



An
Bord
Pleanála

Inspector's Report

ABP-320278-24

Development

Modifications to granted permission (Dublin City Council Ref. 4456/19 and ABP-308078-20) to increase number of storeys from 3 to 4 and number of apartment units from 12 to 14, with all associated works.

Location

Lands to the side of Saint Agnes Convent, (Captains Place), Armagh Road, Crumlin, Dublin 12

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3224/24

Applicant(s)

Hilltop D12 Project Ltd.

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Daniel Carroll and Gemma Foley

Observer(s)

None

Date of Site Inspection

11TH April 2025

Inspector

Frank O'Donnell

Contents

| | |
|--|----|
| 1.0 Site Location and Description | 5 |
| 2.0 Proposed Development | 5 |
| 3.0 Planning Authority Decision..... | 6 |
| 3.1. Decision..... | 6 |
| 3.2. Planning Authority Reports | 8 |
| 3.3. Prescribed Bodies..... | 8 |
| 3.4. Third Party Observations | 8 |
| 4.0 Planning History | 9 |
| 5.0 Policy Context | 11 |
| 5.1. Development Plan | 11 |
| 5.2. Guidelines..... | 15 |
| 5.3. Natural Heritage Designations | 16 |
| 5.4. EIA Screening..... | 16 |
| 6.0 The Appeal..... | 16 |
| 6.1. Grounds of Appeal..... | 16 |
| 6.2. Applicant Response..... | 19 |
| 6.3. Planning Authority Response..... | 19 |
| 6.4. Observations | 19 |
| 6.5. Further Responses | 19 |
| 7.0 Assessment..... | 20 |
| 8.0 AA Screening | 27 |
| 9.0 Recommendation | 28 |
| 10.0 Reasons and Considerations | 28 |

| | | |
|------|------------------|----|
| 11.0 | Conditions | 28 |
|------|------------------|----|

1.0 Site Location and Description

- 1.1. The subject appeal site is located to the east side of the former St. Agnes Convent and Chapel building within an integrated health care and residential care facility. The site comprises a three storey residential building which is currently under construction and consisting of 12 no. 1 bedroom independent living units. The site has a general C shape and has a stated area of 1,211 sqm (0.12 hectares). Cashel Road residential development lies to the immediate east of the subject appeal site.
- 1.2. The adjacent 2 storey St. Agnes Convent and Chapel Building together with a purpose built 3 storey primary care centre further to the southwest are understood to both be occupied by the Health Service Executive (HSE). Further to the south and southwest there are 6 no. 3 and 4 storey apartment blocks comprising 103 no. 1 bedroom independent living units.

2.0 Proposed Development

- 2.1. The Proposed Development, as initially presented to the Local Authority, comprised the following main elements:
 - Modifications to previously approved development as planning reg. ref. no. DCC Reg. Ref. 4456/19 (Appeal Ref. no. ABP-308078-20) refer.
 - The proposed modifications include the following:
 - The construction of 1 no. additional floor and resultant increase in the number of storeys from 3 storeys to 4 storeys.
 - The provisions of 2 no. 2 bedroom apartments on the proposed new set back third floor. This will result in an increase in the overall height of the building by 2.2 metres from 10.6 metres to 12.8 metres and an increase in the overall number of apartments within the subject block from 12 no. (1 no. bedroom) apartment units to 14 no. (12 no. 1 bedroom and 2 no. 2 bedroom) apartment units.
 - All with associated bike store, bin store, landscaping and site work.
 - The Proposed Development, as initially presented to the Local Authority, comprised the following main elements:

- 2.2. Section 5.2 of the submitted Design Statement notes there are no modifications proposed to the ground, first or second floors as permitted under planning reg. ref. no. 4456/19 (Appeal Ref. No. 308078-20). The proposed modifications solely relate to the third floor and the roof floor.
- 2.3. The proposed development, as initially presented to the Local Authority, was amended in response the Request for Further Information, to provide 2 no. 1 bedroom apartment units on the third floor thus providing the same resultant increase in the number of storeys from 3 storeys to 4 storeys, the same increase in the number of apartments from 12 no. to 14 no. (12 no. 1 bedroom and 2 no. 2 bedroom) and the same increase in the overall height of the building by 2.2 metres from 10.6 metres to 12.8 metres.
- 2.4. The proposed 2 no. 1 bedroom apartment units are each shown to have a proposed floor area of 56.6 sqm.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. A Request for Further Information was issued by the Local Authority on 11th April 2024 as follows:

1. *The Planning Authority considers that the scale and massing of the resultant four storey building is excessive in the context of the adjoining two storey St Agnes Convent Building and the two storey dwellings within Cashel Road. The applicant is requested to re-examine the scale and massing of the additional floor. It is recommended that the extent of the new floor is further reduced by setting it back from the lower floor level on all sides i.e. the north-eastern and southwestern elevations. The submission should be accompanied by an updated floor area schedule for the proposed apartments.*
2. *The Planning Authority considers that the submitted Shadow Analysis is incomplete; the orientation of the diagrams/plans is incorrect and the methodology has not been outlined. Therefore, the information submitted with the application is inconclusive and is not sufficient to*

allow the Planning Authority to fully consider the impacts of the proposal on the residential amenities of the adjoining properties on Cashel Road. Having regard to the requirements of Item 1 above, the applicant is requested to submit a comprehensive overshadowing assessment carried out in accordance with the BRE Guidelines.

