



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319653-24

#### Development

Protected structure: Demolition of structures, construction of 4 storey building with 24 apartments with all associated site works.

#### Location

Numbers 16-19, Rutland Place, Dublin 1 (located to the rear of Numbers 16-19 North Great George's Street, all of which are protected structures)

#### Planning Authority

Dublin City Council North

#### Planning Authority Reg. Ref.

3747/23

#### Applicant(s)

Sevona Ltd

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party

#### Appellant(s)

North Great George's Street  
Preservation Society

#### Observer(s)

Amanda Toumanguelov

**Date of Site Inspection**

14<sup>th</sup> November 2024

**Inspector**

Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The appeal site, with a stated area of 846 sq.m., is located on the eastern side of Rutland Place which is a mews lane running parallel to and between Parnell Square East and North Great Georges Street. The site comprises numbers 16-19 Rutland Place which is occupied by four, two storey buildings. The buildings appear to be in use for commercial storage purposes. Surrounding development on Rutland Place is generally one and two storey and commercial in nature.
- 1.2. Nos. 16-19 North Great George's Street are located to the rear of the appeal site, all of which are Protected Structures (RPS Nos. 3191; 3192; 3193 and 3194). The appeal site includes a number of outbuildings, originally associated with the houses on North Great Georges Street. To the immediate south of the appeal site is the rear garden associated with no. 20 North Great Georges Street.
- 1.3. Rutland Place is wider than a typical mews street with a width of approx. 10 m. There are double yellow lines marking the road directly in front of the appeal site, there are no foot paths and vehicular traffic is one way. The site gradient falls from north west to south east and this slope is evident on Rutland Place.

## **2.0 Proposed Development**

- 2.1. Permission was sought for the following:
  - demolition of the existing two storey site structures at Nos. 16, 18 and 19 Rutland Place (c. 882.6 sqm) and the partial demolition (c. 175.2 sq m) of No. 17 Rutland Place, retaining the below ground brick cellar and ground to first floor stone rubble walls (c. 96.7 sq m retained above ground level and c. 139.6 sq m at basement level);
  - alterations to the existing retained built form at No. 17 Rutland Place to facilitate the construction of the new development;
  - construction of a 4 storey apartment block (3 full storeys plus a set back 4<sup>th</sup> floor), with balconies and terraces, to provide 24 no. apartments, comprising 1 no. studio unit, 12 no. one bedroom units and 11 no. two bedroom units;

- communal amenity space measuring 171 sq.m., hard and soft landscaping, boundary treatment; bicycle parking; and all associated site works.

2.2. Following requests for further information and clarification of further information the development was amended to provide for a total of 20 apartments comprising one no. studio apartment, 8 no. one bed units, 8 no. two bed units and 3 no. three bed units.

2.3. The application was accompanied by, inter alia, an Appropriate Assessment Screening Report, Architectural Design Statement, Architectural Heritage Appraisal, Daylight and Sunlight Analysis, and an Ecology Survey Report.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated 11<sup>th</sup> April 2024, Dublin City Council issued notification of the decision to grant planning permission subject to 17 conditions. Condition no. 4 refers to the requirements of the Conservation Section.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

There are three planning reports on the file, the first recommending a request for further information and which can be summarised as follows:

- There is concern regarding the bulk and mass of the building and its proximity to the rear gardens resulting in loss of privacy and overlooking of the protected structures fronting North Great George's Street.
- The development is likely to result in an overly dominant feature which will have an unacceptable level of impact on properties to the rear.
- The original plot widths should be more visually obvious in the overall design.
- The proposal in its current form is contrary to Policy BHA7 in relation to impact on the ACA.

- The proposal is unlikely to have an unacceptable impact in terms of overshadowing of neighbouring properties.
- All apartments exceed the minimum floor area standards.
- Revisions to unit mix to reduce the no. of 1 bed units and include 3 bed units are required to comply with Section 15.9.1 of the Development Plan relating to mix of units in the North Inner City and to address density concerns.
- The proposal exceeds private open space and communal open space standards.
- Additional information should be requested to address the concerns raised by the Conservation Section.

Following receipt of further information the planning officers report can be summarised as follows:

- The scheme has been amended to reduce the scale and massing of the building and the projecting balconies replaced with recessed balconies. The no. of units proposed has been reduced from 24 no. units to 19 no. units as a result. The amendments will improve the level of privacy and overlooking will be minimised through the introduction of metal vertical fins to all balconies.
- The roof profile presents as an overly dominant structural form that is incompatible and unsympathetic to the urban grain and morphology of the existing mews lane. An amended roof profile should be requested to accord with Section 15.13.5.2 of the development plan and the North Great Georges Street ACA guidance document.
- The revised unit mix is in accordance with Section 15.9.1 of the Development Plan.
- Amendments are required to provide for a design that retains the historic 18th century party walls and ensures the authenticity and legibility of the historic plots along Rutland Place.

Following receipt of clarification of further information the planners report can be summarised as follows:

- The proposal has been amended, particularly at roof level, to further reflect the original mews plot widths of Nos. 16-19 Rutland Place comprising the provision of four individually articulated barrel-vaulted volumes to align with the existing plot widths on the site.
- The rear elevation has been amended to ensure legibility of the plot widths to the rear and amendments made to the ground level front façade to maintain the legibility to street level.
- The amendments provide for a total of 20 no. units which is considered acceptable.
- The amendments are an appropriate design solution that responds sensitively to the authenticity and legibility of the historic plots and complements the character, scale and grain of the historic mews lane.

