no. 291 appears to be in residential use, and no. 71 Fairview Strand is an estate agent. All of these buildings are two storey in height and form the southern boundary of the site.
- 1.3. To the east the site is bounded by 69 Fairview Strand, a two storey residential block of four apartments. There is a single storey building to the rear of 69 Fairview Strand that appears to be in residential use. The northern boundary of the site is marked by a part four/part five storey flatted block accessed from Fairview Close. To the west, the site is bounded by the vehicular access to Meagher's Public House and the associated car park/external area. Meagher's is a part two and a half/part single storey building extending to the north, with associated storage areas. The upper floors of Meagher's appear to be in residential use. The western boundary is marked by a high masonry wall.
- 1.4. The immediate surrounding area generally comprises commercial use at ground floor with residential accommodation on upper levels. Outside of the immediate site area, residential use is predominant. The nearest public transport to the site is Dublin Bus service 123 which can be accessed from the bus stop on Fairview Strand approximately 80 metres to the east. The River Tolka lies due south of the site, approximately 60 metres away.

2.0 Proposed Development

- 2.1. Planning permission is sought for the removal of the existing shed buildings and redevelopment of the site to provide a three storey building comprising eight apartments. This would include 4 no. one bedroom apartments at ground floor and 4no. two bedroom duplex apartments over first and second floor. The proposal would include 16 cycle parking spaces and all associated landscaping works. Private amenity space would be provided in the form of private terraces at ground and second floor level. A long narrow communal amenity space would be provided on the eastern edge of the site, including a bin storage areas for the upper level flats. Proposed materials include brickwork, standing seam zinc, and aluminium cladding.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued by the Planning Authority on the 25th March 2024, subject to 15 generally standard conditions. Conditions of note include:

9. Invasive Species - Prior to commencement of works, the developer shall submit documentation prepared by a suitably qualified person stating whether any invasive species are located within the site. Where such species are identified, the developer shall submit details of proposals to safely remove the plant material under licence, in accordance with regulations prior to any works on site.

Reason: In the interests of the prevention of the spread of invasive species

11. All buildings proposed to be demolished shall be surveyed by an ecologist pre-construction for the presence of bats and bat roots and the survey results shall be submitted to the Planning Authority. A derogation licence shall be sought from the NPWS should evidence of bat activity be found. No works are to take place prior to the granting of such licences.

Reason: in the interests of protection of biodiversity

3.2. Planning Authority Reports

3.2.1. The first Planner's Report contained the following points of note:

- The planning history of adjacent sites demonstrates that there has been no objection to the construction of apartments to the rear of existing commercial premises on Fairview Strand/ Richmond Road.
- The proposal is 9.5 metres high and would be similar in height to the development approved on the nearby Meagher's Public house site and can therefore be considered to be similar to 'prevailing building heights' in the vicinity.
- The report notes that while the prevailing heights of houses in the area historically would have been two and three storeys, there has been recent permission which greatly exceeds that height in the vicinity i.e. LRD 6015/22S-3
- Having regard to approved developments in the vicinity, the proposed development is consistent in terms of use, height, visibility, and materials.
- Concerns are raised regarding daylight and sunlight, including daylight distribution within the habitable rooms of the development, the lack of a shadow analysis of the proposal/daylight assessment of the impact of the proposed development on neighbouring properties, and the lack of a shadow/sunlight assessment for the proposed communal open space.
- Issues identified regarding the potential overlooking of 69 Fairview Strand and the need for privacy buffers between the ground floor units and the communal amenity space.

3.2.2. Further Information was requested in order to address concerns regarding daylight/sunlight, privacy buffers between the ground floor units and communal amenity space, overlooking of the neighbouring communal space at 69 Fairview Strand, traffic/transport related issues and drainage. Details of the drainage and transport/traffic issues are provided below.

3.2.3. The second Planner's Report was issued following the receipt of Further Information. On the basis that all of the identified issues had been addressed to the Planning Authority's satisfaction, permission was granted subject to conditions.

3.2.4. **Other Technical Reports**

3.2.5. **Archaeology (26.10.2023):** No objection, subject to conditions. The response notes that the proposed development is within the Zone of Archaeological Constraint for the Recorded Monument DU018-040 (CEMETERY), which is listed on the Record of Monuments and Places (RMP) and is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. Additionally, the site sits just to the north of Luke Kelly Bridge (Formerly Ballybough Bridge). A medieval bridge constructed in the 14th century (DU018-022001-) stood on the site of the current bridge. Prior to this the site is believed to have been occupied by a fish weir (DU018-022002-) which traditionally was the site of the main engagement of the Battle of Clontarf.

3.2.6. Due to the archaeological potential of the site, it is recommended that a condition for an Archaeological Assessment, as per section 3.6 of the Framework and Principles for the Protection of the Archaeological Heritage (1999), should be attached in order to assess the nature of any archaeological deposits present at the pre-development stage.

3.2.7. **Drainage (02.10.2023 and 13.03.2024):** Concerns were raised initially that inadequate information had been submitted regarding surface water management. It is further stated that the Drainage Division is not in favour of the proposed underground attenuation tanks. Further Information was requested to assess whether the attenuation tanks could be removed through the provision of alternative storage mechanisms throughout the site, with attenuation tanks only permitted where it has been demonstrated that it is not feasible to provide alternative attenuation storage measure. Following the receipt of Further Information, the Drainage Division confirmed that there was no objection to the development subject to conditions/the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

3.2.8. **Environmental Health (22.09.2024):** No objection but advise that the developer must adhere to Dublin City Councils Construction and Demolition Good Practice Guide for

Construction Sites for mitigation measures regarding air, noise, and vibration pollution throughout the duration of the works. Reference to this document must be made in the Construction Management Plan which must be submitted to the Air Quality Monitoring and Noise Control Unit for review and approval before the works commence.