3.1.2. A Request for Clarification of Further Information was issued by the Local Authority on 29th May 2024, as follows:

1. *Further to the response to Item 1 of the Further Information request, it is noted from the submitted proposed floor plans that the setback from the lower floor levels on north-eastern and south-western elevations adjoining Cashel Road equates to 1metre, however the elevation plan indicates that this equates to 1.2m. The applicant is requested to clarify this discrepancy.*
2. *Further to the response to Item 2 of the Further Information request, it is considered that the submitted overshadowing analysis is incomplete as it does not consider the 3-storey development that was permitted under DCC Reg. Ref. 4456/19 (ABP Ref: ABP-308078-20). This information is necessary in order to accurately determine the extent of additional overshadowing that would occur as a result of the proposed development. A further updated shadow analysis indicating the existing, permitted and proposed scenarios should be provided.*

3.1.3. A notification of Decision to Grant permission was issued by the Local Authority on 4th July 2024 subject to 6 no. conditions.

3.1.4. Condition no's. 3 & 4 read as follows:

3. *Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under DCC Reg. Ref. 4456/19 and ABP Ref: ABP-308078-20.*

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

4. *The independent living units within the block shall not be sublet or used for short term letting or sold individually without a prior grant of planning permission.*

Reason: In the interest of clarity, consistency the development objectives for the site location and the interests of the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that having regard to the pattern of development in the area, that subject to compliance with the recommended conditions, the development would not seriously injure the amenities of the area or property in the vicinity and that therefore the proposed development would be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

- The **Drainage Division** raise no objection to the proposed development subject to 3 no. conditions.
- The **Transport Planning Division** raise no objection to the proposed development subject to 3 no. conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- 3.4.1. 6 no. Third Party Observations/ submission were received by the Local Authority including 1 no. from the current Appellants. The main issues raised in the said Observations/ Submissions are covered in the Appeal submission but also include issues relating to:

- Planning History/ Precedent: A very similar proposal was previously refused planning permission, as planning reg. ref. no. 4001/23 refers. The proposed building height has not changed.
- Visual Blight: The design of the Northeastern elevation is considered to be brutalist and will serve to result in the visual blight on adjacent dwellings.
- Out of Character: The proposed development is out of character and does not blend in with the established pattern of development in the area, including the adjacent chapel and convent.

3.4.2. 1 of the above 6 no. Observations/ Submission was received from the following:

- Cllr. Pat Dunne

4.0 Planning History

4.1. Planning History on the subject appeal site

- **Planning Reg. Ref. no. 4456/19 (Appeal Ref. No. PL. 308078)**: Permission for the construction of 1 3-storey residential building comprising of 12 independent living units and 6 on-site carpark spaces. Permission was GRANTED on 23rd December 2020 subject to 15 no. conditions.

Condition no. 10 read as follows:

10. *No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, telecommunication aerials, antennas, or equipment shall be erected at roof level other than those shown on the plans lodged with the planning application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour, or nuisance at sensitive locations.*

Reason: In the interest of visual amenity

- **Planning Reg. Ref. No. 4001/23**: Permission for modifications to the permitted development (Reg. Ref. 4456/19 ABP Ref. ABP-308078-20). The proposed amendments consist of the provision of 4 no. additional 1-bedroom

independent living units for social housing, with associated balconies at third floor level. Bringing the total number of independent living units (ILU's) from 12 to 16 ILU's, served by previously approved 5 on-site carpark spaces and associated site works and services. Permission was REFUSED on 28th November 2023 for 1 no. reason as follows:

1. *Having regard to the design, scale, mass and bulk of the proposal and the proximity of the development to adjoining properties, it is considered that the proposed development would have an excessively overbearing and overshadowing effect on the adjoining dwellings at 214-224 Cashel Park. The proposed development fails to integrate or be compatible with the design and scale of the adjoining buildings and as a result, would seriously injure the visual amenities of the area and would have an adverse impact on the character of the area. The proposed development would, therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.*
- **Planning Reg. Ref. No. WEB1373/25:** Permission for modifications to the previously granted permission DCC Reg. Ref. 4456/19 and ABP Ref: ABP-308078-20. Modifications are:
 - The change of Use of 1 No. ground floor apartment to communal space for residents use, decreasing the number of apartment units from 12 No. to 11 No. apartment units.
 - No changes to the building footprint, height or elevations are proposed.

This application (**Planning Reg. Ref. No. WEB1373/25**) was lodged with the Local Authority on 26th February 2025. There were no Third Party Submission received. A Notification of Decision to GRANT permission was issued by the Local Authority on 22nd April 2025 subject to 8 no. conditions.

4.2. Planning History on adjacent lands

- 4.2.1. A summary of relevant planning history on the adjacent lands to the immediate south, southwest and west of the subject appeal site is provided as Appendix A of this report.

5.0 Policy Context

5.1. Development Plan

- Dublin City Council Development Plan, 2022 to 2028

- 5.1.1. The subject appeal site is zoned Z15 'Community and Social Infrastructure', in the Dublin City Development Plan, 2022 to 2028, the zoning objective for which is *'to protect and provide for community uses and social infrastructure.'*
- 5.1.2. Chapter 14 of the Plan relates to Land Use Zoning. Section 14.3.1 relates to Permissible and Non-Permissible Uses where it is stated *'there will be a presumption against uses not listed under the permissible or open for consideration categories in zones Z1, Z2, Z6, Z8, Z9, Z11, Z12 and Z15. Other uses will be dealt with in accordance with the overall policies and objectives in this plan.'*
- 5.1.3. Section 14.7.14 specifically relates to Community and Social Infrastructure – Zone Z15 and includes the following guidance in relation to residential development on Z15 lands:
- 'In recent years, Z15 lands have come under increased pressure for residential development. However, protecting and facilitating the ongoing use of these lands for community and social infrastructure, as well as their use in some instances for charitable purposes, is a key objective of the Council. The Council are committed to strengthening the role of Z15 lands and will actively discourage the piecemeal erosion and fragmentation of such lands.'*
- 5.1.4. Further guidance is provided in relation to a) Development on Z15 lands and b) Development Following Cessation of Z15 use. The guidance provided in relation to a) Development on Z15 lands is considered to be applicable in this instance and reads as follows:

