



An
Bord
Pleanála

Inspector's Report

ABP-321312-24

Development

PROTECTED STRUCTURE:
Permission for demolition of a bungalow and construction of replacement, part single, part two-storey, part three-storey dwelling, with family annex and all associated drainage and landscaping works.

Location

Mull Lodge, Chapelizod Road, Dublin 20, D20 F672.

Planning Authority

Dublin City Council South.

Planning Authority Reg. Ref.

3642/24

Applicant(s)

Catherine Dunne & David Entwistle.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions

Type of Appeal

Third Party.

Appellant(s)

Emmet Bergin.

Observer(s)

None.

Date of Site Inspection

21st day of February, 2025.

Inspector

Patricia M. Young.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	11
3.4. Third Party Observations	11
4.0 Planning History	11
5.0 Policy Context	13
5.2. Regional	15
5.3. Local	15
5.4. Natural Heritage Designations	17
5.5. EIA Screening	17
6.0 The Appeal	19
6.1. Grounds of Appeal	19
6.2. Applicant Response	20
6.3. Planning Authority Response	20
6.4. Observations	20
7.0 Assessment	20
8.0 AA Screening	35
9.0 Recommendation	36
10.0 Reasons and Considerations	36
11.0 Conditions	37
Appendix 1 – Form 1 & 2: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated 1,523m² area. It relates to an amalgamation of the curtilage of 'Mull Lodge', a circa 1960s/1970s single storey bungalow, as well as part of the rear of No. 9 Mullingar Terrace, a Protected Structure (Note: RPS Ref. No. 5790) and part of the rear curtilage of No. 7 and 8 Mullingar Terrace, a Protected Structure (RPS Ref. No. 6781). This backland site is accessed from a private gated cul-de-sac lane that opens onto the junction of the R109, Main Street and Chapelizod Road c47m to the south of the red line area of the site. This entrance onto the public domain contains a yellow hatched box that is located to the immediate west of Mullingar House, a two-storey public house that occupies the western end of Mullingar Terrace. This entrance also serves 'Lion's Villa', a substantial Arts and Crafts building that is in use by the HSE 'Lions Villa' as a care facility. This period property is a designated Protected Structure that occupies higher ground levels in comparison to that of the cul-de-sac lane. Its easternmost boundary runs alongside the private cul-de-sac lane that serves the site, No.s 1 to 3 Hibernian Gardens as well as the various structures and uses at No. 9 Mullingar Terrace.
- 1.2. The Mull Lodge at the time of inspection was vacant and in a poor state of repair. It is positioned on the north eastern side of the cul-de-sac lane with the contemporary architectural terrace group of No.s 1 to 3 Hibernian Gardens terminating the northern end of the lane. (Note: No.s 1 to 3 Hibernian Gardens - ABP-301189-18).
- 1.3. For the most part the site consists of green area that is overgrown with the topography rising towards the rear of the site. The rear boundary of the site is aligned by the historic stone walls of Pheonix Park. These historic walls are also designated a Protected Structure (RPS Re. No. 6781) and also a National Monument under Section 2 of the National Monuments Act, (1930). The height of the walls is such that the site has localised views into Pheonix Park, particularly given that many of the trees in vicinity of the site and within the parkland as well as more dense planting around its perimeters are deciduous.
- 1.4. There is a mature Wych Elm located in close proximity to these walls with the lands to the north of the site forming part of the parkland associated with Pheonix Park. At the base of this tree the ground levels have been raised. Despite this the Wych Elm

appears to be in good health and is a key natural feature within this site whose biodiversity value is otherwise poor.

- 1.5. The site is within walking distance of a number of Dublin Bus Stops, including Stop ID 2246 on the Chapelizod Road to the south west of the site which serves Bus Routes No.s 26, C5 and C6 (Note: c125m).
- 1.6. The site is located in the historic settlement of Chapelizod which dates back to medieval times when a crossing point was established over the River Liffey. The village was centred around a mill race on the northside of the Liffey which was part of a Huguenot flax mill complex dating to the 17th Century. The village Main Street is north of the mill race, just south of the Phoenix Park. This settlement now forms part of the western suburbs of Dublin but retains a strong period character and this is reflected in the site's location as part of a 'Conservation Area' and within the 'Chapelizod's and Environs of Architectural Conservation Area'.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of a bungalow (Note: 70.5m²) and the construction of a part single, part two and part three storey four-bedroom dwelling house (Note: 328m²) with a family 1-bedroom annex (Note: 154m²) served by two car parking spaces together with all associated site works within the curtilage of 'Mull Lodge', a Protected Structure. A plot ratio of 0.215 and site coverage of 14% is given. Additionally, it is indicated that 480m² private rear garden space is proposed.

This application is accompanied by the following documentation:

- Cover Letter
 - Built Architectural Heritage Assessment
 - Engineers Report
- 2.2. The applicant submitted their additional information response on the 3rd day of September, 2024, and their further clarification of additional information on the 2nd day of October, 2024. These responses gave rise a modest change in the site layout, improved boundary treatments and provided additional clarity in terms of archaeological, conservation through to transportation impact.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 29th day of October, 2024, the Planning Authority issued a notification of intention to **grant** planning permission subject to 11 no. conditions. I note the requirements of the following conditions:

- Condition No. 3: (a) No outwardly opening gates permitted.
- (b) The surface car parking space to the front of the proposed dwelling is omitted and with the hardscaped driveway reduced to facilitate the garage/utility room as well as turning of vehicles within the site and replaced with an extended soft landscaping.
- (c) Driveway/parking area shall be constructed of permeable material only.
- (d) The developer shall be responsible for costs for repairs to any damage to the public road arising from the proposed development.
- Condition No. 4: Sets out the requirements of the Drainage Division with sub condition (d) requiring development to incorporate Sustainable Drainage Systems in the management of surface water.
- Condition No. 5: Sets out the requirements of Conservation Officer with sub condition (a) requiring that timber fence be omitted from the new boundary wall to the south of the site and that the new wall shall match the historic walls in material, coursing, and construction.
- Condition No. 6: Sets out the requirements of the City Archaeologist.
- Condition No. 7: Agreement of the naming and numbering of the dwelling unit.
- Condition No. 9: Requires compliance with British Standard 5228 'Noise Control on Construction and Open Sites Part 1. Code of Practice for Basic Information and Procedures for Noise Control'.
- Note: Advisory Note No. 2: Relates to Oversailing/Overhanging and Impinging on any other property without permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officers report** (23/10/2024) which examines the applicants clarification of additional information received on the 2nd day of October, 2024, is the basis of the Planning Authority's decision. This report notes the applicants submission of a number of vehicular tracking drawings which indicates the ability of various sized vehicles to access and egress the site. It notes the Transportation Planning Division's report and considers their recommended conditions reasonable. This report concludes with a recommendation to grant permission subject to safeguards.

The Planning Officer's Report dated the 24th day of September, 2024, examined the applicants further information response and includes the following comments:

- Documentation in relation to land ownership and rights are noted.
- No significant impact on the streetscape scene of Chapelizod Road would arise.
- The design in this context is considered acceptable.
- The provision of an increased in height wall in place of the timber screening would be more appropriate to its location.
- There are no works proposed to the Pheonix Park wall.
- The archaeological concerns have been addressed.
- It is noted that the Transportation Planning Division seek clarification of further information.
- Concludes with a recommendation for clarification of further information.