### 3.2.2. Other Technical Reports

Transportation Planning: Conditions recommended if permission is granted.

Drainage Division: Conditions recommended if permission is granted.

Environmental Health Officer: Conditions recommended if permission is granted.

Archaeology Section: The proposed development is within the Zone of Archaeological Constraint for the Recorded Monuments, DU018-020 (Historic City) and DU018-020495- (BURIAL GROUND) and which are listed on the Record of Monuments and Places (RMP). Conditions recommended if permission is granted.

Conservation Officer: The report dated 14/7/23 relating to the initial planning application can be summarised as follows:

- The proposed height, scale, massing and form are considered excessive in the context of the mews laneway and the architectural character and setting of the adjacent Protected Structures.
- The proposal is considered to adversely impact the setting and character of the Protected Structures and would be detrimental to the historic character of the area.

Report on additional information submission dated 27/11/2023 can be summarised as follows:

- Clarification of Additional Information is required in relation to the following:
  - Demonstrate how the existing historic 18th century party walls at basement level (under No. 17) and at ground and first floors in Nos. 16, 18 and 19 will be retained to retain the authenticity and legibility of the historic plots along Rutland Place within the proposed development.
  - Demonstrate how the new brick façade onto Rutland Place can tie into the historic party walls.
  - Omit and replace the homogenous box-like metal-clad roof at 4<sup>th</sup> floor level with an alternative roofscape to the 3-storey buildings, that expresses the historic plots, and complements the character, scale and grain of the historic mews lane.
- Report on Clarification of Additional Information Submission dated 02/04/2024 can be summarised as follows:
  - The Applicant has revised the proposed design, which now better articulates and reflects the historic plots.
  - It has been demonstrated that as much as possible of historic party walls between buildings shall be retained.
  - The new four-storey development extends c.7m beyond the rear of No. 17 Rutland Place contravening ACA Guiding Principle No. 3, but it is acknowledged that the existing building line of the two-storey buildings at Nos. 16, 18 and 19 extend 16m, 11m and 4.5m (respectively) beyond the historic rear wall of No. 17 Rutland Place.
  - The proposed demolition of part of the existing garden building to the rear of No. 17 North Great George's Street shall be executed in a careful manner, ensuring that reusable historic materials will be salvaged and reused in an appropriate manner within the development, and the stability and integrity of the remaining return structure within the ownership of No. 17 North Great George's Street is not affected.
  - Recommend permission is granted subject to conditions.

### **3.3. Prescribed Bodies**

TII: If not exempt a Section 49 Luas Line Levy should be applied.

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

Eight third party observations were received. Issues raised include concerns relating to impact on built heritage and residential amenity, construction impacts, overdevelopment, traffic impacts, water supply and precedent.

## **4.0 Planning History**

Appeal Site:

5227/06 & PL29N.221076: Permission refused by Dublin City Council and upheld on appeal by An Bord Pleanála on 31/05/2007 for development at no. 16 and 17 Rutland Place for demolition of existing buildings and construction of a two to five storey over basement residential development. Refusal reasons relate to design and layout.

4916/07 & PL29N.226313: Permission granted by DCC and An Bord Pleanála on 18/08/2008 at no. 16 and 17 Rutland Place for demolition of existing buildings and construction of a residential development comprising 11 apartments.

3217/16 & PL29N.247261: Permission refused on 22/08/2016 by DCC for development consisting of the demolition of 4 no. two storey light/industrial/storage buildings and the construction of a four storey over basement mixed-use building providing warehousing/storage at ground floor and part of the basement level and residential use as 14 no. apartments at the upper floors. Following a first party appeal, on 19/01/2017 An Bord Pleanála upheld the decision of the planning authority and refused permission for the following reason:

Having regard to the sensitivity of the site to the rear of the protected structures of North Great George's Street and to the scale, depth and massing of the proposal, it is considered that the proposed development would result in an unacceptable form of urban infill which would, due to the proximity of the upper levels to the rear of the curtilages of the houses on North Great George's Street, have a negative impact on the proportionate



relationship in scale between the buildings along this mews lane and the main buildings on North Great Georges Street and would not reflect the fine grain nature of the historic plot widths. The proposal would therefore interfere with the setting and character of protected structures and would be detrimental to the historic character of the area. The proposal would have a negative impact on the amenities of the area and on the residential amenities of properties on North Great Georges Street, and would set a highly undesirable precedent for similar developments elsewhere along Rutland Place. The proposed development would thereby contravene policies and provisions of the development plan, (QH25, CEE23, CHC2, CHC4, CHC5 and section 16.10.15), which policies and provisions are considered to be reasonable, would represent over development of the site and would be contrary to the proper planning and sustainable development of the area.

## **5.0 Policy Context**

### **5.1. Development Plan**

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

5.1.2. The site is in an area zoned 'Objective Z1 – Sustainable Residential Neighbourhoods'. 'Residential' is a permissible use within this land use zoning.