3.2.9. **Parks, Landscape, and Biodiversity (16.10.2023):** There is a development plan requirement of 10% of the site to be provided as public open space. This provision would be too small and inappropriately located on this site and therefore a financial contribution in lieu is preferred. Conditions recommended regarding a payment in lieu of public open space, invasive species, landscaping, and conservation of protected species.

3.2.10. **Transportation Planning (25.10.2023 and 13.03.2024):** The Transportation Planning Division noted the restricted nature of the site and the lack of car parking provision. Bicycle parking would be provided in line with the CDP.

3.2.11. No information was provided in terms of daily servicing to the site. Having regard to the site's location at a busy junction with multiple lanes on approach, Further Information was requested as follows:

- Indicate a dedicated servicing area for the site from which servicing and refuse collection can take place.
- Demonstrate that the site is accessible to refuse service vehicles, general household servicing, delivery vehicles and emergency fire tender and ambulance vehicles. Autotrack drawings should be submitted to demonstrate access for all vehicles.
- Submit a preliminary Construction Management Plan, to include details on construction related deliveries and traffic management.

3.2.12. The Further Information submission confirms that the access is too narrow for vehicles, but that it would be suitable for cargo bikes, tricycles and motorcycles. The location of the site does not allow for vehicles to pull up close to the frontage to the development, due to the presence of a junction and it is stated that deliveries have to be made from a nearby parking area on foot, by hand trolley or other means, citing electric delivery tricycles as options. The servicing area identified by the Applicant is c. 120 metres to the west with a clearway operational at the hours of 7.00-10.00 and

16.00-19.00 Monday to Saturday. The Transport Planning Section consider that this allows a reasonable period to allow for active loading and unloading

3.2.13. In terms of refuse collection, the Applicant outlined that refuse operators currently stop outside the access to the subject site to collect refuse from adjoining properties. The proposal is to place waste for the 8 no. apartments to the entrance at Richmond Road with 2x650L bins required for the development, with proposed collection times before the AM peak hours with 1-2 minutes time for loading into the refuse truck.

3.2.14. With regards to fire tender and ambulance services, the submission outlines that these vehicles would stop on Richmond Road at the optimum location to attend the incident. The Transport Planning Section considered the Further Information response to be sufficient and recommended that permission be granted subject to conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. Two observations were submitted in response to the planning application, these are on file for the Board's information and generally reflect the grounds of appeal which are set out in detail in Section 6 of this report. The issues raised in the observations can be summarised as follows:

- Overlooking of Meagher's public house and impacts on the approved development at Meagher's.
- The laneway between no. 291 and 291A Richmond Road is not in the Applicant's ownership and is less than 2 metres wide.
- Construction and structural impacts on 291 Richmond Road.
- Fire safety of 291 Richmond Road would be compromised.
- Amenity impacts to 291 Richmond Road in terms of daylight and privacy.
- Development would block access to the gas meter and sewage on the laneway at 291 Richmond Road.

4.0 Planning History

Subject site

- 4.1.1. **Planning Authority Reference 2337/17:** Permission was refused for a change of use for one of the existing buildings to provide an enclosed indoor accommodation area for up to 20 rescued cats and associated washroom and staff facilities. Permission was refused for the following reason:

Having regard to the Z1 zoning objective, the proximity to adjoining residential properties, the lack of vehicular access and on-site car parking and the scale of the development it is considered that the proposed development by virtue of noise, odour and nuisance would seriously injure the residential amenity of adjoining properties and depreciate the value of property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area and as such would set an undesirable precedent for similar substandard developments.

Meagher's Public House

- 4.1.2. **Planning Authority Reference 2879/19:** Permission was granted by Dublin City Council in August 2019 for modifications to the development approved under reference 3717/18 involving a reduction of the ground floor area of the existing public house; the construction of a basement to accommodate customer toilets, staff room and storage area; the demolition of an existing entrance door and stairs, the area to be added to the public house area; the addition of one number single bedroom at first floor level; changes to vehicular entrance to prioritise incoming cars; the construction of a three storey hostel to the rear, with 17 no. double bedrooms and one no. common / television room; a reduction in the number of car parking spaces from eighteen to fifteen.

- 4.1.3. **Planning Authority Reference 3717/18:** Permission was granted by Dublin City Council in January 2019 for:

(a) The partial demolition of existing ground floor public house and the demolition of the apartments at first and second floor levels. The front facade, western gable, rear lounge area and toilets will be retained;

- (b) The construction of a two/ three storey extension with dormer windows above existing vehicular entrance and to the rear of the retained front facade;
- (c) The provision of a hostel at first and second floor levels to accommodate 2 no. family rooms. 12 no. double and 3 no. single bedrooms, one common/tv room;
- (d) A separate entrance off Richmond Rd to provide pedestrian access to hostel;
- (e) External signage;
- (f) Alterations to existing car park and vehicular entrance to prioritise incoming cars.

61 and 63 Fairview Strand, 59A Fairview Strand, at Warehouse on Esmond Avenue, at 19 Esmond Avenue and 21 Esmond Avenue and at rear 19 Philips Avenue, Fairview, Dublin 3

4.1.4. **ABP Reference - 315584/Planning Authority Reference - LRD6015/22-S3:** Large scale residential development of 114 apartments and the reinstatement of two houses with all associated site works. reinstatement of 2 no. houses and associated site works. The Board granted permission in May 2023 but opted to omit the part two/part 3 storey Block C for the following reason:

Having regard to:

- *The need for high level screens to the balconies serving the bedrooms in apartment 13- C13 to obviate overlooking of the existing dwellings to the east,*
- *The designed restricted aspect from main habitable rooms in apartments 13C and 20C to obviate overlooking of dwellings to the east,*
- *The extent of blank façade along the eastern elevation of block C to obviate overlooking of dwellings to the east,*