The initial Planning Officer's report dated the 21st day of June, 2024, concludes with a request for further information on the following matters:

- | | |
|-------------|---|
| Item No. 1: | Site potentially suitable for higher residential density. |
| Item No. 2: | Insufficient information to assess the proposed developments impact on the Architectural Conservation Area and Protected Structures in its setting. |

Item No. 3: Sets out the Conservation Officers requirements. Of note this includes:

- (a) Seeks reconsideration of the design including consideration of a development in keeping with Hibernian Gardens and a design that makes clearer distinction of the historic plot lines both in terms of built form and landscaping.
- (b) Structural condition and surveying report required for the Pheonix Park wall.
- (c) Photographic record of all existing boundary walls and details of any repairs and/or reinstatements.

Item No. 4: Archaeological Assessment and consultation with the City Archaeologist sought.

- Item No. 5:
- (a) Requires clarification on vehicle access.
 - (b) Revised driveway and parking layout requested.

3.2.2. Other Technical Reports

3.2.2.1 Archaeological Report (17/09/24) concludes with a recommendation to grant permission subject to a number of recommended archaeological safeguard conditions. I also note the following comments:

- The below ground archaeological potential is low but not negligible. Therefore, a programmed of archaeological monitoring for all enabling works associated with the proposed development is required.
- A Method Statement should be submitted to them for agreement.

Archaeology (13/06/2024): This report includes the following comments:

- The proposed development is partially within the Zone of Archaeological Constraint for the Recorded Monument (RMP DU018-027 (Chapelized Settlement); abuts the Zone of Archaeological Constraint for Recorded Monument DU018-0070 (Pheonix Park – Archaeological Complex); and, the northern boundary of the proposed development site is formed by the southern boundary wall of the Phoenix Park.

- The Pheonix Park wall is a Protected Structure (RPS No. 6927) and a Recorded Monument as part of the deer park of the Pheonix Park (RMP No. DU018-00701).
- Section 11.5.5 and Policy BHA26 of the Development Plan requires any development proposals within the Record of Monuments and Places will be subject to consultation with the City Archaeologist and archaeological assessment prior to a planning application being lodged. This has not been complied with.
- This area is of high archaeological and historical significance.
- There is potential for archaeological remains on this site.
- There is a mature wych elm located within the red line area of the site.
- Concludes with a request for additional information.

3.2.2.2 Conservation Officer's report (16/09/2024): Concludes with a recommendation to grant permission subject to safeguards.

Conservation Officer's report (14/06/2024): This report includes the following comments:

- Mull Lodge lies within the curtilage of No. 9 Mullingar Terrace, a Protected Structure. This record includes two cottages to the rear of the main building, i.e. Mulberry Cottage and Rose Cottage. Additionally, part of the site lies within the historic rear plot of No. 7 Mullingar Terrace, a Protected Structure, and Pheonix Park walls forms part of the northern boundary, and these walls are also recorded in the NIAH.
- No. 7 Mullingar Terrace is recorded in the NIAH.
- The site is located within a red-hatched conservation area.
- Reference is made to a previous Conservation Officer's report for planning applications P.A. Ref. No.s 2271/21 and 3713/17 which states in relation to No. 7 Mullingar Terrace: *"culturally important site in the evolution of Chapelizod – distinguished as being a royal village. Immediately adjacent to the known site of the King House, C17th residence of the Duke of Ormonde situated in Chapelizod. This is a special house and site which is*

worthy of special consideration. The medieval building plot or burgage plot and boundaries is noted in relation to the Pheonix Park Deer Park wall – RMP/protected structure status”.

- Reference is made to the refusal of permission by the Board for a two-storey single residential unit to the rears of No. 7 and 8 Mullingar Terrace (ABP-310242-21).
- Removal of the existing cottage is acceptable.
- Concern is raised to the form and siting of the replacement dwelling.
- This proposal would give rise to the loss of the historic plots associated to the rear of No.s 7, 8 and 9 Mullingar Terrace.
- The dwelling house design is considered inappropriate for this historic village plot.
- The proposed dwelling should take on the language and form of contemporary buildings as well as make clearer distinction of the plot lines.
- The removal of this earth mound against the Pheonix Park boundary wall may undermine this wall and cause collapse.
- There is potential for archaeological remains on site, including under the Pheonix Park boundary wall.
- The applicant shall provide detailed drawings of all proposed boundaries. In this regard it is considered that the use of timber fencing is not deemed appropriate.
- Concludes with a request for additional information.

3.2.2.3 Transportation Planning Division (14/10/2024): No objection, subject to safeguards.

Transportation Planning Division (11/09/2024): This report concludes with a request for clarification of further information requiring the applicant to submit an auto-tracking for ambulance and fire tender access in accordance with Section 15.13.4 (Backland Housing) of the Development Plan.

Transportation Planning Division (11/06/2024): This report includes the following comments:

- The site is accessed from a private gated laneway which provides access to three terrace dwellings on an adjacent site. These dwellings are served by perpendicular parking provided on this laneway.
- No details are provided in terms of servicing, deliveries, and emergency vehicles access to the proposed dwelling.
- No change of the existing access onto the private lane is proposed.
- Rose Cottage is noted as being inside the blue lined area of the site.
- A construction access and traffic management plan should be conditioned.
- The proposed utility store would provide sufficient space for cycle parking.
- The two car parking spaces are deemed acceptable in this case.
- The paved area proposed is excessive.
- Concludes with a request for further information.

3.2.2.4 Engineering (16/05/2024): No objection subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. 1 No. Third Party observation was received by the Planning Authority. The issues raised correlate with those raised in their appeal submission to the Board.

4.0 Planning History

4.1. Site

4.1.1. **DCC Decision Order P3428:** A certificate of exemption from the provisions of Section 96 of the Planning and Development Act, 2000, as amended, granted, for a development described as demolition of a bungalow and construction of replacement,

part single part two storey dwelling and family annex and all associated drainage and landscaping works all within the curtilage of Mull Lodge, a Protected Structure. Decision date: 05/06/2024.

P.A. Ref. No.0523/94: Planning permission was **granted** subject to conditions for a development described as the replacement of roof of existing dwelling with new pitched roof, together with replacement of rear wall and windows to the rear of Mull Lodge. Decision date: 06/05/1994.

4.2. Adjoining lands to the immediate west of the appeal site.

4.2.1. ABP-301189-18 (P.A. Ref. No. 4185/17).

Address: No. 10C Chapelizod Road, Chapelizod, Dublin 20: On appeal to the Board permission was **granted** subject to conditions for a development comprising of planning permission was sought for the demolition of the existing factory (659m²) and the construction of three two storey four-bed dwellings (total floor area 531m²) on a site of 1,272m². Decision date: 04/09/2018.

4.2.2. Adjoining lands related to ‘Rose Cottage’, a Protected Structure, to the rear of No. 9 Mullingar Terrace.

P.A. Ref. No. 4647/22: Planning permission was **granted** subject to conditions for a development described alterations and refurbishment works to the existing structure including demolition and the construction of a two-storey semi-detached two-bedroom dwelling house together with all associated site works and services. Of note no car parking space proposed to serve this dwelling house. Decision date: 04/10/2022.

4.2.3. Adjoining lands to the immediate south of the appeal site.

ABP-310242-21 (P.A. Ref. No. 2271/21).

Address: Rear of No. 7 and 8 Mullingar Terrace, both Protected Structures, Chapelizod, Dublin 20: On appeal to the Board permission was **refused** for a development comprising of the development of a single residential unit to the rear of two period terraced properties for the following given reasons and considerations:

“Having regard to the Z1 zoning designation in the Dublin City Development Plan 2016-2022, and to the proposal to access the residential unit through a very narrow

pedestrian arch between Numbers 7 and 8 Mullingar Terrace, it is considered that the proposed dwelling unit constitutes piecemeal haphazard development that would be contrary to the Z1 zoning provisions for the site and that the deficiencies in access and servicing arrangements would seriously injure the residential amenities of future occupants and the residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area". Decision date: 21/12/2021.