Nos. 16-19 North Great George's Street located to the rear of the appeal site are included on the Record of Protected Structures (RPS Nos. 3191; 3192; 3193 and 3194).

The site is located within the North Great Georges Street & Environs Architectural Conservation Area and is within the Zone of Archaeological Constraint for the Recorded Monuments, DU018-020 (Historic City) and DU018-020495- (Burial Ground).

5.1.3. Chapter 11 of the Development Plan concerns Built Heritage and Archaeology. Policy BHA2 seeks to protect structures included on the RPS from any works that would negatively impact their special character and appearance.

Policy BHA7 refers to Architectural Conservation Areas and includes the following relevant policy (a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. (b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA. (c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged. (d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture. (e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA.

Policy BHA8: Demolition in an ACA There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit.

Policy BHA11 concerns the rehabilitation and reuse of existing older buildings, with suitable adaption encouraged in preference to demolition and redevelopment and encourages the retention and/or reinstatement of original fabric of historic buildings such as windows, doors and roof coverings.

Policy BHA14 relates to Mews and seeks to promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.

- 5.1.4. The appeal site is located within a Zone of Archaeological Interest. Policy BHA26 relates to protection of Archaeological Heritage.
- 5.1.5. In Section 13.12 the appeal site is within SDRA 10 – North East Inner City wherein Rutland Place is identified for mews opportunities on Figure 13-13.
- 5.1.6. Section 15.13.5 sets out criteria to be considered in applications for mews structures. Relevant considerations include:
- The distance between the opposing windows of mews dwellings and of the main houses shall ensure a high level of privacy is provided and potential overlooking is minimised. In such cases, innovative and high quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling.
  - The form and layout of the new development of mews structures should:
    - Acknowledge the historic building plots where possible. Where a proposal extends over more than one building plot, articulation in the design and layout should be introduced to make reference to the original plot layout. The amalgamation or subdivision of plots on mews lanes will generally not be encouraged.
    - The existing building line should be maintained where possible. The rear building line of new mews developments should be consistent with the existing mews plots where possible.
    - The sensitive adaptive reuse of existing and new mews buildings for residential purposes will be encouraged and promoted.
  - Height, scale and mass should be subordinate to the main building.
- 5.1.7. A best practice guide for the assessment and methodology of Daylight and Sunlight Assessments is set out in Appendix 16 within which it is stated that proposals will be assessed on a case-by-case basis depending on site specific circumstance and location.
- 5.2. **North Great Georges Street & Environs Architectural Conservation Area (ACA) Character Appraisal and Policy Framework Report (January 2021)**

5.2.1. Section 10.17.1 of this document sets out Policy Guidance for Mews Developments and states that the main opportunity for mews redevelopment in the ACA is on the east side of Rutland Place, which comprises sheds and utilitarian structures, apart from one historic mews building to the rear of 17 North Great Georges Street. The following Guiding Principles for rear mews development in the ACA are included:

- 1) The form and layout of the new mews development should respond the historic building plot associated all the main houses on North Great Georges Street.
- 2) The existing building line along Rutland Place should be maintained, with no incongruous setbacks from the lane.
- 3) The rear (east) building line of new development should not extend beyond that of the historic mews building at No 17.
- 4) In order to retain an appropriate relationship and scale with both the main houses and the lane, building heights should be 3 storeys maximum in the main volume, with any top storey clearly set back at least 1.5 metres, and faced in a different external finish from the main volume below. Any proposed top (fourth) storey shall be integrated within the pitched roof element of the structure or where the design and form is contemporary, it shall be set back 1.5 metres from the front building line.
- 5) High quality, contemporary design is encouraged. Natural materials, particularly brick, and vertically emphasised openings are preferred.
- 6) Roofs should be either flat green/low pitch metal or double pitch slate roofs with ridges parallel to the lane.
- 7) Buildings should be primarily for residential use, with potential for office, cultural, service use on one floor, preferably ground.
- 8) Parking should be minimised and either on street or in an undercroft to the mews. There should be no parking in garden areas.
- 9) Basements should be kept within the footprint of the building in the interests of Sustainable Urban Drainage and to restore historic gardens where possible.

### 5.3. Ministerial Guidelines

- 5.3.1. Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011 provide guidance in relation to development and built heritage, in particular works affecting historical buildings or structures and development within Architectural Conservation Areas. Section 3.10 outlines criteria for assessing proposals for development within an Architectural Conservation Area, stating that the design of new development is of paramount importance. It is recommended that where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. Section 13.8 relates to applications for works outside the curtilage and attendant grounds of a protected structure which have the potential to impact upon its character stating that proposals should not have an adverse effect on the special interest of the protected structure.
- 5.3.2. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) outline that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in Dublin City. The following Specific Planning Policy Requirements (SPPR) are relevant:
- SPPR 1 requires a separation distance of at least 16 metres between rear opposing windows above ground floor level. Separation distances below 16 metres may be considered where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
  - SPPR 3 requires that in city centres car-parking provision should be minimised, substantially reduced or wholly eliminated.
  - SPPR 4 relates to cycle parking and storage and states that a general minimum standard of 1 cycle storage space per bedroom should be applied.
- 5.3.3. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) set out national policy and standards for apartment development including recommended standards in relation to housing mix, aspect, and minimum floor areas. The guidelines provide that for urban infill schemes on sites of up to 0.25ha, certain standards may be relaxed on a case-by-case basis, subject to overall design quality.