The Board considered that the proposed Block C would result in a substandard level of residential amenity for future occupants in a number of the proposed units and would present a visual disamenity, and have an overbearing impact, when viewed from the existing dwellings to the east. The proposed Block C would,

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

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

- 5.1.1. The site is zoned Z1 – Sustainable Residential Neighbourhoods, the objective of which is ‘to protect, provide, and improve residential amenities’. Residential is listed as a permissible use.
- 5.1.2. Chapter 4: Shape and Structure of the City, sets out the Council’s strategy to guide the future sustainable development of the city. The objective is to ensure that growth is directed to, and prioritised in, the right locations to enable continued targeted investment in infrastructure and services and the optimal use of public transport. The relevant policies from this chapter include:
- SC10: Urban Density
 - SC11: Compact Growth
 - SC12: Housing Mix
 - SC20: Urban Design
 - SC21: Architectural Design
 - SC23: Design Statements
- 5.1.3. Chapter 5: Quality Housing and Sustainable Neighbourhoods, seeks the provision of quality, adaptable homes in sustainable locations that meet the needs of communities and the changing dynamics of the city. The delivery of quality homes and sustainable communities in the compact city is a key issue for citizens and ensuring that Dublin remains competitive as a place to live and invest in. The relevant policies from this chapter include:
- QHSN1: National and Regional Policy
 - QHSN2: National Guidelines
 - QHSN6: Urban Consolidation
 - QHSN10: Urban Density
 - QHSN17: Sustainable Neighbourhoods

- QHSN22: Adaptable and Flexible Housing
- QHSN34: Social, Affordable Purchase and Cost Rental Housing
- QHSN35: Diversity of Housing Type and Tenure
- QHSN36: High Quality Apartment Development
- QHSN37: Homes and Apartments
- QHSN38: Housing and Apartment Mix
- QHSN39: Management

5.1.4. Chapter 9: Sustainable Environmental Infrastructure and Flood Risk, aims to address a broad range of supporting infrastructure and services including water, waste, energy, digital connectivity and flood risk/surface water management.

5.1.5. Chapter 10: Green Infrastructure and Recreation, recognises that the city's natural assets are an essential resource for conserving biodiversity and for creating a healthy, low carbon, resilient and connected city. They include our parks, open spaces, landscapes, watercourses, coastline and urban tree canopy. Protecting and enhancing the quality of Dublin City's natural assets and ensuring green, sustainable and climate resilient development will be central to ensuring the liveability of the city and its attractiveness as a place to live, work and visit into the future.

5.1.6. Chapter 11: Built Heritage and Archaeology, recognises that the city's heritage contributes significantly to the collective memory of its communities and to the richness and diversity of its urban fabric. It is key to the city's character, identity and authenticity and is a vital social, cultural, and economic asset for the development of the city.

5.1.7. Chapter 15: Development Standards contains the Council's Development Management policies and criteria to be considered in the development management process so that development proposals can be assessed both in terms of how they contribute to the achievement of the core strategy and related policies and objectives. The relevant policies of Chapter 15 include:

- 15.4: Key Design Principles
- 15.5: Site Characteristics and Design Parameters
- 15.6: Green Infrastructure and Landscaping
- 15.7: Climate Action
- 15.8: Residential Development

- 15.9: Apartment Standards
- 15.13.4: Backland Housing - Backland development is generally defined as development of land that lies to the rear of an existing property or building line. Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists. Backland housing can comprise of larger scale redevelopment with an overall site access; mews dwellings with access from a rear laneway or detached habitable dwellings to the rear of existing housing with an independent vehicular access. Developments with street presence are generally governed by clear set out rules established by the urban order of an existing streetscape. Backland development, however, requires more innovation and reinterpretation to enable comprehensive development of these spaces. Consideration of access and servicing and the interrelationship between overlooking, privacy, aspect and daylight / sunlight are paramount to the success and acceptability of new development in backland conditions. Where there is potential to provide backland development at more than one site/property in a particular area, the Planning Authority will seek to encourage the amalgamation of adjoining sites/properties in order to provide for a more comprehensive backland development, this should be discussed at pre-planning stage. Piecemeal backland development with multiple vehicular access points will not be encouraged. See Appendix 5 for further details on vehicular access. Applications for backland housing should consider the following:
 - Compliance with relevant residential design standards in relation to unit size, room size, private open space etc.
 - Provision of adequate separation distances to ensure privacy is maintained and overlooking is minimised.
 - That safe and secure access for car parking and service and maintenance vehicles is provided.
 - The scale, form and massing of the existing properties and interrelationship with the proposed backland development.
 - The impacts on either the amenity of the existing properties in terms of daylight, sunlight, visual impact etc. or on the amenity obtained within the unit itself.

- The materials and finishes proposed with regard to the existing character of the area.
- A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space is provided to serve the proposed dwelling, and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.
- Appendix 3: Achieving Sustainable Compact Growth, Policy for Density and Building Height in the City

5.2. **Regional Policy**

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

- 5.3. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten-year National Development Plan (NDP), and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

5.4. **National Policy**

The National Planning Framework - Project Ireland 2040

- 5.4.1. The government published the National Planning Framework (NPF) in February 2018. Objective 3a is to deliver 40% of all new homes nationally, within the built-up footprint of existing settlements. Objective 11 is to prioritise development that can encourage more people to live or work in existing settlements whilst Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable

development and at an appropriate scale of provision relative to location. Objective 35 is to increase residential density in settlements through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.5. Section 28 Ministerial Guidelines

5.5.1. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023).

5.6. Natural Heritage Designations

5.6.1. The site is an urban brownfield site and is not located within any designated site. The nearest European Sites are as follows:

- South Dublin Bay and River Tolka Estuary SPA (site code 004024), 4km to the east.