4.2.4. **Neighbouring lands situated c50m to the east of the site.**

ABP-318075-23 (LRD6005/23-S3)

Address: Site known as Quadrant House, Chapelizod Road and including the adjoining site known as 2B Chapelizod Village (rear of 2 Mullingar Terrace), Chapelizod, Dublin 20: Planning permission was **granted** for a Large-scale residential development (LRD) consisting of the demolition of all structures on the site and site clearance works. Construction of 96 apartments in two blocks and 10 duplex units NIS submitted with application. Decision date: 18/01/2024.

5.0 **Policy Context**

5.1. **National**

5.1.1. **National Planning Framework – Project Ireland 2040:** is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF.

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.

5.1.2. **Housing for All - A New Housing Plan for Ireland, 2021:** The government's vision for the housing system over the longer term is to achieve a steady supply of housing

in the right locations with economic, social, and environmental sustainability built into the system. The policy has four pathways to achieving housing for include increasing new housing supply.

- 5.1.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness, 2016:** Pillar 3 of this Plan relates to increasing the output of private housing to meet demand.
- 5.1.4. **Climate Action Plan, 2024:** This plan refers to the need to reduce car parking, both for developments and on-street. Alternative construction materials should be substituted for high carbon products.
- 5.1.5. **National Sustainable Mobility Policy, 2022:** This policy aims to support this modal shift between now and 2030, through infrastructure and service improvements, as well as demand management and behavioural change measures.
- 5.1.6. **Places for People – the National Policy on Architecture, 2022:** This policy document provides national policy on architecture and outlines ways to promote and embed quality in architecture, the built and natural environment over the coming years.
- 5.1.7. **Ministerial Guidance:** The following Section 28 Ministerial Guidelines and other national policy documents are relevant:
- Sustainable Residential Development and Compact Settlement Guidelines, 2024, replaces the Sustainable Residential Developments in Urban Areas, Guidelines for Planning Authorities.
 - Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht, 2011.
 - Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht, and the Islands 1999.
 - Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.
 - Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.
 - Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009).

5.2. Regional

- 5.2.1. **Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031:** This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO's). It provides a framework at a strategic level for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond. The RSES promotes the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

5.3. Local

- 5.3.1. The Dublin City Development Plan, 2022-2028, is applicable and under which the site is zoned 'Z1 – Sustainable Residential Neighbourhoods'. Section 14.7.1 of the Development Plan in relation to 'Z1' zoned land states that the land use objective is: *“to protect, provide and improve residential amenities”* and that the vision is: *“for residential development in the city is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services”*.
- 5.3.2. Under this Development Plan the site forms part of the 'Chapelizod and Environs Architectural Conservation Area (ACA)' and forms part of a Red Hatched Conservation Area. It also lies within a Zone of Archaeological Interest of Recorded Monuments; forms part of the curtilage of a Protected Structure; is bound by Pheonix Park wall a Protected Structure and the period properties that comprise Mullingar Terrace are designated Protected Structures as is Lions Villa located to the west of the gated cul-de-sac serving the site. The site forms part of the Zone of Archaeological Interest of a Recorded Monument & Place as well as is in the vicinity of number of other RMP's.
- 5.3.3. Chapter 2 of the Development Plan sets out the core strategy. This includes objective CSO7 which states that the City Council will seek: *“to promote the delivery of residential development and compact growth through active land management measures and a co-ordinated approach to developing appropriately zoned lands aligned with key public transport infrastructure, including the SDRAs, vacant sites and*

underutilised areas". Additionally, objective CSO10 of the Development Plan states that the City Council will seek to: "*support the Development of Brownfield, Vacant and Regeneration Sites*" through to "*actively encourage and support the development of brownfield, vacant and regeneration sites*".

5.3.4. Chapter 3 of the Development Plan deals with climate action.

5.3.5. Chapter 5 of the Development Plan deals with quality housing/sustainable neighbourhoods.

5.3.6. Chapters 11 of the Development Plan deals Built Heritage and Archaeology. With this including specific policies and objections for Protected Structures, NIAH listed buildings/structures/places, Architectural Conservation Areas, Red-Hatched Conservation Area through to Recorded Places and Monuments.

5.3.7. Chapter 15 of the Development Plan sets out the development management standards.

5.3.8. Section 15.13.4 of the Development Plan deals with the matter of 'Backland Housing' and defines it: "*as development of land that lies to the rear of an existing property or building line*". It also indicates that the City Council will allow for the provision of comprehensive backland development where the opportunity exists. It also states that: "*backland development, however, requires more innovation and reinterpretation to enable comprehensive development of these spaces. Consideration of access and servicing and the interrelationship between overlooking, privacy, aspect, and daylight / sunlight are paramount to the success and acceptability of new development in backland conditions*". Additionally, it sets out the Planning Authority considerations for this type of development. They are as follows:

- Compliance with relevant residential design standards.
- Provision of adequate separation distances.
- Safe and secure access.
- Relationship with Existing Properties.
- Amenity Impact on its setting.
- Materials and finishes.

- A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling, and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

Further it states that: *“all applications for infill developments will be assessed on a case by case basis. In certain instances, Dublin City Council may permit relaxation of some standards to promote densification and urban consolidation in specific areas. The applicant must demonstrate high quality urban design and a comprehensive understanding of the site and the specific constraints to justify the proposal”.*

5.3.9. Volume 4 of this plan contains the Record of Protected Structures.

5.4. Natural Heritage Designations

- 5.4.1. None within the zone of influence of the project.
- 5.4.2. The nearest Natura 2000 site at it nearest point is South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located c7.3km to the east.
- 5.4.3. Other: Located c820m to the north west of the site is the proposed Natural Heritage Areas: Liffey Valley (Site Code: 000128).

5.5. EIA Screening

- 5.5.1. See Appendix 1 – EIA Pre-Screening Form 1 and 2 attached.
- 5.5.2. Having regard to the modest nature, scale and extent of the development proposed, the site’s location outside of any sensitive location specified in Article 109(4) of the Planning and Development Regulations, 2001, (as amended), and consisting of a brownfield site forms part of an established period terrace group in the built-up suburban area to the west of Dublin’s city centre which is served by an existing connections to public infrastructure, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development or in combination with any other plans or projects.

- 5.5.3. Conclusion: The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required in this appeal case.

5.6. Built Heritage

- 5.6.1. No. 7 Mullingar Terrace, Chapelizod Road, is listed in the National Inventory of Architectural Heritage survey (Note: NIAH Reg. No. 50060318) where it is given a 'Regional' rating, and its categories of special interest is given as 'Architectural'. It is described as follows:

"Terraced two-storey four-bay house, built c.1830, with rear return. Roof is pitched natural slate with angled clay ridge tiles, cement verges and replacement uPVC gutters. Brown brick chimneystack shared with house to west, and red brick chimneystack evident to rear pitch. Walling is ruled-and-lined rendered, painted grey, with contrasting straight-channelled quoins. Windows are six-over-six pane horned timber sliding sashes with original float glass, set in plain reveals and having painted masonry sills. Four panelled timber door with brass door furniture, surmounted by simple fanlight, embraced by later nineteenth-century gabled timber porch with sheeted side walls, slate roof, plain timber brace and finial and accessed via five granite steps (one replaced with cement). House set slightly back from Main Street with grassed front plot raised above road level, enclosed by rendered retaining walls surmounted by simple wrought-iron railings and gate. Boarded entrance at street level shared with adjoining terrace, leading to rear of property".