#### **5.4. National Inventory of Architectural Heritage**

- 5.4.1. No.'s 16, 17, 18 and 19 North Great George's Street located to the rear of the site are included in the National Inventory of Architectural Heritage (NIAH) Reg. Nos. 50010993, 50010992, 50010991, and 50010990 respectively, and have each been assigned a Regional Rating, with Architectural and Artistic Categories of Special Interest identified.

#### **5.5. Natural Heritage Designations**

None relevant.

#### **5.6. EIA Screening**

- 5.6.1. See Appendix 1 - Form 2 EIA Preliminary Examination attached to this report. Having regard to the nature and scale of the proposed development, to the established urban nature of the receiving environment, to the nature, extent, characteristics and likely duration of potential impacts, and to the criteria set out in Schedule 7 of the Regulations, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Assessment is not required. 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**

One no. third party appeal has been received from North Great George's Street Preservation Society. The grounds of appeal can be summarised as follows:

- North Great George's Street is unique in Dublin City for its high degree of architectural preservation.
- The nearby 'Orrwear' site on Hill Street permitted by DCC and ABP is grossly overdeveloped.

- The west side of North Great George's street is all that remains for sensitive and reasonable development.
- The ACA designation has been ignored in assessing this application.
- DCC's Conservation Section report raises concerns with the development and notes that it contravenes the Development Plan, would have a seriously adverse and injurious impact on the setting of the protected structures, raises concerns in relation to loss of the historic grain and concerns in relation to the design of the development which would contravene policies in the Development Plan.

## 6.2. Applicant Response

The response of the first party can be summarised as follows:

- The conservation report referred to in the appeal pertains to the request for further information, and not the clarification of further information.
- The appeal ignores the clarification of further information request, the response to this, and the reports of the Conservation Officer dated 15<sup>th</sup> April 2024 and Planning Department dated 15<sup>th</sup> April 2024 in advance of the notification of decision to grant permission.
- The Planning Officers report concludes that the proposal has sufficiently addressed items raised in both the further information report and the clarification of further information request.
- The proposal complies with the policies of the North Great Georges Street ACA and the guidance therein for Rutland Place in relation to its design, scale and material finishes proposed.
- As part of the CFI response the elevation onto Rutland Place has been amended to reflect the original plot widths of No. 16-19 and designed to give a vertical emphasis and the rear façade amended to maintain the legibility of the plot widths to address the concerns raised by the Conservation Officer.

- In response to concerns regarding scale and mass, the design has been amended including projecting balconies omitted and the rear building line set back 22m from the rear of no's 16-19 North Great Georges Street.
- The properties at no's 16-19 North Great Georges Street are 4 storeys over basement with generously proportioned Georgian storey heights and are at a higher level compared to Rutland Place. The proposed development remains subservient in scale to existing properties.
- The proposed barrelled roof volumes were agreed as the most appropriate for the site by the Conservation Officer and Area Planner and the vaulted volumes will resonate with the industrial nature of Rutland Place's history and echo existing structures on site.
- The proposal has been sensitively designed and its comparison to permitted development on the 'Orrwear' site is unfair.
- DCC's Conservation Officer and Planning Officer considered the development acceptable and in compliance with development plan policy.

### **6.3. Planning Authority Response**

A response received requests that the decision of the planning authority be upheld and that if permission is granted conditions be attached requiring a section 48 development contribution, a section 49 Luas X City development contribution, payment of a bond, naming and numbering and a management company.

### **6.4. Observations**

One observation received from Amanda Toumangelov can be summarised as follows:

- The opinions and observations of the North Great George's Street Preservation Society are shared and the comments of the Conservation Section report in relation to their dissatisfaction with the development are echoed and strongly agreed with.
- The Conservation Section raised concerns in relation to the proposed development, including that it contravenes the Development Plan, would have



a seriously adverse and injurious impact on the setting of the protected structures, concerns in relation to loss of the historic grain and concerns in relation to the design of the development which would contravene policies in the Development Plan.

- A copy of the objection to DCC in relation to the proposal is attached to the observation which raises concerns in relation to the 4-storey height which would be overly dominant and would negatively impact on the mews lane and result in residential amenity impacts as a result of overlooking, loss of light, overshadowing and visual intrusion and the design is outside the limits set out in the Architectural Conservation Area.

## **7.0 Assessment**

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

- Principle of Development
- Impact on Built Heritage
- Impacts on Residential Amenity
- Other Matters

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

- 7.2.1. The subject site is located within Dublin City Centre. It is currently an underutilised, brownfield site, that would benefit from appropriate regeneration. I note that the Development Plan supports compact growth through development of brownfield/infill sites and identifies SDRAs suitable for a greater intensity of development. The appeal site is within SDRA 10 – North East Inner City within which Rutland Place, including the appeal site, is identified as a mews opportunity site.
- 7.2.2. The site is zoned 'Objective Z1 – Sustainable Residential Neighbourhoods'. A density of 236 units per ha is proposed based on the permitted 20 units which I

consider acceptable and within the recommended range for City Centre sites set out in the Development Plan and Ministerial Guidelines.