5.7. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two third party appeals have been submitted by the following:

Appeal 1

6.1.2. Sean Boyle Planning Consultant, for and on behalf of Jialong Chen, Sophia Qy Ltd. of 289 and 291 Richmond Road, Fairview, Dublin.

- The Applicant only owns the land within the red line, they do not own the access laneway and only retain a right of way over this land. No letter of consent was submitted from the owner of the laneway (the Appellant).
- The laneway would be required for construction, servicing and use. The Appellant will not give consent to use the laneway for the proposed use.
- Proposed drainage works run along the length of the laneway. There is no consent from the Appellant to undertake this work and a right of passage does not include a right to lay pipes.
- Use of the laneway for construction and access by residents is a clear change and intensification of use from its previous use as a small carpentry yard c. 20 years ago. The Applicant cannot increase their use over what they previously enjoyed.
- The Appellants have established use of the laneway for the storage of bins and have side access to their property from the lane. The lane remains gated and locked for their private use and the Applicant only has a right of way. Extending the use to third parties would impact on the residential amenity of the Appellant and would compromise security/lead to antisocial behaviour as the gate would be left open.
- There was a previous refusal on the site for a small animal rescue facility which was refused due to a lack of vehicle access and on-site car parking. The same issue can be applied to the proposed development.
- The laneway is narrow, has an established use, and cannot be accessed by vehicles. Any vehicular access, even by electric tricycles, would not be safe.

- The established use of the lane, such as for bin storage, further reduces its width and this use will continue.
- Use of the lane for construction would be particularly difficult as it cannot be accessed by large vehicles. It is not clear how materials would be delivered to the site, and it is likely that they would cause a traffic hazard.
- There would be ongoing difficulties servicing the site due to its location on a junction and the lack of vehicular access. Bins would have to be left on the street, and this would impact on pedestrians.
- The proposal for deliveries to take place some 120 metres away will require a specific loading space to be designated by the Council and no such designation is agreed. If such a space is designated it cannot be confined to the servicing of the development.
- Not all delivery companies have electric delivery/cargo bikes at their disposal and bikes are not suitable for the delivery of construction materials.
- The lack of parking is unacceptable.
- 291 Richmond Road would be overlooked and there would be overshadowing. Separation distances are inadequate. These impacts were not addressed in the Further Information response.
- The development would impact on the structural integrity of 291 Richmond Road.
- Site coverage, site layout, density and unusable community open space are in conflict with planning guidelines. No public open space would be provided.

Appeal 2

6.1.3. Ceardean Architects Limited, for and on behalf of Martin Slattery of Meagher's Public House, 283-285 Richmond Road, Fairview, Dublin 3.

- The proposed development cannot be properly serviced.
- Access to the site is severely restricted, not fully in the control of the Applicant, and depending on rights of way, should the development be constructed it may place a burden with regards to access for fire tenders/emergency services from the Meagher's site.

- It is a concern that the permission has been secured on the basis of using the Meagher's car park/access for emergency services as a fall back if adequate access is not available to the property and that a fire tender access wayleave could be imposed on Meagher's property and restrict its future development potential.
- No consent has been requested or provided. The building cannot be constructed in compliance with the building regulations without this.
- The design is unacceptable, with bedrooms and living room windows less than 1.1 metre from the boundary.
- The use of translucent windows, whilst removing overlooking issues, would result in substandard accommodation with windows unopenable below 1700mm and no aspect due to translucent glazing.
- The proposal is an overdevelopment of a compact site.

6.2. Applicant Response

6.2.1. First Party Response to Appeal 1, including a response from Waterman Moylan Consultants and Dermot G. McDermott and Co. Solicitors.

- The site coverage, density, and communal open space provision for the proposed development are in accordance with the requirements of the development plan and design guidelines for new apartments.
- There would be no overlooking of 291 Richmond Road as the south elevation does not have any windows, the green roof will not be accessible, and the second-floor roof terrace will have translucent glazed screens on top of the parapet.
- No. 291 does not have any existing windows to habitable rooms facing the proposed building and the flat roof area that is used as a roof terrace is not positioned in a location or orientation where it would be overshadowed by the proposed building.
- The existing shed directly abuts the boundary. The proposal is set back 1,235mm and is an improvement on the existing situation. This condition only

exists for 4 metres and the elevation facing 291 Richmond Road does not have any windows.

- The Planning Authority have indicated they would prefer a financial contribution towards public open space. The issue of public open space was not raised in the Appellant's original observation and has only been included as part of the appeal.
- The Appellant does not own the laneway and only benefits from a right of way for access to the side doorway of 291 Richmond Road. The laneway is not registered with the Land Registry and it has not been possible to establish who the owner is as the title merely grants a right of way to adjoining owners.
- The extent of the right of way is not defined on the Title Deeds and doesn't prohibit the wayleave for the connection of the services to the mains on the public street.
- There is clearly a legal precedent in relation to the intensification of the use of a right of way.
- It is acknowledged that the laneway is not of sufficient width to facilitate access by vehicles. The laneway will serve as pedestrian and cycle access with goods delivered from a suitable set down location 120m to the west of the site from where it will be carried by hand or by trolley to the development.
- Electric tricycles would comfortably be able to access the laneway, and deliveries will be made by all means of transport, including by hand, trolley, courier, electric bike, scooter and cargo bike etc.
- Not all delivery companies will have electric delivery tricycles or cargo bikes at their disposal, but modes of delivery are evolving to more sustainable modes, and this is reflected in the increasing number of electric tricycles and cargo bikes.
- The width of the laneway is wider than any door within the development and it is therefore not considered that the width of the laneway would be an impediment to bulky goods delivery.
- Construction deliveries will be managed as part of a detailed construction management plan. Development within a restricted site will require more labour-intensive activities. Materials could be transferred to the site in smaller

quantities and using trolleys or small dump trucks, electric pallet trucks or small fork lifts.