A: Development on Z15 Lands

Limited residential/commercial development on Z15 lands will only be allowed in highly exceptional circumstances where it can be demonstrated by the landowner/applicant that the proposed development is required in order to maintain or enhance the function/ operational viability of the primary institutional/social/community use on the lands. The following criteria must also be adhered to:

- In proposals for any limited residential/commercial development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities would not be compromised.*
- Any such residential/commercial development must demonstrate that it is subordinate in scale to the primary institutional/social/community use.*
- Where appropriate, proposals should be subject to consultation with the relevant stakeholder e.g. Department of Education/Health Service Executive.*
- The development must not compromise the open character of the site and should have due regard to features of note including mature trees, boundary walls and any other feature(s) as considered necessary by the Council.*
- In all cases, the applicant shall submit a statement, typically in the form of a business plan, or any other relevant/pertinent report deemed useful and/or necessary, as part of a legal agreement under the Planning Acts, demonstrating how the existing institutional/social/community facility will be retained and enhanced on the site/lands.*
- In all cases the applicant shall be the landowner or have a letter of consent from the landowner.*

For clarity, the above criteria do not apply to residential institution use, including ancillary staff accommodation or assisted living/retirement home.

Student accommodation will only be considered in instances where it is related to the primary use on the Z15 lands.

Any proposed development for 'open for consideration' uses on part of the Z15 landholding, shall be required to demonstrate to the planning authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; and, how such a development would preserve, maintain or enhance the existing social and community function(s) of the lands subject to the development proposal.

5.1.5. The guidance also references a Masterplan requirement, as follows:

Masterplan Requirement

In either scenario A or B, it is a requirement that for sites larger than 1ha that a masterplan is provided. The masterplan must set out the vision for the lands and demonstrate that a minimum of 25% of the overall development site/lands is retained for open space and/or community and social facilities. This requirement need not apply if the footprint of existing buildings to be retained on the site exceeds 50% of the total site area.

The 25% public open space shall not be split up, unless site characteristics dictate otherwise, and shall comprise mainly of soft landscaping suitable for recreational and amenity purposes and should contribute to, and create linkages with, the strategic green network. Development proposals must incorporate landscape features that contribute to the open character of the lands and ensure that public use, including the provision of sporting and recreational facilities which would be available predominantly for the community, are facilitated.

Where there is an existing sports pitch or sports facility on the Z15 lands subject to redevelopment, commensurate sporting/recreational infrastructure will be required to be provided and retained for community use where appropriate as part of any new development (see also Chapter 10: Green Infrastructure and Recreation, Policy GI49).

5.1.6. Uses which are identified as being Permitted in Principle on Z15 lands include 'Assisted living/retirement home, buildings for the health, safety and welfare of the

public, ... community facility, residential institution (and ancillary residential accommodation for staff),...’.

5.1.7. Uses which are identified as being Open for Consideration on Z15 lands include *‘...residential (only in accordance with the highly exceptional circumstances set out above), student accommodation (associated with the primary institutional use),...’.*

5.1.8. Chapter 5 relates to Quality Housing and includes the following policies and objectives which are considered to be of relevance to the subject proposals:

Policies

- **QHSN14: High Quality Living Environment**

To support the entitlement of all members of the community to enjoy a high quality living environment and to support local communities, healthcare authorities and other bodies involved in the provision of facilities for groups with specific design/ planning needs.

- **QHSN16: Accessible Built Environment**

To promote built environments and outdoor shared spaces which are accessible to all. New developments must be in accordance with the seven principles of Universal Design as advocated by the National Disability Authority, Building For Everyone: A Universal Design Approach 2012 and consistent with obligations under Article 4 of the United Nations Convention on the Rights of People with Disabilities.

- **QHSN17: Sustainable Neighbourhoods**

To promote sustainable neighbourhoods which cater to the needs of persons in all stages of their lifecycle, e.g. children, people of working age, older people, people living with dementia and people with disabilities.

- **QHSN18: Needs of an Ageing Population**

To support the needs of an ageing population in the community with reference to housing, mobility and the public realm having regard to Age Friendly Ireland's 'Age Friendly Principles and Guidelines for the Planning Authority 2020', the Draft Dublin City Age Friendly Strategy 2020-2025 and Housing Options for our Aging Population 2019.

- **QHSN23: Independent Living**

To support the concept of independent living and assisted living for older people, to support and promote the provision of specific purpose built accommodation, including retirement villages, and to promote the opportunity for older people to avail of the option of 'rightsizing', that is the process of adjusting their housing to meet their current needs within their community.

Objectives

- **QHSNO10: Intergenerational Models of Housing**

To investigate and encourage intergenerational models of housing for older people, building on pilot projects in the city, incorporating the principles set out in the Universal Design Guidelines for Homes in Ireland 2015 and drawing on international best practice models.

- **QHSNO11: Universal Design**

To ensure that 50% of apartments in any development that are required to be in excess of minimum sizes should be designed to be suitable for older people/mobility impaired people, people living with dementia and people with disabilities in accordance with the guidelines set out in the Universal Design Guidelines for Homes in Ireland 2015, the DHLG&H's Design Manual for Quality Housing 2022 and the DHP&LG & DH's Housing Options for Our Ageing Population Policy Statement 2019.