- 7.2.3. I am satisfied that the principle of residential development is acceptable on this site, subject to other relevant considerations, including the impact of the proposed development on the built heritage of the area and residential amenities of surrounding properties.

### **7.3. Impact on Built Heritage**

- 7.3.1. The main issues raised in the third-party appeal and the observation relate to impacts of the proposal on protected structures on North Great George's Street to the rear of the site and impacts on the North Great George's Street & Environs Architectural Conservation Area (ACA) within which the site is located. Reference is also made to the Conservation Officer's (CO's) concerns in relation to the proposed development as outlined in the CO reports on the planning application.
- 7.3.2. No's 16, 17, 18 and 19 North Great George's Street are located to the rear of the site and are included on the Record of Protected Structures wherein they are described as houses. They are also included in the National Inventory of Architectural Heritage (NIAH) wherein they have been assigned a Regional Rating, with Architectural and Artistic Categories of Special Interest identified.
- 7.3.3. The appeal site is located in the North Great George's Street & Environs ACA. The character appraisal report for this ACA notes that the 18<sup>th</sup> Century buildings along North Great George's Street contribute significantly to the special historic character of the ACA. The stated purpose of the ACA is to manage change in such a way as to preserve the special character by ensuring that all new development is carried out in a manner sympathetic to the special character of the area and guiding principles for rear mews development are set out in Section 10.17.1.
- 7.3.4. Documents submitted with the planning application, including an Architectural Heritage Impact Assessment, note that the appeal site traditionally served as coach houses/mews buildings to the corresponding houses located on North Great Georges Street and that these have since separated in ownership and function. Of the existing structures on site no. 17 Rutland Place is noted as retaining the most intact plan with its primary roof structure and four walls retained along with a vaulted

basement and above ground structure located to the rear. Surviving historic party walls in no.'s 16, 18 and 19 Rutland Place were also identified.

- 7.3.5. In assessing the application, the CO considered that, notwithstanding that the ownership of the existing buildings at Nos. 16 - 19 North Great George's Street and the associated plots to the rear has changed and are no longer connected to the individual principal Protected Structures, the buildings on Rutland Place are still within the historic curtilage of the principal Protected Structures, and assessed the proposed development on this basis. The CO requested the retention of historic fabric, including party walls between the properties and a more sympathetic design that ensures the legibility of the historic plots and building lines, along with the omission of the fourth floor to reduce the overbearing impact on the protected structures along with increased rear separation distances. Following requests for further information and clarification of further information, revised designs were submitted which the CO considered better reflect the historic plots on Rutland Place and the plots associated with the protected structures to the rear and provided for the retention of historic fabric. The CO was satisfied that the 4 proposed barrel-vaulted roofs set back from the three-storey brick terraced form appropriately reflected the historic plots and addressed previous concerns in relation to the scale. The CO also considered that the principal Protected Structures on North Great George's Street retain their dominance over the new development and recommended a grant of permission.
- 7.3.6. Development Plan Policy BHA2 requires that development affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials. Policy BHA7 requires new development in ACA's should be complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials. The existing buildings on North Great Georges Street are four storey over basement. Existing buildings on Rutland Place are generally two storey with more recent buildings of between three and five storeys to the north at the junction with Denmark Street Great and of five storeys to the south on the opposite side of Rutland Place. Rutland Place is wider than a typical mews street, with a width of approximately 10 metres.

- 7.3.7. Following requests for Further Information and Clarification of Further Information the design was amended to include an increase in setback from the rear boundary increasing the separation distance from properties on North Great George's Street and reducing the height. An overall height of between 12.8m and 14.1m above ground level and a third floor shoulder height of between 9.5m and 11.5m above ground level is proposed on the front elevation and an overall height of between 11.1m and 14.1m above ground level and a third floor shoulder height of between 7.8m and 11.6m on the rear elevation is proposed, which takes account of the existing ground levels which fall from north to south. The height of the set back fourth floor is between 5.5m and 7m below the existing height of buildings to the rear on North Great George's Street and a set back of between approximately 18m and 23m is proposed from these buildings. The amended design also replaced projecting balconies with recessed balconies and included proposals to retain historic party walls along with amendments to the design of the front and rear elevation and the roof profile to provide for a design which reflects historic plot widths. In relation to retention of historic fabric, it is proposed to retain the ground floor walls and cellar structure of No. 17, although there will be no public access or use for the cellar due to health and safety concerns. An existing garden structure to the rear of no. 17 is to be partially retained and incorporated into the open space as a feature/folly within the garden with the northern boundary retained in order not to compromise the structural integrity of the adjoining structure to the rear of no. 17 North Great George's Street. It is also proposed to retain a number of primary party walls between the properties on Rutland Place and incorporate these into the proposal. Material finishes proposed include brick finishes and a standing seam metal cladding for the roof.
- 7.3.8. I consider the proposal provides for a high-quality design which is appropriate for the site and that the proposed height and set back from the rear boundary with North Great George's Street is appropriate in terms of scale, height, mass and building lines. I am satisfied that the Protected Structures on North Great George's Street will retain their dominance over the new development and that the scale, contemporary design and materials proposed are appropriate for the ACA.
- 7.3.9. Policy BHA8 states that there is a presumption against the demolition of structures that positively contribute to the character of ACA's except in exceptional