The NIAH appraisal reads: *"A neatly proportioned early nineteenth-century terraced house, set within a terrace of seven similarly scaled buildings on the eastern approach to Chapelizod village. It retains its original aspect with original sashes and later nineteenth-century open porch, while others have lost their historic detailing. The house contributes to the eclectic architectural heritage of Chapelizod and is a good example of domestic scaled early nineteenth-century architecture".*

- 5.6.2. Police Station, Martin's Row, Chapelizod (also referred to as 'Lions Villa'). The curtilage of this property bounds the western side of the cul-de-sac lane serving the appeal site. This property is listed in the NIAH Survey (Note: NIAH Reg. No. 50060238) where it is given a 'Regional' rating, and its categories of special interest is listed as 'Architectural' and 'Social'. This Arts and Crafts style of this former police

station dates to c.1890 for Dublin Metropolitan Police and is now in use as residential care home. It does not access onto the said cul-de-sac lane.

5.7. **Archaeological Heritage**

- **DU018-028001-: House - 17th century** : Dublin South City is located c110m to the south east of the site.
- **DU018-027003-: Bridge** is located c170m to the south west of the site on Chapelizod Road.
- **DU018-028004-: House - 17th century** is located c150m to the west of the site fronting and to the immediate south of Main Street

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The grounds of this Third-Party Appeal can be summarised as follows:

- The appellant indicates that they are owners of No.s 7 and 8 Mullingar Terrace.
- The proposed development is overbearing in its context.
- There is in adequate lateral separation distance between the proposed development and their property which is a Protected Structure.
- The placement of the proposed development in the centre of a site that slopes upwards means that it would visually dominate over their property as well as other properties within Mullingar Terrace. No attempt to reduce this impact has been made in the design of the proposed development, including by way of excavation.
- The proposed dwelling is excessive in its scale and out of character with its setting.
- Their residential amenities would be diminished by overshadowing and overlooking arising from the proposed development.
- The proposed natural screening would take significant time to be effective and would be worthless during the winter months.
- Undesirable principle for similar backland development in the area.

6.2. Applicant Response

6.2.1. None received.

6.3. Planning Authority Response

6.3.1. The Board is requested to uphold their decision. They request that the Board include Section 48, a social housing, and a name/numbering condition as part of any grant of permission.

6.4. Observations

6.4.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. Having carried out an inspection of the site and setting together with having examined the file, the planning history of the site and its setting, considered local through to national planning policy provisions and guidance, I am satisfied that the main issues that arise in this appeal case are those raised by the Third-Party Appellant in their appeal submission to the Board. I therefore propose to assess this appeal case under following broad headings:

- Principle of the Proposed Development & Pattern of Development
- Residential Amenity Impact
- Built Heritage Impact
- Appropriate Assessment

7.1.2. I am satisfied that there are no other outstanding planning matters that arise from the proposed development which I note to the Board was subject to revisions through to the provision of clarity on foot of the applicants submission of their further information response and clarification of further information received by the Planning Authority on the 3rd day of September, 2024, and the 2nd day of October, 2024, respectively.

- 7.1.3. In relation to the revisions set out in the applicants further information response I consider that they are modest in their scope. In particular they addressed concerns in relation to excavation of the mound in proximity to a mature Wych Elm tree a natural feature of interest on site. It also provides further clarity on the potential archaeological impact of the proposed development, it reduces the paved area, provides amended new boundary treatments through to sets out the restrictions in terms of their use of a Third-Party cul-de-sac lane that serves the site. In this regard, it indicates that the existing dwelling has a right of way across it for a single dwelling only.
- 7.1.4. In relation to the clarification of additional information this provided auto tracking drawings. These drawings demonstrated that safe access and egress from the site can be achieved for the likely type of vehicles generated by the proposed development.
- 7.1.5. I concur with the Planning Authority that all other planning matters outside of the concerns raised by the Third-Party appellant can be dealt with by way of appropriately worded conditions similar to those included in the Planning Authority's decision notification to grant permission.
- 7.1.6. For clarity purposes I note to the Board that my assessment below is based on the proposed development as revised by the applicants further information and their clarification of additional information responses. This is on the basis of the qualitative improvements to the design and layout of the proposed development which includes further reference to the historical burgage plots of this site; the additional clarity on matters relating to the sites archaeological sensitivity; the demonstration of safe access; improved and improved surface water drainage treatment.

7.2. Principle of the Proposed Development & Pattern of Development

- 7.2.1. I refer to Section 2 above which sets out a description of the proposed development. This development can be summarised as including two key components. That is to say the demolition of Mull Lodge and the provision of a dwelling house with attached family annex on the amalgamated plots that historically formed part of No.s 7, 8 and 9 Mullingar Terrace.
- 7.2.2. In relation to the principle of the demolition of the Mull Lodge I note that the appellant did not raise any concerns in relation to this component of the proposed development. Similarly, no concerns were raised by the Planning Authority to it subject to safeguards

that would be standard for a site and setting that is sensitive to change including in terms of residential amenity through to has potential for archaeological remains to be present below ground. The proposed demolition of Mull Lodge together with associated site clearance and site preparation works would facilitate the construction of the proposed replacement part single, part two storey and part three storey dwelling unit with attached family annex on the subject site.

7.2.3. Mull Lodge is a modest single storey dwelling house that dates to circa 1960s/1970s. In its current form is attached to adjoining buildings as well as structures that are located to the south of it and form part of No. 9 Mullingar Terrace. At the time of site inspection, it was in a vacant state and in poor condition. The documentation on file indicates that it has not been in residential use since circa 2019. I concur with the Planning Authority, including the comments of its Conservation Officer, that it is not a building that is of any significant architectural or any other merit. This is despite it forming part of the curtilage of No. 7 and 9 Mullingar Terrace, both Protected Structures. Alongside its rear boundary which consists of the historic stone boundary wall of Pheonix Park is a Protected Structure and the site itself overlaps with the zone of archaeological constraint of two Recorded Monuments and Places. In relation to the latter there are no evident above ground archaeological features.

7.2.4. Having regards to local planning provisions I note that the site forms part of lands that are zoned: *“to protect, provide and improve residential amenities”* under the Dublin City Development Plan, 2022-2028. Additionally, the Core Strategy which is set out under Chapter 2 of the Development Plan under objectives CSO7 and CSO10 supports residential development and compact growth on vacant as well as underutilised sites including brownfield in accessible to locations like this. Moreover, whilst the site forms part of the Red Hatched ‘Conservation Area’ and the ‘Chapelized & Environs Architectural Conservation Area’ the Development Plan does not preclude the demolition of structures that do not contribute to the special character of these sensitive to change lands. In this case I consider that the demolition of Mull Lodge would unlock the latent potential of this vacant, zoned, serviced through to accessible lands that is situated within the historical settlement of Chapelized which now forms part of the western metropolitan area of Dublin City.

7.2.5. This backland site is also one that has an established residential use with access onto the public domain via right of way over a Third-Party cul-de-sac road. The principal

land use deemed permissible on 'Z1' zoned lands is residential. I concur with the Planning Authority that the general principle of a replacement dwelling with family annex is acceptable at this location subject to safeguards. Including but not limited to the considerations set out under Section 15.13.4 of the Development Plan for 'backland housing' and Chapter 11 of the said Plan which sets out the City Councils provisions for Protected Structures, NIAH Structures; Architectural Conservation Areas; Red-Hatched Conservation Areas and Recorded Monuments. All of which are in my view of particular relevance to the proposed development sought at this sensitive to change site and setting.