5.1.9. Chapter 15 relates to Development Management Standards.

5.2. Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023
- Design Manual for Urban Streets and Roads, 2019
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018

- Urban Design Manual - A Best Practice Guide, 2009

5.3. Natural Heritage Designations

5.3.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- North Dublin Bay SAC (Site Code 000206), c. 9.43 km to the Northeast;
- South Dublin Bay SAC (Site Code 000210), c. 6.37 km to the East;
- North Bull Island SPA (Site Code 004006), c. 9.42 km to the Northeast;
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c. 6.4 km to the East;
- North West Irish Sea SPA (Site Code 004236), c. 10.78 km to the Northeast;
- Baldoyle Bay SPA (Site Code 004016), c. 14.77 km to the Northeast;

5.4. EIA Screening

5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The proposed development is the subject of 1 no. third party appeal as follows:

- Daniel Carroll and Gemma Foley

6.1.2. The main Grounds of Appeal can be summarised as follows:

- **Residential Amenity**

- The proposed development will serve to impact negatively upon the established residential amenities of the Appellants and surrounding neighbours particularly in terms of Overlooking, Loss of Privacy, Overshadowing and a Loss of Sunlight.
- Overlooking: The proposed new roof terrace will directly overlook the adjoining homes and gardens resulting in a loss of privacy. Design changes at Further Information stage which introduce an open walkway serve to exacerbate the issue of a loss of privacy and result in a further intrusion. Unacceptable overlooking is also presented from the kitchen windows on the ground, first and second floors. The use of obscure glazing should be incorporated to protect the privacy of the neighbouring gardens and homes.
- Overshadowing: Several gardens will be totally in shade. All evening sun to these houses will be completely blocked out for most of the year by the proposed building.
- The Local Authority Planner considered, owing to the anticipated loss of sunlight, that the proposal would fail to protect existing residential amenities but instead an additional increase in height was permitted. The basis of this argument appears to be that the gardens are already overshadowed by the existing permitted development and that the proposed development, which will result in a further 25 to 30% increase in overshadowing is not a significant imposition. The Appellant considers such an imposition to be unjust.
- **Design**
 - Height: The eaves height of the proposed building at 12.8 metres is over twice the height of adjacent houses and c. 6.6 metres higher than the adjacent Victorian Church building.
 - The proposed building would be c. 1.1 metre from the gardens of the houses on Cashel Road, c. 8 metres higher than the eaves of said houses and almost 2.5 times taller than the existing residences.

- Such an arrangement is Overbearing and unsuitable for the subject site. Although construction has commenced for a three storey building, the residents did not anticipate that permission for a fourth floor would be sought.
- The proposed elevations have an overall grim appearance.
- The proposed development will domineer and is entirely inappropriate.
- **Distances from Boundaries and Fire Protection**
 - Rear facing kitchen windows on the ground, first and second floors directly face the rear gardens of adjacent properties and are located within 1.15 metre and 0.95 metres from the property boundary.
 - The proposed development, particularly the size and location of the kitchen windows, should be assessed in terms of fire safety/ compliance with the Fire Safety Regulations/ Building Regulations.
 - Separation distances of 2.5 metres for new development from property boundaries have been observed elsewhere within the St. Agnes Convent grounds. The said buildings are generally two storey when adjacent to private gardens, with the third storey set back in order to address the impact of overbearing scale. The subject proposal is four storey, is proximate (13 metres) from the master bedroom of a neighbouring property, and c. 1 metre from the property boundary. The proposals do not represent the principles of being a good neighbour.
- **Proximity**
 - The proposed roof terrace of the fourth floor apartment is c. 13m from the master bedroom and kitchen/ dining room windows to the rear of the Appellants dwelling. This does not comply with SPPR1 of the Residential Development Guidelines where a separation distance of 16 metres is recommended. The Local Authority failed to apply this standard and the Board is therefore requested to refuse permission for this over-intrusive development.

- **Loss of Property Value**
 - The proposed development will result in a substantial reduction in the value of the impacted homes.
- **Validity of the Planning Application:**
 - The roof terraces were not referenced in the public notices. The Application should therefore have been invalidated.

6.2. **Applicant Response**

- None

6.3. **Planning Authority Response**

- The Planning Authority request that the Board uphold its decision and request the if permission is granted, the following be applied:
 - A condition for a Section 48 development contribution.
 - A condition for a bond.
 - A condition in lieu of the open space requirement not being met (if applicable).
 - A naming and numbering condition.

6.4. **Observations**

- None

6.5. **Further Responses**

- 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, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Principle of the Proposed Development
- Residential Amenity
- Design and Layout/ Built Heritage
- Other Matters
 - *Loss of Property Value*
 - *Validity of the Planning Application*
 - *Fire Safety*

7.2. Principle of the Proposed Development

7.2.1. The subject appeal site is zoned Z15 'Community and Social Infrastructure', in the Dublin City Development Plan, 2022 to 2028, the zoning objective for which is '*to protect and provide for community uses and social infrastructure.*' I note the previously consented development, as planning reg. ref. no. 4456/19 (Appeal Ref. No. 308078-20) refers, describes the 12 no. apartment units as independent living units and that condition no. 2 of the decision to Grant permission controls the use of same and stipulates that '*the independent living units within the block shall not be sublet or used for short term letting or sold individually without a prior grant of planning permission.*'

7.2.2. Although not expressly stated in the proposed development description set out in the public notices for the subject appeal, I consider the proposed additional 2 no. Apartment units should also be considered as independent living units. Assisted living/ retirement home uses are identified as being 'Permitted in Principle' on Z15 lands. I am therefore satisfied that the principle of providing 2 no. additional

independent living units is acceptable and suitably accords with the Z15 zoning provisions for the site.

7.3. Residential Amenity

- 7.3.1. A number of Residential Amenity issues are raised in the Appeal including Overlooking and Loss of Privacy, Overshadowing and a Loss of Sunlight. I proposed to consider each of these issues in turn below.