circumstances where such loss would also contribute to a significant public benefit. I am satisfied that based on the information available, including the report of the Conservation Officer and the Architectural Heritage Report submitted with the planning application and the internal and external photographs submitted, the subject buildings are in a poor state of repair at present, and do not contribute in a positive manner to the character or setting of the ACA. I consider the proposed development provides for a high-quality design which protects existing historic fabric which is appropriately incorporated into the design, including on the elevation facing Rutland Place. Having regard to the above, I consider the demolition of the subject buildings would be in compliance with the provisions set out under policy BHA8 of the Development Plan.

- 7.3.10. Section 10.17.1 of the North Great George's Street ACA document sets out guiding principles for rear mews development which includes that the form and layout should respond to the historic building plots, the building line on Rutland Place should be maintained, the rear (east) building line of new development should not extend beyond that of the historic mews building at No 17, and building heights should be 3 storey maximum with any proposed fourth storey set back at least 1.5 metres. I note that the proposal extends beyond the rear boundary of no. 17 by approximately 4.5 metres. As noted by the CO, the existing building line of no. 16, 18 and 19 extends beyond the historic rear wall of no. 17 and the CO considered the proposal acceptable in the context of guiding principle no. 3. Having regard to the design, scale and material finishes proposed, I am satisfied that the proposal provides for a high quality contemporary mews development at this location and that the proposal would not adversely affect the character of the North Great George's Street and Environs ACA.
- 7.3.11. Having regard to the above I am satisfied that the proposed development would comply with the provisions of the Development Plan in relation to built heritage, including policies BHA2, BHA7 and BHA8, to the North Great Georges Street & Environs ACA Character Appraisal and Policy Framework Report, and to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.
- 7.3.12. I note the appeal and observation refer to the CO's concerns in relation to the proposed development. However, I note the report of the CO following submission of

clarification of Further Information in which the CO was satisfied with the proposed development and considered the concerns raised in earlier reports were deemed to be addressed.

- 7.3.13. The CO recommended a number of conditions, including in relation to the southernmost corner of the proposed development which encompasses a large double-height screened opening at 1st and 2nd floor level on the corner of the boundary wall with No. 20 Rutland Place, which may have an impact on the future building line of any new development at No. 20 Rutland Place, taking into account the requirement of Guiding Principle No. 2 of the ACA “The existing building line along Rutland Place should be maintained, with no incongruous setbacks from the lane”. The CO recommended a condition be attached in this regard to submit a revised drawing indicating any adjustment. The CO was satisfied that the historic party walls are to be retained and expressed within the scheme and recommended a number of conditions in relation to the proposed demolition works and the reuse of any historic fabric that cannot be retained in situ. In the event that the Board decides to grant permission I consider it appropriate to attach the conditions of the CO in this regard.

#### **7.4. Impacts on Residential Amenity**

- 7.4.1. The observer to the appeal raises concerns in relation to impacts on residential amenity arising from overlooking, overbearing and loss of light and overshadowing. In relation to concerns regarding overlooking and overbearing I note a proposed height of between 7.8m and 11.6m at third floor and between 11.1m and 14.1m at set back fourth floor level which takes account of the sloping nature of the site. A separation distance of between approximately 18m and 23m is proposed between rear opposing windows above ground floor which exceeds the minimum 16m separation distance set out in SPPR 1 of the Compact Settlements Guidelines. Following a request for further information the proposal was amended to replace projecting balconies with recessed balconies and incorporation of metal vertical fins / louvred screens to reduce overlooking. Having regard to the proposed scale, design and separation distances, I am satisfied that the proposed development would not result in excessive loss of privacy as a result of overlooking of neighbouring properties and would not have an unacceptable overbearing impact when viewed from neighbouring properties.

- 7.4.2. I note the concerns of the observer in relation to loss of light and overshadowing. The planning application and further information response included a Daylight and Sunlight Analysis. The reports were carried out based on the guidance contained in BRE 209 third edition 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2022). The report measures daylight and sunlight for windows on the facades of neighbouring buildings, including properties at no.'s 14-21 North Great George's Street within which the observer's property is located. The results found no undue impact on daylight in neighbouring residential units. An assessment of sunlight on neighbouring properties found that the properties on North Great George's Street, with the exception of no. 19, would not be negatively impacted by the proposed development. The report notes that existing high walls and mature planting in the rear garden of no. 19 contributes to sunlight loss in that property's garden and that the scheme will not give rise to an overall unacceptable level of impact from a daylight and sunlight perspective.
- 7.4.3. I note the scale of the proposed development is not significant in the context of surrounding development which is generally four storeys in height and would not be considered significant in a city centre context. I also note the separation between the proposed building and existing properties which I consider acceptable and in accordance with SPPR 1 of the Compact Settlements Guidelines. I consider the scale of the proposed development is acceptable and unlikely to result in adverse impacts on levels of sunlight and daylight in surrounding properties in this city centre location.
- 7.4.4. Accordingly, I consider the proposed development would not give rise to unacceptable impacts on the residential amenity of neighbouring properties and is acceptable.