- Delivery trucks can safely stop to unload approximately 120m from the site
- The proposed delivery strategy was considered acceptable by Dublin City Council and there are many properties in Dublin that have restricted access and function satisfactorily.
- Zero parking is justified on the basis that the proposed development is very well located in terms of public transport, amenities and services. It is also in close proximity to the city centre which makes it highly accessible for cycling.
- A detailed Demolition Management Plan will ensure that the removal of any derelict sheds would not have an impact upon the appellants property. Structural survey of the property will be undertaken before any works are commenced, including vibration and movement monitors where appropriate. This would be monitored throughout the demolition and construction phase.

6.2.2. First Party Response to Appeal 2, including a response from Waterman Moylan Consultants.

- All first-floor windows along the western boundary will have translucent glazing up to a height of 1700mm above floor level, preventing direct overlooking into the adjacent Meagher's Pub carpark while ensuring that sufficient daylight and sky views are maintained for the residents.
- Translucent windows do not compromise compliance with ventilation requirements.
- It is noted that the site is located at a busy road junction with a restricted access. A suitable location for loading/unloading approximately has been identified approximately 120m from the site to enable deliveries with goods delivered by hand or larger goods delivered by trolley. This was acceptable to Dublin City Council and is in line with servicing arrangements on many sites within the city which have similar access restrictions.
- It is not intended that the Appellant's property would be used as a fall back for emergency access. It was merely that the development can be accessed from the car park of the public house. This is just a statement of the facts as they

currently exist. Under the Fire Services Act 1981 the fire brigade, Garda Siochana or any other person that they authorize can enter onto any land or building for the purposes of extinguishing a fire. The Act also specifically states that someone cannot wilfully obstruct or impede the emergency services.

- There is a requirement to secure a fire safety certificate. The development will not be able to proceed without this certificate. It is not intended that the Appellant's land will be used to secure the fire safety certificate.

6.3. Planning Authority Response

6.3.1. The Planning Authority request that the Board uphold their decision and that the following conditions be applied in the event that permission is granted:

- A condition requiring the payment of a Section 48 development contribution.
- A condition requiring the payment of a bond.
- A naming & numbering condition.
- A management company condition.

6.4. Observations

6.4.1. None.

7.0 Assessment

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

- Consent and Right of Way
- Design and Quantum of Development
- Amenity
- Quality of Accommodation

- Transport

7.2. Consent and Right of Way

- 7.2.1. The primary issue raised in Appeal 1 is that the Applicant only has a right of way to the access lane, they do not own it and have not sought a Letter of Consent from the owner. The Appellant claims to be the owner of the laneway and notes that the laneway would be required for construction, servicing, and access, in addition to drainage works to provide a connection from the site to the public sewer and watermain. It is argued by the Appellant that whilst the Applicant has a Right of Way, this is a right to passage only and that there is no right to lay pipes or change/intensify the use on the laneway. The Appellant states that the Applicant cannot increase their use over what they previously enjoyed and that no Letter of Consent will be forthcoming.
- 7.2.2. The Applicant argues that the Appellant does not own the laneway and similarly only benefits from a right of way for access to the side doorway of 291 Richmond Road. It is stated that the laneway is not registered with the Land Registry and that it has not been possible to establish who the owner is as the title merely grants a right of way to adjoining owners. The Applicant states that the extent of the right of way is not defined on the Title Deeds and doesn't prohibit the wayleave for the connection of the services to the mains on the public street, and asserts that there is clearly a legal precedent in relation to the intensification of the use of a right of way.
- 7.2.3. The Board should note that no evidence or substantive information has been provided by the Appellant to verify their claim that they are the owner of the laneway. In any event, based on the information on file, the Applicant does not make a claim of ownership to the laneway and specifies that both they and the Appellant benefit from an established right of way.
- 7.2.4. The matter of rights of way/land ownership disputes, cannot be addressed by the planning system. Section 5.13 of the 2007 Development Management Guidelines states that 'The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land, these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, 'a person is not entitled solely by reason of a permission to carry out any development.' The provisions of Section 34(13) of the Planning and

Development Act should be advised to the Applicant in the event of a grant of planning permission.

7.3. Design and Quantum of Development

- 7.3.1. It is stated in the grounds of appeal that the proposal would be an overdevelopment of a compact site and would be unacceptable in terms of site coverage, site layout, and density. The Appellant argues that the site coverage, density, and communal open space provision for the proposed development are all in accordance with the requirements of the development plan and design guidelines for new apartments.
- 7.3.2. The site is located to the rear of the established building line fronting Richmond Road and Fairview Strand, with a shared access. In my opinion, the site is backland in nature and in addition to density, consideration should be given to Section 15.13.4 of the CDP which states that regard should be had to the scale, form and massing of the existing properties and interrelationship with the proposed backland development.
- 7.3.3. I acknowledge the Planning Authority's view that in order to meet the objectives of the National Planning Framework (NPF), significant increases in building heights and overall building densities need to be not only facilitated but actively sought out and brought forward by the planning process. I also note the Planning Authority's view that the proposed development would be similar in height to the development approved on the neighbouring Meagher's site and that in this respect, the proposal can be considered to be similar to prevailing building heights.
- 7.3.4. From the information available to me, it appears that the permission at Meagher's has expired. As this permission was never implemented, I do not consider that it contributes to prevailing heights and density. In any event, the previously approved development on the Meagher's site was set within a much larger and less constrained site, with much more relief from the boundaries and without the access constraints that are apparent on the subject site.
- 7.3.5. I consider the prevailing heights in the immediate area to be generally two storeys, although I note the taller flatted development to the north and the recently consented residential development to the east. Immediately neighbouring properties to the east, south, and west are two/two and a half storey, however, the development would clearly also be viewed in the context of the larger and taller development on the northern boundary. On balance I do not have any specific objection to the principle of the height

being proposed and I note that both plot ratio and site coverage are in line with the CDP target ranges.