- *Overlooking and Loss of Privacy*

- 7.3.2. I note the proposed development, as permitted by the Local Authority, does not include any additional windows along the side elevations of the proposed new floor. A new side passage way is shown along each of the side elevations and 2 no. areas of private amenity space of 11.8 metres each are proposed at the front and rear elevations. In the case of both apartments these areas are proposed to be accessed directly from the master bedroom and the living/ dining room respectively. Based on the submitted proposed block plan, drawing ref. no. 3.1.006, the existing 2 storey flat roofed rear return of the Appellants dwelling is shown to be within 9.9 metres of the party boundary. Although the distance from this said rear return to the southeast corner of the proposed additional floor is shown to be 19.6 metres on the same proposed block plan, I estimate this distance to be closer to c.15.3 metres. I estimate the private amenity space to the southeast of Apartment no. 14 is over 16 metres away from the rear elevation of the said rear return of the Appellants property. At its closest point I would estimate the distance to be c. 16.3 metres. I note separation distances ranging from 19.6 metres to 27.6 metres are shown between the sides of the proposed development and the rear elevations of the adjacent properties on Cashel Road.

- 7.3.3. Section 5.3.1 of the Sustainable Compact Settlement Guidelines, 2024, relates to minimum separation distances and includes SPPR1 (Separation Distances). Based on the separation distances proposed to be observed and having regard to the guidance set out in the above Guidelines, I am satisfied that the proposed development, as presented, is acceptable in terms of overlooking and will not lead to unacceptable loss of privacy for the adjacent properties along Cashel Road.

- *Overshadowing and Loss of Sunlight*

7.3.4. The existing consented apartment block which is currently under construction is located to the immediate west of Cashel Road. I note the issue of Overshadowing and Loss of Sunlight arose as part of the assessment of a previous planning application for a similar proposal on the subject site which was refused planning permission on 28th November 2023, see planning reg. ref. no. 4001/23. I note that said application was not appealed to An Bord Pleanála.

7.3.5. I note that under the subject application, as planning reg. ref. no. 3224/24 refers, the issue of overshadowing was raised under point no. 2 of the Request for Further Information and again later under point no. 2 of the Request for Clarification of Further Information. I note the Applicants' Response to point no. 2 of the Request for Clarification of Further Information which includes 3 no. scenarios in relation to Overshadowing impacts, i.e. the undeveloped vacant site, the site as permitted under planning reg. ref. no. 4456/19 (Appeal Ref. No. PL. 308078) and the development as proposed. The Local Authority Planner points out that the permitted development, planning reg. ref. no. 4456/19 (Appeal Ref. No. PL. 308078), *'would result in overshadowing onto the adjoining rear gardens and rear windows of the dwellings at 220 & 222 Cashel Road'*. The Local Area Planner further considers although the subject proposal will result in a further increase in overshadowing, this is marginal, would occur at 6 pm on 21st June and that for until 3 pm the impacted gardens are anticipated to remain largely clear of any overshadowing. The proposed development was deemed by the Local Authority to be acceptable in terms of overshadowing, owing to the extent of available garden space to said properties and the minimal extent of such additional overshadowing.

7.3.6. I note the 4 no. Comparative Shadow Analysis Drawing proposals presented by the Applicant in Response to the Request for Clarification of Further Information. No overshadowing impacts are anticipated for the month of December. For the remaining months of March, June and September, the most significant overshadowing impacts on the adjacent properties at Cashel Road are shown to occur at 3 pm on 21st March and 21st September and at 6 pm on 21st June.

7.3.7. In the case of 3 pm on 21st March, I note the additional overshadowing impact is shown to entirely occur in the rear gardens of no's 214, 216 and 218 Cashel Road.

Owing to the extent of existing rear garden space in each of the respective properties, I do not consider the additional overshadowing impact to be significant in this instance.

7.3.8. At 3 pm on 21st September a similar increased overshadowing impact to that shown at 3 pm on 21st March is shown to occur to the rear of the same 3 no. rear gardens. Owing to the extent of existing rear garden space in each of the respective properties, I do not consider the additional overshadowing impact to be significant in this instance.

7.3.9. At 6 pm on June 21st the increased overshadowing impact is shown to fall within the rear gardens of no's 220, 222 and 224. The additional impact to no's 220 and 222 is focused to the rear garden and in my view, in addition to the already consented overshadowing impact and the size and extent of the respective rear gardens, is not significant. The rear of no' 224 is shown to be the most impacted. I note however that there is an existing and long established two storey flat roof extension to the rear of no. 224 which extends along the southern party boundary and beyond the rear elevation of the dwelling by c. 2 metres. This said extension is, in my opinion, likely to impact upon the extent of available daylight to the rear ground floor of this property, to the immediate north of said rear extension for much of the day. In my opinion, the additional overshadowing arising as a result of the proposed development will be focused in the rear garden space and is marginal in the context of the previously consented development. I am therefore satisfied that the proposed development, as presented, is acceptable in terms of overshadowing impacts upon the rear amenity spaces of the adjacent properties along Cashel Road.

7.3.10. I am satisfied that the proposed development, as presented, is acceptable in terms of Overlooking, Loss of Privacy, Overshadowing and Loss of Daylight and, in this regard, will not serve to impact negatively upon the established residential amenities of said properties.

7.4. Design and Layout

7.4.1. The building which is currently under construction is a 3 storey flat roof structure. As per planning reg. ref. no. 4456/19 (Appeal Ref. No. 308078-20) the building is shown to have a maximum height of 10.6 metres to parapet level and is shown to comprise 12 no. 1 bedroom independent living units, 4 no. on each floor.