## **7.5. Other Matters**

- 7.5.1. Whilst not specifically raised in the appeal, having reviewed the reports of the planning officer, the Housing Quality Assessment and inspected the drawings, I am satisfied that the proposal complies with relevant design standards, including the Sustainable Urban Housing Design Standards for New Apartments 2023 in terms of unit sizes, unit mix, storage and also in relation to private and communal open space.

- 7.5.2. The planning authority attached a condition in relation to archaeological assessment. Having regard to the sites location within the Zone of Archaeological Constraint for the Recorded Monuments I consider it appropriate that such a condition be included if the Board decides to grant permission.
- 7.5.3. The proposal provides for a total of 38 bicycle parking spaces. The Transportation Planning Division have recommended a number of conditions be applied including a Bicycle Management Plan which will ensure that the areas designated are appropriate and sufficient for the development. The proposal provides for a total of 34 bedrooms and as per SPPR 4 of the Compact Settlements Guidelines, one bicycle parking space is required per bedroom. If the Board decides to grant permission I consider it appropriate to attach a condition to ensure that a minimum of 34 cycle parking spaces be provided.
- 7.5.4. The proposal provides for communal open space to the rear. The Planning Authority has not indicated whether public open space is provided for within the Section 48 development contribution. Section 15.8.7 of the Development Plan states where public open space is not provided on site financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality and that such contributions will be applicable to schemes of 9 units or more. The Dublin City Development Contribution Scheme 2023-2026 provides for a financial contribution of 5,000 euro per unit in this regard. As such I consider it appropriate, if the Board decides to grant permission, that a condition be attached requiring payment of a contribution in lieu of public open space.

## **8.0 AA Screening**

### **8.1. Appropriate Assessment Screening Determination**

- 8.1.1. I have considered the proposed development comprising demolition of existing structures and construction of a four-story apartment building in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.
- 8.1.2. A screening report for Appropriate Assessment was submitted with the planning application which concluded that the likelihood of significant impacts arising from the proposed development on all European Designated Sites can be ruled out on the



basis of a lack of connectivity and that the proposed development will not have a significant effect on any European Designated Sites. The Planning Authority reviewed the information and was satisfied with the conclusions made.

- 8.1.3. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 8.1.4. A detailed description of the proposed development is presented in Section 2 of my report. In summary, the proposed development site is a brownfield site within an existing urban environment with surrounding development including residential, commercial and roads. The development will comprise of the demolition of existing warehouse buildings and the construction of a four story apartment building. Water and waste will be connected to existing infrastructure. The drainage for the proposed development will be designed on a separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system.

### **European Sites**

- 8.1.5. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).
- 8.1.6. The closest European Sites are South Dublin Bay and River Tolka SPA (004024) located 2.2km east of the site and South Dublin Bay SAC (000210) located 3.8km southeast of the site. Qualifying interests and conservation objectives for each of the sites are listed on the National Parks and Wildlife Services (NPWS) website ([www.npws.ie](http://www.npws.ie)). Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those listed above.
- 8.1.7. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The nearest pathways to the nearest designated sites from the appeal site are the Royal Canal located c. 800m to the north and the River Liffey located c. 750m to the south of the appeal site, both of which flow into Dublin Bay.

### **Likely impacts of the project (alone or in combination)**

- 8.1.8. Due to the enclosed nature of the development site and the presence of a significant buffer area comprising existing urban development between the site and the nearest pathways to European Sites, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors. The proposed development would not have direct impacts on any European site.
- 8.1.9. During site clearance, demolition and construction of the proposed development and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. The contained nature of the site which is serviced with no direct ecological connections or pathways, and distance from receiving features connected to South Dublin Bay and River Tolka SPA and South Dublin Bay SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

**Likely significant effects on the European sites in view of the conservation objectives**

- 8.1.10. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

**Screening Determination**

- 8.1.11. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites including South Dublin Bay and River Tolka SPA and South Dublin Bay SAC,

or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The scale of the development and lack of impact mechanisms that could significantly affect a European Site;
- Distance from and lack of connections to the European sites;
- The disposal of foul water to the public foul sewer system and surface water to the public surface water sewer network for required treatment;
- Taking into account the screening determination by the planning authority.

## **9.0 Recommendation**

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

## **10.0 Reasons and Considerations**

10.1. Having regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011), the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, to the provisions of the Dublin City Development Plan 2022-2028 including the Z1 zoning objective, to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, and would not adversely impact on the character and setting of protected structures in the vicinity of the site or the character of the North Great George's Street and Environs Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 08<sup>th</sup> day of November 2023 and the 15<sup>th</sup> day of March 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:
  - (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,
  - (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
  - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
  - (d) protection of the historic walls to be retained during the construction works,
  - (e) materials/features of architectural interest to be salvaged,
  - (f) All historic fabric that survives at first floor level within the existing buildings and that cannot be retained in situ shall be carefully taken down, inventoried, cleaned and reused where possible within repairs to the boundary walls or within the landscaping, in accordance with best conservation practice.
  - (g) The historic walls to be retained shall be temporarily propped in situ to avoid unnecessary losses. The demolition of part of the 'garden' building to

the rear of No. 17 shall be executed in a careful manner, ensuring that reusable historic materials are salvaged and reused in an appropriate manner within the development, and that the stability and integrity of the remaining return structure within the ownership of No. 17 North Great George's Street is not affected.