- 7.2.6. Having regard to the existing and permitted pattern of development, there is a history of backland development at this location. In this regard I note the adjoining development of No.s 1 to 3 Hibernian Gardens which adjoins part of the western boundary of the site towards its northern end (Note: I refer the Board to Section 4 above and ABP-301189-18). Additionally, more recently the Board granted permission for a Large-Scale Residential Development under ABP-318075-23 at No. 2B Chapelizod Village (rear of No. 2 Mullingar Terrace) for two multi-dwelling unit blocks containing a total of 106 apartments.
- 7.2.7. The site area is given as 1,523m². This I consider is not an ungenerous area for 'Z1' residentially zoned serviced lands within an urbanised setting that is accessible as well as in proximity to a wide variety of amenities and other land uses synergistic to residential developments. At such locations local through to national planning provisions as well as guidance advocate dense, compact, and efficient use such lands. As such the Planning Authority raised the concern that this brownfield backland site potentially had capacity for a more dense residential development than that which is sought under this application.
- 7.2.8. On this point I note that Table 1 of Appendix 3 of the Development Plan establishes a density range of 60-120 (net density) unit per hectare for Outer Suburban locations like the subject site. The proposed development does not give rise to any increased density of land use at this location. Though it does give rise to a significant increase in residential floor area associated with the dwelling unit and family annex that would be proposed to replace Mull Lodge. Nor does it form part of a coherent consolidation of backlands to the rear of Mullingar Terrace which to the east is in part served by a private cul-de-sac lane that bisects the rear gardens of No.s 2 to 6 Mullingar Terrace.

- 7.2.9. I also note that the plot ratio and site coverage as given in the documentation provided by the applicant are 0.215 and 14%, respectively. These figures fall below that of the Development Plan standards for this location.
- 7.2.10. Furthermore, Table 2 of Appendix 3 of the Development Plan sets out an indicative site coverage for conservation areas at 45 to 50%.
- 7.2.11. Notwithstanding these considerations, I am cognisant that access and egress to the public domain/public road network is restricted and dependent on a right of way through Third Party lands. With the applicant setting out as part of their further information response the civil limitations of this right of way.
- 7.2.12. To this I consider that this right of way and entrance onto the public domain/public road network is not of a design and layout that would safely cater for any significant increased vehicle traffic generated from a more dense residential development of this site. This conclusion is based on its overall substandard nature.
- 7.2.13. In this regard the cul-de-sac lane at its southernmost end in proximity to the public domain forms part of a staggered entrance that opens directly onto a signalised junction which caters for traffic, pedestrian, and cyclists movements for Chapelizod Road, Main Street and the R109.
- 7.2.14. In relation to this junction I observed that this is a heavily trafficked junction with the signalisation of this junction not providing for access and egress vehicle movements associated with the cul-de-sac lane that serves the site and also the entrance serving the HSE care facility entrance to the immediate west of it. This entrance I note is slightly forward of where the southern-most end point of the cul-de-sac lane that serves this site and alongside at this point it has a staggered alignment running alongside the western elevations of No. 9 Mullingar Terrace (Mullingar House, Rose Cottage, and Mulberry Cottage). Sightlines are restricted in a westerly direction where the cul-de-sac lane meets the adjoining staggered in alignment and splayed entrance associated with the said HSE care facility. As well as by the boundary treatments associated with the said HSE care facility.
- 7.2.15. Additionally, sightlines onto the public domain are obstructed by Mullingar House in an easterly direction for vehicles exiting onto the public domain at this location. I also note that this public house is solely dependent on the adjoining cul-de-sac for deliveries.

- 7.2.16. The subject cul-de-sac and HSE care facility entrance effectively combine to the immediate north of where the footpath width is restricted, where there is on-street car parking provided to the east of Mullingar House (No. 9 Mullingar Terrace) whose front façade is forward of the main southern building line of Mullingar Terrace. As such there is potential for additional vehicle movements to give rise to increased traffic hazard and safety issues for pedestrians and cyclists using the adjoining public domain.
- 7.2.17. Further, in time there is also the potential for the two period terrace properties which adjoin the main building of No. 9 Mullingar Terrace (which includes Mullingar House), i.e. Rose Cottage and Mulberry Cottage, to have their vacant state reversed. In such circumstances this has the potential to generate additional traffic onto this substandard cul-de-sac lane and entrance onto the public road network. With I note permission granted by the City Council under P.A. Ref. No. 4647/22 for the alterations and refurbishment of 'Rose Cottage' alongside the construction of a semi-detached two-bedroom dwelling attached to the rear of No. 9 Mullingar Terrace. At this point, the cul-de-sac lane which is gated to the north of Rose Cottage and Mulberry Cottage narrows to where it can only safely accommodate the passing of one car.
- 7.2.18. Additionally, vehicles have to dwell at this location for the electronically operated gates that serve the site, Hibernian Gardens, and the rear of No. 9 Mullingar to open. Further the direction of the cul-de-sac laneway changes with tall walls bounding it on its western side and the ground levels rises upwards from the public domain of the junction to the position of the electronically operated gates. These characteristics further add in my view to the substandard nature of the lane and entrance serving the site.
- 7.2.19. I further note that the Development Plan under Section 15.13.4 allows for each application for backland development to be considered on their individual merits on a case-by-case basis. Having regard to the applicants civil constraints over the use of the substandard Third-Party cul-de-sac lane and entrance onto the public domain together the above considerations I am not satisfied that this backland site is suitable for a residential development scheme of any significant density than that proposed. With for example Section 15.13.4 of the Development Plan requiring as one of the considerations for backland housing demonstration of safe access. Further, the eastern boundary of the site does not back onto the other private cul-de-sac lane

serving the rear of No.s 2 to 6 Mullingar Terrace and there is no indication that there are any plans for any other backland development to the rear of Mullingar Terrace outside of the LRD scheme noted above. I am satisfied that the proposed development is one that is otherwise consistent with the considerations set out for backland housing as set out in Section 15.13.4 through to that the proposed replacement dwelling is one that meets the qualitative standards for a backland dwelling house as provided for under the Development Plan.

7.2.20. Conclusion: I am satisfied that the general principle of the proposed development is acceptable, subject to safeguards, on this backland site with an established residential use.

7.3. Residential Amenity Impact

7.3.1. The Appellant raises concerns that the proposed dwelling would be visually overbearing as a result of its excessive scale, height through to the inadequate separation distance from the rear of their property (Note: No.s 7 & 8 Mullingar Terrace). They also raise concerns that the proposed development would give rise to undue overlooking and overshadowing of their property. They also consider that similar disamenity would arise to other Mullingar Terrace properties. I therefore propose to examine these concerns under the following broad headings below:

- *Visual Overbearance*
- *Overlooking*
- *Overshadowing*
- *Nuisances*

7.3.2. *Visual Overbearance:* The part single, part two storey and part three storey dwelling house proposed on this site would be centrally sited on site with an east west axis. Whereas the existing dwelling house is located in the south western corner of the site abutting onto the rear of No. 9 Mullingar Terrace. Its built form is broken up into three distinct gable shaped blocks that are linked by two subservient angular in shape flat roofed link blocks. These blocks have a staggered front and rear building line. With this adding emphasis particularly to the larger of the three blocks in terms of the principal facades expression.

At its nearest point, the proposed dwelling with family annex building would be within c18m of the yet to be demarcated southern boundary. At its furthest point it would have a lateral separation distance of c24.255m.

In terms of relationship with the rear of Mullingar Terrace I note that the existing and permitted buildings permitted to the immediate south of this yet to be demarcated southern boundary would be c3.5m at its nearest point with No. 9 Mullingar Terrace and c10m in relation to No.s 7 to 8 Mullingar Terrace.