- 7.3.6. However, this is a narrow backland site that is constrained not just in terms of its access but also by its narrow configuration and its relationship with the adjacent properties to the east, south, and west. Whilst I accept that the site is appropriate for residential development, I have concerns regarding the overall scale, massing, and quantum of development being proposed, which on balance I consider would amount to overdevelopment, particularly when considering massing and proximity to the boundaries, in addition to the density at 157 dph, which would be excessive for such a constrained backland site and above the density ranges set out in CDP Appendix 3: Achieving Sustainable Compact Growth, Policy for Density and Building Height in the City. In my view an over intensive form of development is being pursued having regard to the various constraints of the site and its backland nature and I consider that it would be overbearing on its neighbours.

7.4. Amenity

- 7.4.1. Appellant 1 considers that their amenity would be compromised as a result of using the laneway for access to the development. It is noted by Appellant 1 that the laneway is gated and locked and used for the storage of bins in addition to a side access to their property. It is the position of Appellant 1 that there would be security and antisocial behaviour issues as a result of extending use of the laneway to future residents as the gate would be left open.
- 7.4.2. In my opinion the laneway could be used as a pedestrian access to the proposed development without causing undue disturbance to 291 Richmond Road or a rise in antisocial behaviour. In terms of the gated access, there is no reason why this could not continue with the development in place, with future residents being provided with the means to open the gate whilst retaining the security it provides.
- 7.4.3. The site is zoned for residential use and the laneway is currently the only route to access the site. I note that the laneway is narrow, c. 2.2 metres in width at its narrowest point. Currently the laneway is used for the storage of six wheelie bins and one larger wheeled bin associated with 289 and 291 Richmond Road, which in addition to residential use includes a takeaway. The Appellant states that the use of the laneway for the storage of bins will continue and it is clear from my site inspection that there is

currently no alternative available. In its current form, the pedestrian access to the site would be poor quality and compromised by the conflict between laneway width and the informal and haphazard storage of large bins along its length in addition to issues regarding the gate and surface quality. Clearly this could be overcome with a designed solution to provide a formal dedicated bin storage area at one of the more generous sections of the laneway, in addition to improvements to the laneway and the gate in order to facilitate residential use of the site. However, the laneway is outside of the red line boundary, works would require the consent of the owner, and it would be outside the scope of the current appeal.

- 7.4.4. Further concerns raised by Appellant 1 are that the development would overlook 291 Richmond Road, that the separation distances are inadequate, and that there would be overshadowing impacts. It is also argued that the development would impact on the structural integrity of 291 Richmond Road.
- 7.4.5. The Applicant contends that there would be no overlooking of 291 Richmond Road as the south elevation does not have any windows, the green roof would not be accessible, and the second-floor roof terrace would have translucent glazed screens on top of the parapet. The Applicant argues that no. 291 does not have any existing windows to habitable rooms facing the proposed building and the flat roof area that is used as a roof terrace is not positioned in a location or orientation where it would be overshadowed by the proposed building. Furthermore, the Applicant notes that the existing shed directly abuts the boundary whereas the proposal is set back 1,235mm and as such is an improvement. In any event, the Applicant argues that the elevation facing 291 Richmond Road does not have any windows.
- 7.4.6. 289 and 291 Richmond Road lie due south of the development site. I am therefore satisfied that the development would not cause overshadowing to these properties. The Applicant has provided a Daylight and Sunlight Report that demonstrates that there would not be significant overshadowing impacts to properties to the east and west (71 Fairview Strand and Meagher's).
- 7.4.7. In terms of overlooking to 289 and 291 Fairview Strand I do not consider that the development would result in any significant overlooking of windows or amenity spaces due to the design of the flank elevation. There is potential for some overlooking from the second floor terrace of the southernmost property towards the terrace of 291

Richmond Road, but I am satisfied that this could be overcome by the provision of a privacy screen at the end of the terrace of Unit 2 and this could be secured by condition in the event that the Board grant permission.

- 7.4.8. In terms of the risk of structural issues at 289 and 291 Richmond Road, the Applicant argues that a detailed Demolition Management Plan would ensure that the removal of any derelict sheds would not have an impact upon the Appellants' property. The Applicant states that a structural survey of the property would be undertaken before any works are commenced, including vibration and movement monitors where appropriate and that this would be monitored throughout the demolition and construction phase. In my opinion this is an acceptable approach, and I do not have any significant concerns regarding the demolition of the existing sheds or construction impacts on the structural integrity of the Appellants' property. In any event, potential structural impacts would be a civil matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.
- 7.4.9. Appellant 2 references overlooking impacts to the Meagher's site and also considers separation distances to be insufficient, with translucent glazing required to overcome overlooking issues. The Applicant argues that all first-floor windows along the western boundary would have translucent glazing up to a height of 1700mm above floor level, preventing direct overlooking into the adjacent Meagher's site.
- 7.4.10. The western façade of the proposed development would be between 1.5/2 metres from the boundary with Meagher's at the closest point and the facade incorporates obscure glazing and high-level windows in order to overcome overlooking impacts. Whilst this has generally addressed the overlooking issue it does raise issues regarding the quality of accommodation being proposed (discussed in more detail in the next section) and I remain of the view that the overall scale, massing, and intensity of development would be excessive for a constrained backland site.
- 7.4.11. The Planning Authority raised concerns regarding the potential for upper windows and balconies on the eastern façade to overlook of the amenity space at 69 Fairview Strand¹ and sought amendments at Further Information stage in order to investigate measures that would confine potential overlooking to within the site. As part of the Further Information response, the Applicant proposed a 400mm high translucent

¹ Stated as 71 Fairview Strand in the Planner's Report.

screen atop the 1,175mm high parapet on the balconies at second floor level which the Planning Authority considered was sufficient to address the matter. I agree that this largely addressed overlooking from the second floor terraces but no consideration has been given to overlooking from the east facing bedroom windows at first floor level which are located between 4.7 and 4.8 metres from the boundary. However, given the largely oblique nature of these views due to the positioning of the bedroom windows, I am of the view that on balance, there would be no significant overlooking that would compromise the amenity of the shared amenity space.