- 7.4.2. The proposed development as approved by the Local Authority provides an additional storey to the consented 3 storey building. This results in an increase in the overall height of the building by 2.2 metres from the consented 10.6 metres to 12.8 metres to parapet level. I note this additional fourth floor is proposed to be set back 1 metre from the consented side northeast and southwest elevations. A setback of 4.4 metres is observed from the front northwest elevation and 3.6 metres from the southeast elevation. I note the initial design proposal, presented under the subject application, showed no set back from the consented side northeast and southwest elevations. I note also there are no windows proposed along the side elevations of the proposed new fourth floor and that the proposed external finish comprises pressed metal cladding in light bronze. Flat roof areas to the front northwest (2 no.) and rear southeast (2 no.) elevations are shown to be segregated from the respective areas of private open space in both cases by a continuous glass balustrade and therefore inaccessible for residents.
- 7.4.3. Both of the proposed 1 bedroom apartments have an internal floor area of 73.5 sqm and 2 areas of private open space to the front and rear totalling 23.6 sqm in both cases. The proposed 2 no. additional 1 bedroom apartments, in addition to the consented 12 no. 1 bedroom apartments generate a demand for 70 sqm of communal open space. I am satisfied that the 2 no. apartments, as presented, comply with recommended internal standards for apartments and private and communal amenity space as set out in the Sustainable Urban Housing: Design Standards for New Apartments, 2023.
- 7.4.4. I note a similar proposal to the current application and appeal was refused by the Local Authority on 28th November 2023, as planning reg. ref. no. 4001/23 refers. The 1 no. reason for refusal is quoted above in section 4.0 of this report. The primary differences between the current and previous proposals can be summarised as follows:
- The current proposal, the subject of this appeal and as approved by the Local Authority, is shown to have a parapet level of 55.80 metres. This is 0.4 metres below the maximum parapet level of 56.21 metres proposed under planning reg. ref. 4001/23.

- The proposed fourth storey under planning reg. ref. no. 4001/23 was flush with the external footprint of the consented 3 storey building (planning reg. ref. no. 4456/19 and ABP-308078-20) and included a mansard roof. By comparison, the current proposal is set back 1 metre from the side elevations.
- The previous proposal had 2 no. side facing windows. The east elevation had a kitchen and bathroom window whereas the west elevation had a kitchen window and a living area window. The current proposal does not propose any windows on the side elevations.
- The previous proposal comprised 2 no. 1 bedroom and 1 no. 2 bedroom apartments. The current proposal comprises 2 no. 1 bedroom apartments.
- The current proposal includes areas of private open space to the front and rear of each apartment. Each area measures 11.8 sqm therefore equating to a combined private amenity space of 23.6 sqm in each case. The previous proposal provided private amenity space in the form of recessed winter gardens.

7.4.5. I note the relationship between the consented apartment building, which is currently under construction and the immediately adjacent former St. Agnes Convent and Chapel building as shown on the submitted (Granted and Proposed Contextual Elevation) drawing no. 3.1.500. The same drawing also shows the relationship between the initial proposal presented to the Local Authority and the said former Convent and Chapel building as well as the consented and initially proposed relationship relative to a side section through house on Cashel Road.

7.4.6. I estimate the consented building is c. 1.6 metres above the existing ridge line of the adjacent former Convent/ Chapel and c. 3.8 metres below the top of the spire of the adjacent former Chapel. I further estimate the overall height of the modified building, including the additional fourth floor, will be c. 3.8 metres above the ridge line of the adjacent former Chapel and c. 1.5 metres below the top of the spire. I also note the fourth floor is proposed to be recessed 1 metre on either side from the existing side elevation meaning there would be a separation distance of c. 7 metres would be observed between the fourth floor west side elevation of the outer edge of the open bell tower.

- 7.4.7. I note the Convent and Chapel Building is occupied by the HSE and that it is not listed as a Protected Structure nor indeed is it listed on the National Inventory of Architectural Heritage (NIAH). I also note the current application was not referred to the Conservation Officer.
- 7.4.8. There are 6 no. apartment blocks located further to the south of the subject appeal site. I note three of these said apartment blocks are part 4 storey/ part 3 storey in height. I am satisfied that this creates a precedent for 4 storey structures on the overall landholding. I note that permission was previously refused for 2 no. infill apartment blocks on two separate occasions on appeal, as planning reg. ref. no. 3544/19 (Appeal Ref. No. PL 205593-19) and planning reg. ref. no. 2572/20 (Appeal Ref. No. PL.307770) refer and that the said reasons for refusal included excessive height. I do not consider the subject site to share the same characteristics as these examples as the principle for infill development on this site is already established under the previous permission and appeal, reg. ref. no. 4456/19 and ABP-308078-20 and the proposed increase in height of 2.2 metres from 10.6 metres to 12.8 metres is, in my opinion, relatively modest.
- 7.4.9. In summary, I consider the design, scale, height and layout of the proposed development to be acceptable.

7.5. Other Matters

- *Loss of Property Value*

- 7.5.1. The issue of an anticipated loss of property values as a result of the proposed development is raised in the Appeal. I note however that the Appellant has not provided any evidence in support of this contention. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

- *Validity of the Planning Application*

- 7.5.2. The public notices which accompanied the planning application in my opinion accurately describe the proposed development as initially presented. I note reference is made to an additional set back at roof level. The Appellant considers that as the roof terraces were not referenced in the public notices, the application

should therefore have been invalidated. Additional set-backs of 1 metre to the side elevations were introduced by the Applicant on foot of the Request for Further Information and Clarification of Further Information. I consider the said setbacks do not strictly constitute roof terraces owing to the restricted maximum width of 1 metre (700 mm when the side planting is included) and are more akin to 2 no. side passageways. I note the Local Authority did not consider the revised proposals to include significant further information and that the Applicant was not requested to readvertise the changes proposed. I am satisfied as to the validity of the planning application.