I consider that these lateral separation distances are generous for this backland site. They also exceed the minimum lateral separation distance 16m standard provided for under the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities when regard is had to opposing windows serving habitable rooms at the rear and/or above ground floor level. This lateral separation distance standard is one of the said Guidelines standards that seek to ensure more sustainable, efficient, and compact use of land within built up areas.

Additionally, in relation to the height of the proposed dwelling with family annex building proposed under this application I accept that the demolition of an existing, *albeit* vacant single storey dwelling house, and its redevelopment with a part single, part two storey, and part three storey dwelling would give rise to a change in context for existing and permitted properties in its visual setting. With this including the visual setting of No.s 7 and 9 Mullingar Terrace, both Protected Structures.

In the case of No. 9 Mullingar Terrace this contains a collection of built structures and spaces. Its current outlook addresses the vacant Mull Lodge, a building of no architectural merit and is in a poor state of condition. It is also set tight to the rear of No. 9's collection of buildings and structures. Outside of the site containing a mature Wych Elm which I note is an attractive natural feature surviving on site. Together with and the views that exist towards the historic stone wall boundary that demarcates Pheonix Park (Note: a Protected Structure).

I consider that the site in its current state does not positively contribute to the setting of No. 9 Mullingar Terrace in a manner that would be considered consistent with Policy BHA 2 of the Development Plan. This includes a level of protection for the curtilage and setting of Protected Structures.

In the case of No. 7 Mullingar Terrace this period property like No. 8 Mullingar Terrace faces onto what is an unused overgrown plot of land. The rear of these properties are located significant removed from the southern and eastern elevation of No.s 1 to 3 Hibernian Close which is situated to the north west of Mull Lodge.

Additionally, there are a collection of structures to the rear of No. 9 Mullingar Terrace which together with the lack of any functional use of the lands that formed part of the curtilage of Mull Lodge, the rear garden areas of No.s 7 and 8 Mullingar Terrace result in these properties having a degree of privacy with no direct overlooking.

Further seclusion arises for the rear elevation and rear amenity space of these properties from the strong sylvan character of Pheonix Park which contains robust mature tree planting within its adjoining parkland setting.

I therefore accept that the level of change would be more significant in the context of both No.s 7 and 8 Mullingar Terrace, the appellants property, from the proposed development. Notwithstanding I consider that placement of the proposed dwelling as discussed above is significantly setback from the location of the new southern boundary between the subject site and No. 7 & 8 Mullingar Terrace. Additionally, the design includes a new linear dense belt of tree and hedge planting. These natural features together with the provision of a dense solid boundary demarcating the subject property from No. 7 & 8 Mullingar Terrace would visually soften views towards the proposed dwelling house with family annex.

The proposed dwelling at its tallest point has a given gable ridge height of 8.7m which I note is slightly lower (Note: 225mm) in comparison to the adjoining contemporary terrace group of three two storey flat roofed dwellings of No.s 1 to 3 Hibernian Gardens. At this point, the tallest portion of the building is located towards the eastern end of the site and would be setback over 18m from the new boundary between the site and No. 7 & 8 Mullingar Terrace.

I also note that the appellants properties are two-storey period terrace property that sit on lower ground levels in comparison to the central area of the site.

From the drawings provided it is unclear the exact difference in ground levels between the two, however, the cross sections appear to suggest that in comparison to the rear of No. 7 Mullingar Terrace the difference is c1m. The drawings also show that the

tallest point of the proposed dwelling would be c0.6m higher than the appellants property.

For the most part the proposed dwelling and its family annex has a staggered height. With the tallest gable fronted block having a height of 8.7m and width of c7m with two not excessive in their height as well as width glazed windows at first floor level of the southern elevation.

In the context of this site area the proposed footprint of the proposed dwelling with family annex would occupy a modest 14% of the site area and as said would have a plot ratio of 0.215.

I do not accept the Appellants argument that the proposed development despite giving rise to net 328m² floor area is an out of scale or excessive residential development on a site area of 1,523m². Nor do I consider that the buildings height could be considered to be out of character with the existing prevailing pattern of development in its visual setting, including in relation to the Protected Structures within its vicinity and other buildings that form part of the Red-Hatched Conservation Area and Architectural Conservation Area the site forms part of.

Additionally, the palette of materials in my view if carefully concluded upon have the capacity to further harmonise this building with its built heritage sensitive to change setting by diminishing the buildings envelopes potential to be visually apparent. I also consider that views from Pheonix Park would be visually buffered and screened by the mixture of mature coniferous as well as deciduous trees that run inside the parkland's boundary with the site. The mature Wych Elm within the northern portion of the site would also add to further visual screening of the proposed dwelling from late spring into autumn months.

Taking these considerations together I am satisfied that the proposed development would not have any material significant adverse visual overbearing impacts on properties in its vicinity, including the appellants property located to the immediate south of the site.

Overlooking: The lateral separation distance between opposing first floor windows of the proposed dwelling and the appellants property to the south at c28m exceeds SPQR 1 of the Compact Settlement Guidelines. The upper floor level of the southern elevation includes two modest windows and the above ground level windows facing

west similarly exceed the provisions of SPPR 1 in relation to existing and permitted properties at No. 9 Mullingar Terrace and No.s 1 to 3 Hibernian Gardens. I note the easternmost staggered elevation of end property of Hibernian Gardens contains limited above ground level side windows and the rear elevation of this terrace group faces northwards towards the boundary of Pheonix Park. I also note that the eastern elevation includes mainly opaque glazing in its upper floor level addressing the rear garden of No. 6 Mullingar Terrace and the rear building line of the proposed dwelling is forward of the rear building of Hibernian Gardens.

Additionally, I consider that the use of semi-mature trees and planting as well as incorporating evergreen species as part of the tree and hedge planting along the perimeters of the site would further minimise the potential for actual overlooking and/or perception of being overlooked.

Additionally, given the urban location of the site, a certain degree of overlooking is to be anticipated.

Conclusion: I am satisfied that impacts on privacy would not be exceptional for residential development in this type of site setting and that the proposed design has had sufficient regard to minimising the potential for undue overlooking to arise from it.

7.3.3. *Overshadowing:* In terms of overshadowing of adjoining and neighbouring properties I am not satisfied that the appellant has demonstrated that any undue overshadowing would arise from the proposed development were it to be permitted.

The proposed dwelling would be located to the north of the appellants property and to the north of the other period properties of Mullingar Terrace.

The height of the proposed dwelling is positioned towards the eastern end of the site. With the building volumes to the west of it largely single storey in their overall built form. The part three storey section has a gable front and rear built form and is setback from the eastern boundary by over c3m. To the east of it, No. 6 Mullingar Terrace has a generous rear private amenity space, as well as includes a number of ancillary built structures in the immediate vicinity of the western boundary to the east of the proposed dwelling.

I consider that it is likely given the relationship of the proposed dwelling, its orientation and separation distance from the rear amenity space of No. 6 Mullingar Terrace that

some level of overshadowing of the rear private amenity space of this adjoining property would arise. Notwithstanding, I do not consider that it would significantly impact the residential amenities of this property in a manner that would be exceptional for its location.

Having regard to the site's location, the design and layout of the proposed development, its relationship with existing and permitted development, the orientation of the site, the different topographical levels associated with the site and properties in its vicinity, I consider that the proposed development would not seriously injure the residential amenity of any properties in the vicinity by way of undue overshadowing.