(h) The Applicant is requested to review the proposed double-height screened opening at 1st and 2nd floor level on the corner of the boundary wall with No. 20 Rutland Place to ensure that it does not have an impact on the future building line of any new development at No. 20 Rutland Place. A revised drawing indicated any adjustment shall be submitted for written agreement.

(i) The following information shall be submitted for the written agreement of the Planning Authority in advance of the works commencing in the respective areas of the site: i) The Structural Engineer shall carry out definitive investigative works to the party wall at No. 15/16 Rutland Place to determine if this consists of two independent walls and shall submit a final record of the existing wall construction and structural details for the proposed construction of the wall. A 1:20 section and plan informed by the investigative works shall be submitted. ii) The Applicant shall remove the existing damp proof sheeting to the party wall to No. 19/20 Rutland Place and reuse where possible any historic fabric within the wall prior to complete demolition. iii) Submit detailed drawings of the proposed access hatch and stair to the historic vaults at No. 17. The access hatch shall either accommodate the paving material proposed for the rear amenity space, or be a high-quality custom-made cast metal cover. iv) Submit a schedule of all consolidation and repair details for the cellar, including details of how the cellar will be ventilated (to avoid any infestation or water damage), and proposals for simple lighting to facilitate safe access and regular inspections, and fire protection (if required). v) Submit 1:20 plans, sections and elevations of the remnant of the garden room to the rear of No. 17 and cellar that will be retained, and confirmation of how the fabric would be finished to avoid any potential damage into the building within the ownership of No. 17 North Great George's Street. vi) The applicant shall ensure that disruption to the nesting of birds or animals within the spaces will be avoided, and shall demonstrate how this would be maintained

to avoid unnecessary deterioration of the fabric, and whether decorative gates/grilles or other measures may be required. The proposed works to the historic remnant shall be accompanied by a detailed method statement and specification for all proposed repairs and interventions and shall include a methodology for the continued inspection and maintenance of the remnant of the historic return ('garden' building). vii) Detailed drawings accompanied by cross-referenced record photographs shall be submitted of any underpinning or other consolidation works required to all historic garden / boundary walls to ensure the continued use of the historic garden walls. viii) Submit 1:20 detailed sections, plans and elevations of balconies/guardings. The fenestration, guardings and general detailing shall be of high quality and samples of materials of these elements shall be submitted for written agreement ix) Submit 1:20 drawings of the proposed ground floor planters/screens, front entrance gates and parapet detail to the top of the brick walls/parapets (appears to be a metal capping) and a 1:10 detail for the junction/gutter and flashings between No. 15 and the new building at No. 16. x) Submit details of opening arrangement of the front entrance gates, confirming if there are manual or electronic gate controls and call bell/door entry system. The rubble stone wall shall be of adequate thickness. Unnecessary loss of historic fabric shall be avoided. xi) Confirmation of the proposed floor finish to the outer and inner entrance halls that shall be of high quality and easily cleaned.

Reason: In the interest of the protection of architectural heritage.

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

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

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

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

5. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. The developer shall engage a suitably qualified archaeologist to carry out an Archaeological Impact Assessment (AIA) following consultation with the National Monument Service (NMS) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

7. (a) A minimum of 34 no. safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

8. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [for each apartment unit] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of



development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

11. Prior to the occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

12. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity

13. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of

working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

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

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

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

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

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the

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

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

18. The developer shall pay to the planning authority a financial contribution of €5,000 (five thousand euro) per unit as a contribution in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.

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

19. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning

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

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

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

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Bernadette Quinn  
Planning Inspector

09<sup>th</sup> December 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-319653-24		
<b>Proposed Development Summary</b>	Protected structure: Demolition of structures, construction of 4 storey building with 24 apartments with all associated site works.		
<b>Development Address</b>	Numbers 16-19, Rutland Place, Dublin 1 (located to the rear of Numbers 16-19 North Great George's Street, all of which are protected structures).		
<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>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	<b>Conclusion</b>
			No EIAR or Preliminary Examination required

<b>Yes</b>	X	Class 10 (b) (i), threshold >500 dwellings.		Proceed to Q.4
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4. Has Schedule 7A information been submitted?				
<b>No</b>	X		<b>Preliminary Examination required</b>	
<b>Yes</b>			<b>Screening Determination required</b>	

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

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

## Appendix 2

### Form 2

#### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-319653-24	
<b>Proposed Development Summary</b>	Protected structure: Demolition of structures, construction of 4 storey building with 24 apartments with all associated site works.	
<b>Development Address</b>	Numbers 16-19, Rutland Place, Dublin 1 (located to the rear of Numbers 16-19 North Great George's Street, all of which are protected structures).	
<p><b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed residential development is in an area that is characterised by residential use and a mix of commercial uses. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	No.

<p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	<p>No.</p>
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development would be located in a serviced urban area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	<p>No.</p>
<p><b>Conclusion</b></p>		



<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>		
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**Inspector:** \_\_\_\_\_

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