- *Fire Regulations*

- 7.5.3. The issue of compliance with Fire Regulations is raised in the Appeal. Compliance with Fire Regulations is, however, the subject of a separate legal code. The issue of compliance with Fire Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

8.0 AA Screening

- 8.1. I have considered case ABP 320278-24 in light of the requirements of Section 177U the Planning and Development Act 2000, as amended. The proposed development is located within an integrated health care and residential care facility and comprises modifications to a permitted development to increase the number of storeys from 3 to 4 and the number of apartment units from 12 to 14 together with all associated works. The closest European Site, part of the Natura 2000 Network, is the South Dublin Bay and River Tolka SPA, located 6.4 kms east of the proposed development.
- 8.2. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.3. The reason for this conclusion is as follows:
- Small scale and domestic nature of the development

- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

8.4. I conclude, 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.

8.5. 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 permission be granted.

10.0 Reasons and Considerations

10.1. Having regard to the location of the application site in an area zoned Z15 'Community and Social Infrastructure', in the Dublin City Development Plan, 2022 to 2028, where *assisted living/retirement home* are identified as uses which are 'permitted in principle' and having regard to the consented independent living units on the subject site and the established integrated health care and residential care facility uses of the adjacent lands and the design, scale and height of the proposed development, it is considered that the proposed development would not detract from the visual or residential amenities of the area and would otherwise accord with the provisions of the Dublin City Development Plan and 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 1st of May 2024 and 7th June 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission reg. ref. no. 4456/19 (Appeal Ref. no. ABP-308078-20) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. The independent living units within the block shall not be sublet or used for short-term letting or sold individually without a prior grant of planning permission.

Reason. In the interest of clarity, consistency the development objectives for the site location and the interests of the proper planning and sustainable development of the area.

4. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection and residential amenities.

5. Proposals for a name and associated signage for the proposed block 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 orderly development.

6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the planning application) shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interests of visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

8. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour, or nuisance at sensitive locations.

Reason: In the interests of visual amenity.

9. Details to include samples of the materials, colours and textures of all external finishes shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

10. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

11. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, communal spaces, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, prior to occupation of the development.

Reason: In the interest of amenity and orderly development.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 satisfactory reinstatement of the site.

13. 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.

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.

Frank O'Donnell
Planning Inspector

29th April 2025

Appendix 1 – Additional Planning History on the adjacent lands

- **Planning Reg. Ref. no. 2881/12 (PL.241889):** Renovation and change of use from convent to health centre and construction of a new building connected to the convent. Permission was GRANTED on 19/08/2013 subject to 27 no. conditions.

Condition no's 3 & 15 read as follows:

3. *The south western portion of the Primary Care Centre building shall be reduced in width to no more than 11.23 metres and in length to no more than 31.71 metres and no part of the Primary Care Centre building shall be forward of the main north-western elevation of the convent building.*

Reason: In the interest of visual and architectural amenity.

15. *No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.*

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

- **Planning Reg. Ref. no. 2882/12 (PL.241890):** Residential care facility, including 122 no. nursing home bedrooms, 120 no. sheltered accommodation units and site works. Permission was GRANTED on 19th August 2013 subject to 24 no. conditions.

Condition no's. 4, 8 & 15 read as follows:

4. *The second floor of Blocks A, B and C of the independent living units shall be omitted. The finished height of these blocks shall be two and three storeys. Revised drawings illustrating same shall be submitted to the planning authority for written agreement prior to the commencement of development.*

Reason: To protect the residential amenity of adjacent dwellings.

8. *The parapet and roof level of the nursing home shall be as illustrated on drawing number 1001-PA-010 submitted on the 9th day of July, 2012.*

Reason: In the interest of visual amenity.

15. *No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.*

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

- **Planning Reg. Ref. No. 4135/17:** Permission for Modifications to the Nursing Home and Independent Living Units permitted by An Bord Pleanála under Ref. PL29S.241890 (Dublin City Council 2882/12) consisting of reconfiguration of the car park to provide 43 additional car parking spaces (total of 102 no. spaces), construction of 6 no. bin stores and construction of sub-station. Permission was GRANTED on 6th February 2008 subject to 8 no. conditions.
- **Planning Reg. Ref. no. 3610/18:** Permission for modifications to permitted sheltered housing/nursing home (Ref. 2882/12) comprising new basement level, increase in floorplate of building and re-organisation of floor plans to provide an additional 12 bedrooms, bringing the total to 134 bedrooms (139 bed spaces). Permission was GRANTED on 18th December 2018 subject to 10 no. conditions.
- **Planning Reg. Ref. no. 3611/18:** Modifications to the Nursing Home and Sheltered Housing development permitted by An Bord Pleanála under ref. PL29S.241890 (Dublin City Council ref. 2882/12). The modifications will consist of the provision of 6 no. additional independent living units (1 unit per block) in lieu of 6 no. common rooms required by Condition 5 of the grant of permission. Permission was GRANTED on 18th December 2018 subject to 8 no. conditions.

- **Planning Reg. Ref. no. 3544/19 (Appeal Ref. No. PL. 305593):** Construction of 2 infill residential buildings each accommodating 11 1-bedroom independent living units (total 22 units). Permission was REFUSED on 23/01/2020 for 1 no. reason, as follows:

1. Having regard to the close proximity, height, and scale of the proposed development to the previously approved blocks, and to the design and disposition of the proposed infill blocks, it is considered that the proposed development would represent a poor design response where the resulting narrow circulation spaces would be of poor quality and overbearing in nature. The proposed development would have an adverse impact on the amenities of future occupants of the development and would, therefore, be contrary to the proper planning and sustainable development of the area.