- 7.3.4. *Nuisances:* The main impact that would arise to the amenities of this area would result from the demolition, site clearance, construction through to operational phase. During the demolition, site clearance and construction phases the works would inevitably result in noise, dust, vibrations, building debris and so forth. There is also potential for obstruction of traffic movements in the vicinity of the entrance of the cul-de-sac which opens onto the R109, Main Street and Chapelizod Road junction in what is a busy area of Chapelizod during this phase.

Additionally, during this phase there is potential for various types of traffic to arise that have the potential to place an increased pressure on the publicly provided car parking spaces in the vicinity through to the operational efficiency and safety of the entrance serving the site onto the public road network.

I consider that such nuisances would be of a temporary nature and would be required to be carried out in compliance with standard codes of practice. It is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission. I also note that the Planning Authority's notification to grant permission included a number of safeguard conditions to minimise the potential impacts arising from the proposed development particularly during the demolition and construction phases. Further there is also ample space within this generous site to accommodate car parking for demolition, site clearance and construction phases of the proposed development.

During occupation I consider that the residential use of this amalgamated backland site would not give rise to any exceptional nuisance for properties in its vicinity. This

is on the basis that it is a type of land use that accords with its predominantly residential setting. Alongside the site up to c2019 included the residential use of Mull Lodge and potentially its curtilage through to parts of the rear garden areas of No.s 7 and 8 Mullingar Terrace are likely to have been maintained as functional private amenity space for these properties. As such even with the inclusion of a family annex the proposed development is not one that would give rise to any significant intensity of land use change for these lands.

The proposed dwelling with family annex would also not give rise to any significant increase in volume of traffic from the private entrance serving it onto the junction of Main Street, Chapelizod Road and the R109 or onto the private gated cul-de-sac lane once operational. Additionally, this site benefits from a variety of amenities, infrastructure and services including public transport options that are within walking distance of the site. Also, the site has ample space for the storage of bicycles for its future residents.

The proposed development does not seek any modifications to its entrance onto the cul-de-sac lane or this cul-de-sac's entrance onto the public road network and the reversal of its vacant state would improve the outlook of properties in its visual setting.

Conclusion: The nuisances that would arise from the proposed development are not such that they would warrant or support the refusal of permission.

- 7.3.5. Overall Residential Amenity Impact Conclusion: I am satisfied that the site has the capacity to absorb the proposed development of the nature and scale proposed, without detriment to the residential amenities of the area.

7.4. Built Heritage

- 7.4.1. As already noted in this report above this site is one that is highly sensitive to change in terms of built and archaeological heritage. Within its visual setting there are a variety of different architectural responses including the contemporary architectural design resolution of Hibernian Gardens, the period character of Mullingar Terrace, the Arts and Crafts character of the former police station through to the high density multi-unit residential building blocks permitted by the Board at the site referred to as 'Quadrant House', Chapelizod Road and including the adjoining site known as 2B Chapelizod Village located to the rear of 2 Mullingar Terrace (See: Section 4 above - ABP-318075-23 (LRD6005/23-S3)). As such within this ACA this albeit historic urban setting there

has been on-going change that has resulted in a variety in the pattern of development including more contemporary of their time developments.

- 7.4.2. In this case I consider that the proposed development is one that is consistent with Policy BHA7 of the Development Plan in that whilst it has its own sense of self it is also sympathetic in terms of its design, layout and overall architectural resolution with a setting that includes Protected Structures and forms part of a Red Hatched Conservation Area and Architectural Conservation Area. Also, its backland location is such that it would not be visible from public domain of the Red Hatched Conservation Area and Architectural Conservation Area. Where visible views of it would be limited to the top gable of the three-storey portion of the proposed dwelling. This would not be out of context with its built urban landscape setting.
- 7.4.3. The proposed development also provides an opportunity to gain a greater archaeological understanding of previous development that has occurred within its boundaries, subject to safeguards including those set out under Policy BHA26 of the Development Plan. This policy seeks to ensure that to protect archaeological material *in situ* by ensuring that only minimal impact on archaeological layers is allowed. I note that the Planning Authority's Archaeological Section in their final report raised no objection to the proposed development subject to safeguards which I note were included under Condition No. 6 of the Planning Authority's notification to grant permission.
- 7.4.4. On this point I consider the more extensive excavation of the site as suggested by the appellant in their appeal submission to the Board as a solution to reduce the proposed dwellings visual overbearing is not warranted or appropriate in this context. As discussed above the proposed development is not one that could be reasonably be considered overbearing in its design. But critically additional excavation of the site to lower its ground floor levels and those of its associated ancillary spaces would have the potential to give rise to more potential for adverse impact on any surviving archaeological material that may be present on this site. Further, more extensive excavations of this site could undermine the integrity of the Pheonix Park boundary wall, a Protected Structure. Moreover, it could also give rise to significantly more disturbance of the root ball of the mature Wych Elm tree on site. This mature tree as said is a natural feature of merit and it is a rare example of this tree species that

warrants retention as well as careful consideration in terms of any development that has the potential to harm it.

- 7.4.5. Conclusion: I am satisfied that the proposed development would not give rise to any material diminishment of built heritage contained within the site or within its setting. Further, the proposed development would not give rise to any visual diminishment of its Red-Hatched Conservation Area or Architectural Conservation Area setting. Moreover, the proposed development subject to safeguards would not warrant refusal of permission on adverse archaeological impact.

7.5. Other Matters Arising

- 7.5.1. **Section 15.9.14 of the Development Plan (New Issue):** This requires the provision of a Lifecycle Reports for all residential developments. It indicates that this report should include: *“an assessment of the materials and finishes proposed, the ongoing management strategy, the protocol for maintenance and repair, the long-term maintenance costs for residents and the specific measures that have been taken to effectively manage and reduce the costs for the benefit of resident”*. This application is not accompanied by such a report. I therefore recommend that the Board should it be minded to grant permission for the proposed development to include a condition requiring the provision a Lifecycle Report for the proposed dwelling with family annex in compliance with Section 15.9.14 of the Development Plan.
- 7.5.2. **Precedent:** The appellant raises concerns that the proposed development would give rise to an undesirable precedent if permitted. As discussed above the zoning objective for the site supports the reversal of this backland site for residential development and there are examples of backland developments noted to the rear of Mullingar Terrace. The Development Plan also considers backland development on a case-by-case basis. It is my consideration that the subject application / appeal should be considered on its own merits and on a site-specific basis, having regard to national and local policy and other relevant planning considerations. Against such an assessment I concur with the Planning Authority that the proposed development is acceptable, subject to site and context appropriate safeguards.

8.0 AA Screening

- 8.1. I have considered the proposed development as set out in Section 2 above in light of the requirements of Section 177U of the Planning & Development Act, 2000, as amended.
- 8.2. The subject site is not located within or adjacent any Natura 2000 sites designated Special Areas of Conservation (SAC) or Special Protection Areas (SPA). The closest Natura 2000 site is South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located c7.3km to the east, as the bird would fly. There are other Natura 2000 sites that are located at a further lateral separation distance from the site. These are also beyond the zone of influence of the proposed development sought under this application.
- 8.3. The proposed development is located in a mature serviced suburban area that dates back to the medieval times. The demolition works and associated site clearance would facilitate the construction of a part single, part two storey and part three-storey dwelling with annex on what is period brownfield vacant serviced site.
- 8.4. No significant nature conservation concerns were raised as part of this appeal case and including by the Planning Authority in their determination of this planning application. Similarly, no significant nature conservation concerns are raised by any of the Parties in this appeal.
- 8.5. Having considered the nature, scale, extent, and location of the development I am satisfied it can be eliminated from further assessment as there is no conceivable risk to any Natura 2000 Sites.
- 8.6. The reasons for reaching of this conclusion is based on the modest nature of the development sought and its location in a mature period suburban area to the west of Dublin's city centre, a location that is served by mains drainage. Together with the standard surface water drainage measures incorporated into the design, the limited additional footprint of buildings that would arise on site, the distance to any Natura 2000 sites, and the suburban nature of intervening habitats as well as the absence of ecological pathways to any Natura 2000 site including sites that are located at a further distance to those identified above.