7.5. Quality of Accommodation

- 7.5.1. It is stated in the appeal that the development would provide a poor standard of accommodation due to the need to provide translucent glazing to prevent overlooking. It is also stated that the proposal would provide unusable community open space and no public open space, both of which would be contrary to the CDP.

Obscure Glazing and Outlook

- 7.5.2. The use of obscure glazing and high-level windows is widespread on the western façade in order to overcome overlooking concerns to the Meagher's site and compensate for the proximity to the boundary. Whilst this does effectively deal with the potential overlooking issues, I consider that it would compromise the quality of the accommodation within the scheme. It is my view that the widespread use of obscure glazing and high-level windows on the western elevation is indicative of the site constraints and the overly intensive form of development being proposed.
- 7.5.3. Taking the western façade in more detail, I consider the high-level windows on the second floor to be acceptable as these serve the kitchen of the open plan living kitchen/dining space which benefits from unrestricted fenestration on the eastern façade.
- 7.5.4. At first floor level the bedrooms are proposed to have translucent glazing to 1.7 metres above ground level. I have significant reservations regarding the use of obscure glazing in habitable rooms and the Board should note that these are the only windows serving the bedrooms on the western façade. Obscure glazing is traditionally incorporated into bathrooms, circulation spaces and on occasion, balconies and it can be an effective design intervention for managing potential overlooking impacts. In terms of habitable rooms, it can be acceptable where the room in question is dual

aspect and is served by additional clear glazed windows that offer satisfactory outlook. However, in this case the bedrooms in question are not dual aspect and these are the only windows serving these rooms. Overall, I do not consider it appropriate to permit bedrooms that necessitate such high levels of obscure glazing on their only windows, and in my opinion the quality of accommodation provided by these units would not be acceptable.

- 7.5.5. At ground floor level the proposed units are one bedroom. Each of the four bedrooms are served by windows which are clear glazed but located in very close proximity to the 2.2/2.3 metre high western boundary wall. These bedroom windows would be located 1 metre from the wall at its closest point (the southernmost unit), and 1.5 metres at its most generous (the northernmost unit). Whilst I have some reservations about the quality of accommodation provided for the ground floor units, on balance I consider them to be acceptable as the bedrooms would have a second window/door providing some outlook onto the small terrace area, although I would note that outlook would still be limited.

Open Space

- 7.5.6. In terms of the proposed open space, I note that all units would have compliant private open space. With regard to communal open space, the CDP states that the requirements can be relaxed (on a case by case basis), on refurbishment or infill sites of up to 0.25 ha. I consider the communal amenity space provided to be acceptable and usable.
- 7.5.7. The scheme does not provide public open space, and this has been raised by the Appellants in the grounds of appeal. The Applicant asserts that the Planning Authority have indicated they would prefer a financial contribution towards public open space and note that the issue of public open space was not raised in the Appellant's original observation and has only been included as part of the appeal.
- 7.5.8. The CDP states that public whilst open space will normally be located on-site, in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. Particularly in circumstances where it is not feasible, due to site constraints or other factors. In these cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality. In this instance I am satisfied that the small-scale nature of

the development and the clear constraints of the site are such that public open space cannot be provided. I note that the Planning Authority have opted to seek a financial contribution towards open space, and I agree that this would be an appropriate course of action in this instance. This should be secured by condition should the Board grant permission.

7.6. Transport

- 7.6.1. Several transport related concerns are raised in the appeals, notably that parking is not provided and that the site access is too narrow to be accessed by vehicles. Concerns are raised that it is not clear how construction materials would be delivered to the site or how the site would be serviced and that this would likely cause a traffic hazard.

Car Parking

- 7.6.2. The Applicant considers that zero parking is justified on the basis that the proposed development is well located in terms of public transport, amenities and services and in close proximity to the city centre, making it highly accessible for cycling. I agree with the Applicant that a car free development would be acceptable in this instance given the limited scale of the proposal, the clear site constraints, public transport provision in the area and the availability of shops and services in the immediate locality.

Servicing

- 7.6.3. This issue was raised by the Planning Authority who requested further information seeking clarity on a dedicated servicing area for the site from which servicing and refuse collection can take place, and demonstration that the site is accessible to refuse service vehicles, general household servicing, delivery vehicles and emergency fire tender and ambulance vehicles. The Planning Authority also requested a preliminary Construction Management Plan, to include details on construction related deliveries and traffic management.
- 7.6.4. The Applicant responded to the Further Information request confirming that the existing access is too narrow for vehicular traffic including cars, delivery vans, refuse and emergency vehicles, but that it would be suitable for cargo bikes, tricycles and motorcycles. In terms of servicing and delivery, the Applicant's response detailed that servicing would have to take place from a nearby parking area on foot, by hand trolley

or by other means, such as electric delivery tricycles. due to restrictions placed on the development by its location on a large, controlled junction.