- **Planning Reg. Ref. no. 2572/20 (Appeal Ref. No. PL. 307778):** Construction of 2 no. infill residential buildings of 3-4 storeys in height each accommodating 10 no. 1 bedroom independent living units (total 20 units) with associated balconies/winter gardens. Permission was REFUSED on 1st December 2020 for 1 no. reason, as follows:

1. Having regard to the close proximity of the proposed infill blocks to the existing blocks, the narrow width between the footprints and the height, scale and mass and the design of the proposed blocks, and resultant substitution of narrow circulation space for the communal amenity space between blocks, it is considered that the proposed development would seriously injure the residential amenities of occupants of and the visual and residential amenities of the integrated independent living units and residential care facility within the site and would be contrary to the proper planning and sustainable development of the area.

- **Planning Reg. Ref. No. 3161/20:** Permission for modifications to the permitted Nursing Home comprising reconfigured basement, decrease in floor plate of building, decrease in floor area of building, reconfiguration of floor

plans to provide an additional 17 bedrooms bringing the total to 151 bedrooms and providing separate external access to common facilities within a 5 storey over basement structure. Modifications also include redesigned external gardens, an additional 8 car parking spaces and associated site works and services. Permission was GRANTED on 12th November 2020 subject to 11 no. conditions.

- **Planning Reg. Ref. No. 2126/21 (Appeal Ref. No. 310004):** Permission for the construction of 5 single storey bungalow units. Permission was REFUSED on 6th September 2001 for 1 no. reason as follows:

1. *Having regard to the quantum of development already permitted on this site, and to the location of the proposed development, adjacent to the main pedestrian route between the residential care facility building and the blocks of independent living units, it is considered that the proposed development would sever and would diminish the quality, quantum and amenity potential of the overall scheme. As a result, the proposed development would constitute substandard overdevelopment, would seriously injure the residential amenities of current and future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.*

- **Planning Reg. Ref. No. 4537/22 (Appeal Ref. No. 314812):** Permission for the construction of 4 Independent Living Units with associated site works. Permission was REFUSED on 8th November 2023 for 1 no. reason as follows:

1. *Having regard to the quantum of development already permitted on this site, and to the location of the proposed development, adjacent to the main pedestrian route between the residential care facility building and the blocks of independent living units, it is considered that the proposed development would sever and would diminish the quality, quantum and amenity potential of the overall scheme. As a result, the proposed development would constitute overdevelopment, would seriously injure the residential amenities of current and future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.*

- **Planning Reg. Ref. No. 4714/22 (Appeal Ref. No. 315528):** Permission for a change of use from convent to hostel and all associated site works.

Permission was REFUSED on 21st February 2024 for 1 no. reason, as follows:

1. *The development site is subject to the Z15 zoning objective under the Dublin City Development Plan 2022 to 2028, the objective of which is to protect and provide for community uses and social infrastructure. The proposed tourist hostel use is not permissible or open for consideration under this zoning objective. The proposed development would contravene materially the said zoning objective of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.*

- **Planning Reg. Ref. No. 3834/24:** Permission for a change of use from Convent to Family Hub. This shall include the removal of the existing roof and replacement with a new mansard roof with windows allowing for an additional floor of accommodation. An additional floor is also added within the volume of the existing church. Application also includes for, internal layout modifications, a number of additional windows to Northeast Elevation, external amenity area to First Floor Southeast corner, a play area and additional bike park to ground floor entrance area, associated building and siteworks. The overall floor area of the building is increasing from 1,230 Sqm to 1,942 Sqm. Permission was GRANTED on 14th November 2024 subject to 10 no. conditions.

Condition no. 3 read as follows:

3. *The proposed mansard roof at second floor level shall be omitted in its entirety to the convent and chapel buildings. The existing roof profile shall be retained in its current form. Revised drawings indicating these changes shall be submitted to the Planning Authority for written agreement prior to the commencement of development.*

Reason: in the interests of protecting the architectural character of the existing building and the visual amenities of the area.

Form 1 - EIA Pre-Screening

| | |
|---|--|
| Case Reference | ABP-320278-24 |
| Proposed Development Summary | Modifications to granted permission (Dublin City Council Ref. 4456/19 and ABP-308078-20) to increase number of storeys from 3 to 4 and number of apartment units from 12 to 14, with all associated works. |
| Development Address | Lands to the side of Saint Agnes Convent, (Captains Place), Armagh Road, Crumlin, Dublin 12 |
| | In all cases check box /or leave blank |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.

No Screening required.

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.

EIA is Mandatory. No Screening Required

☒ Yes, the proposed development is of a Class but is sub-threshold.

Preliminary examination required. (Form 2)

OR

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)

Class 10 b) i) Construction of more than 500 dwelling units.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes ☐

No ☒

Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

| | |
|---|---|
| Case Reference | ABP-320278-24 |
| Proposed Development Summary | Modifications to granted permission (Dublin City Council Ref. 4456/19 and ABP-308078-20) to increase number of storeys from 3 to 4 and number of apartment units from 12 to 14, with all associated works. |
| Development Address | Lands to the side of Saint Agnes Convent, (Captains Place), Armagh Road, Crumlin, Dublin 12 |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | <p>The subject appeal site has a stated site area of 0.12 hectares. The proposed development comprises the construction of 2 no. 1 bedroom apartments, each with a stated floor area of 73.5 sqm. There are no demolition works proposed.</p> <p>The works do not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p> |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, | <p>The development is a brownfield site situated in a suburban area.</p> |

| | |
|--|--|
| cultural or archaeological significance). | |
| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | Having regard to the relatively modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act. |
| Conclusion | |
| Likelihood of Significant Effects | Conclusion in respect of EIA |
| There is no real likelihood of significant effects on the environment. | EIA is not required. |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | Schedule 7A Information required to enable a Screening Determination to be carried out. |
| There is a real likelihood of significant effects on the environment. | EIAR required. |

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)