- 7.6.5. The Applicant identified a location for deliveries further to the west on Richmond Road which was considered acceptable by the Planning Authority. In terms of refuse collection, the Applicant outlined that refuse collection currently takes place outside the access to the appeal site and proposes that the development be served by two 650L bins (instead of individual bins as originally proposed) which would be placed on the street with proposed collection times before the morning peak.
- 7.6.6. As stated previously, the appeal site fronts onto a large, three arm, controlled junction with yellow junction box and double yellow lines. The service area identified by the Applicant is approximately 120 metres to the west. Whilst there are no parking restrictions at the service area identified by the Applicant, it is subject to clearway restrictions (07:00-10:00 and 16:00-19:00). It is stated in the Further Information response that this area could be repurposed as a formal loading area, noting this would be a matter for the Dublin City Council Traffic Department in this regard. In terms of the construction process, it is stated in the preliminary Construction Management Plan that materials would be delivered to the loading bay/delivery area identified by the Applicant on Richmond Road and transferred to the site on hand trolleys.
- 7.6.7. The Appellants raise further concerns that not all delivery companies have electric delivery/cargo bikes at their disposal and that bikes are not suitable for the delivery of construction materials. The Applicant accepts that not all delivery companies will have electric delivery tricycles or cargo bikes at their disposal but states that modes of delivery are evolving to more sustainable modes and this is reflected in the increasing number of electric tricycles and cargo bikes. In terms of construction the applicant states that development within a restricted site will require more labour-intensive activities and transfer of materials to the site in smaller quantities and using trolleys or small dump trucks, electric pallet trucks or small fork lifts.
- 7.6.8. Loading/unloading is permitted on double yellow lines, however this section of road is also a time restricted clearway and as noted previously, the entrance to the site is located immediately adjacent to a busy three arm junction in between two pedestrian crossings, situated next to the junction box, and on a bend where visibility could be compromised. Further restrictions are placed on loading in these circumstances.

Whilst there is clearly a potential risk of delivery drivers opting to park closer to the outside of the site to make their deliveries rather than in the identified loading/unloading area and contrary to the restrictions in place, this would be a matter of traffic management for the Council, who have not raised an objection.

- 7.6.9. Clearly the immediate local road network and clearway restrictions pose additional constraints on construction and servicing of the site. I agree with the Applicant that the restrictions are not uncommon in Dublin, and I am of the view that the issues raised are not insurmountable. However, I consider the servicing strategy set out for the development to be underdeveloped and unsatisfactory in its current form, being particularly vague with regards to construction deliveries/management. Although I note that the construction period would be temporary, further consideration needs to be given to the potential impact on pedestrians of transferring heavy construction materials to the site using handcarts/trolleys, not to mention overall feasibility of this approach, particularly given that the unloading area identified by the Applicant is 120 metres distant from the site. Ordinarily I would be satisfied that these matters could be addressed by securing a detailed Construction Management Plan and Service/Delivery Management Plan by condition, but I would question the appropriateness of granting permission in the absence of a suitable comprehensive and detailed response to these issues given the road and traffic restrictions in place at this particular site. I am therefore of the view that this should be addressed by Further Information should the Board be inclined to grant permission.

Emergency Services

- 7.6.10. A concern has been raised by Meagher's that the proposed development may place a burden with regards to access for fire tenders/emergency services from the Meagher's site. Specifically, that the permission has been secured on the basis of using the Meagher's car park/access for emergency services as a fall back if adequate access is not available to the property and that a fire tender access wayleave could be imposed on Meagher's property and restrict its future development potential. It is stated by the Appellant that no consent has been requested or provided.
- 7.6.11. The Applicant confirms that it is not intended that the Appellant's property would be used as a fall back for emergency access, advising that it was merely stated that the development can be accessed from the car park of the public house, which is just a

statement of the facts as they currently exist. The Applicant contends that under the Fire Services Act 1981, the Fire Brigade, Gardaí, or any other person that they authorise can enter onto any land or building for the purposes of extinguishing a fire. The Act also specifically states that someone cannot wilfully obstruct or impede the emergency services.

7.6.12. Whilst the Applicant mentions the car park in the Further Information response, the position taken is that in the event of an emergency these vehicles will stop at the nearest, safe and convenient location on Richmond Road. Nevertheless, this is not a matter for the Board. These matters would be covered by the building regulations and a Fire Safety Certificate would be required as well as compliance with the requirements of Part B of the Second Schedule to the Building Regulations 1997. The issue of consent has been addressed earlier in this report (section 7.2.3).

8.0 AA Screening

8.1.1. I have considered the appeal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on Richmond Road, Fairview, Dublin 3. The site is approximately 900 metres from the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), which is the nearest European Site.

8.1.2. The proposed development comprises a three-storey block of eight apartments. No nature conservation concerns were raised with regards to European Sites in the planning appeal.

8.1.3. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small-scale nature of the works and the location of the site within a built up and serviced urban area.
- The distance of the development from the nearest European Site, the lack of any direct hydrological connections, and the use of the municipal water/sewage system.
- The screening determination of the Planning Authority, who concluded that Appropriate Assessment is not required.

- 8.2. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that the Board refuse planning permission, for the reason set out below:

10.0 Reasons and Considerations

Having regard to the scale, massing, form, and density of the development, its relationship to adjacent property, and the inadequate access and servicing arrangements, it is considered that the proposed development would represent overdevelopment and inappropriate development of a backland site that would result in substandard residential accommodation and would seriously injure the amenities of future residents and neighbouring property. The development would therefore be contrary to the proper planning and sustainable development of the area.

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

Terence McLellan
Senior Planning Inspector

23rd January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319557-24		
Proposed Development Summary	The demolition of existing sheds for the construction of a three-storey apartment block consisting of 8 apartments and all associated site works.		
Development Address	291A Richmond Road, Fairview, Dublin 3		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 – Infrastructure Projects.	Proceed to Q3.
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 (b)(i) - threshold >500 dwellings.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 319557-24	
Proposed Development Summary	The demolition of existing sheds for the construction of a three-storey apartment block consisting of 8 apartments and all associated site works.	
Development Address	291A Richmond Road, Fairview, Dublin 3	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p>	The proposed development is for residential, in an area that is largely characterised by residential use. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	The development would not result in the production of any significant waste, emissions or pollutants.	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	The size of the development would not be exceptional in the context of the existing environment.	No.

EIA is not required.		
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Inspector:

Date:

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

(only where Schedule 7A information or EIAR required)