8.7. I am also cognisant that there are also significant improvements to the treatment of foul water as part of the current major upgrading works to Ringsend Wastewater Treatment Plan to enable it to treat the increasing volumes to the required standards.

8.8. Conclusion:

I conclude that on the basis of objective information the proposed development would not have a likely significant effect on any Natura 2000 site(s) either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment Stage 2 under Section 177V of the Planning & Development Act 2000 as amended is not required.

9.0 Recommendation

9.1. I recommend that planning permission is **granted**.

10.0 Reasons and Considerations

10.1. Having regard to the modest nature, scale and extent of the proposed development, the nature of the receiving built environment and having regards to the provisions of the Dublin City Development Plan, 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not materially or adversely affect the character or setting of any of the Protected Structures which forms part of its site and setting, a setting that also forms part of a 'Conservation Area' and the 'Chapelizod & Environs Architectural Conservation Area' or the zone of archaeological constraint of the Recorded Monument and Place it forms part of or any such National Monuments in its vicinity. Furthermore, it is considered that the proposed development would not seriously injure the residential amenities of the area, nor would it be a type of development despite its backland setting that would be inconsistent with the pattern of development to the rear and within the vicinity of the historic period terrace group of Mullingar Terrace. 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, and as revised by the drawings submitted to the Board on the 3rd day of September, 2024, and the clarification of additional information submitted on the 2nd day of October, 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. The proposed dwelling with family annex shall be retained and occupied as a single residential unit and not let or otherwise transferred or conveyed unless permitted by way of a separate planning application.

Reason: To restrict the use of the dwelling with family annex in the interest of residential amenity.

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

Reason: In the interest of visual amenity.

4. The following requirements shall be complied with:
 - (a) The timber fencing shall be omitted from the new boundary wall to the south of the site and from any new boundary treatments proposed to demarcate the external boundaries of this site. In its place a new solid boundary wall matching the historic walls in material, coursing and construction shall be constructed of 2meters in height. Details of the same shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
 - (b) The developer shall submit to, and agree in writing with, the planning authority prior to the commencement of development a Lifecycle Reports for the

proposed dwelling with family annex building. This report shall accord with the requirements of Section 15.9.14 of the Dublin City Development Plan, 2022-2028.

Reason: In order to protect the special architectural character of Protected Structures that bound the site and are located within its setting alongside to ensure a satisfactory standard of development within the Chapelizod & Environs Architectural Conservation Area.

5. Drainage arrangements, including attenuation and 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 revised Sustainable Drainage Systems for the management of surface water on site for the written agreement of the planning authority.

Reason: In the interest of public health.

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

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

7. The developer shall comply with the following requirements of the planning authority's Transportation Division:

- (a) The vehicular entrance to the site from the laneway shall not have outward opening gates.
- (b) The surface car parking spaces to the front of the dwelling shall be removed. The hardscaped driveway area shall be reduced to facilitate access to the garage/utility room and turning of vehicles within the site only and replaced with extended soft landscaping. Details of which shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.
- (c) The driveway/parking area shall be constructed of permeable materials only.

(d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

(e) The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other materials and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: In the interest of traffic safety, orderly development, and the management of surface water.

8. The developer shall engage a suitably qualified licensed archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. [specify, as appropriate, following consultation with the Local Authority Archaeologist or the National Monument Service (NMS)].

Prior to the commencement of such works the archaeologist shall consult with and forward to the planning authority's archaeologist or the NMS as appropriate a method statement for written agreement.

The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation]. The developer shall facilitate the archaeologist in recording any remains identified.

Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments

Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required.

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 archaeological features or other objects of archaeological interest likely to be damaged or destroyed in the course of development.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

- (i) Existing trees, hedgerows, stone walls, which are proposed for retention as features of the site landscaping, in particular the mature Wych Elm tree and the Pheonix Park boundary wall.
- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech, or alder and which shall not include prunus species.
- (iv) Details of screen planting which shall not include cupressocyparis x leylandii but shall include evergreen species.
- (v) Hard landscaping works, specifying surfacing materials and finished levels.

(b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment.

(c) A timescale for implementation [including details of phasing].

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a

period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. Site development and building works shall be carried out between the hours of 8:00 to 19:00 Mondays to Fridays inclusive, between 08:00 to 14:00 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.

11. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Demolition and Construction Management Plan, which shall be adhered to during demolition and 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.

12. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

13. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare 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) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and

monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. 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 proper planning and sustainable development.

14. 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.

15. The individual naming and number of the dwelling house as well as any associated signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The proposed named shall be based on local historical or topographic features, or other alternative acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential developments.

16. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) relating to noise and vibration shall be submitted to and agreed in writing with the planning authority. The CEMP shall include a site location map showing the nearest noise sensitive locations, give details of the predicted noise and vibration impact in addition to proposed mitigation measures. The CEMP and noise abatement measures shall comply with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. The noise sensitive locations shall be taken to be the nearest residential buildings unless otherwise agreed in writing with the planning authority.

Reason: In order to protect the residential amenities of property in the vicinity.

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 ABP-319754-24 Inspector's Report Page 19 of 24 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.

Advisory Note: *The developer is advised that Section 34(13) of Planning and Development Act, 2000 (as amended) relating to 'Permission for Development', states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.*

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.

Patricia-Marie Young
Planning Inspector - 28th day of February, 2025.

Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-321312-24		
Case Reference			
Proposed Development Summary	PROTECTED STRUCTURE: Permission for demolition of a bungalow and construction of replacement, part single, part two-storey, part three-storey dwelling, with family annex and all associated drainage and landscaping works.		
Development Address	Mull Lodge, Chapelizod Road, Dublin 20, D20 F672.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class 10(b)(i) (infrastructure – Dwelling Units)	Proceed to Q3.
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Note: Class 10(b)(i) (infrastructure – Dwelling Units) 500 units – proposal is for 1 no. unit on a site area of 1,523m ² .	Preliminary examination required (Form 2)

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

Inspector: _____

Date: *28th day of Feb, 2025.*

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321312-24
Proposed Development Summary	PROTECTED STRUCTURE: Permission for demolition of a bungalow and construction of replacement, part single, part two-storey, part three-storey dwelling, with family annex and all associated drainage and landscaping works.
Development Address	Mull Lodge, Chapelizod Road, Dublin 20, D20 F672.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size, or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
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 proposed development requires the demolition of an existing single storey dwelling house to facilitate the construction of a part one, part two, part three storey dwelling house with attached family annex, served by two car parking and existing entrance onto a private cul-de-sac lane which provides access to the public road network/public domain.</p> <p>The standalone development given the area of the site is a modest development on serviced zoned urban land and does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The proposed development, by virtue of its nature, scale, and extent, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p> <p>It presents no risks to human health and there is no evidence to support that the demolition of the existing structure on</p>

	site would include demolition/removal of hazardous materials.
<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, cultural, or archaeological significance).</p>	<p>The site is located to the east of Main Street Chapelizod in a mature urban area located c6km to the west of Dublin's city centre on land that contains existing connections to public water and foul drainage. Alongside this brownfield vacant site is surrounded by recent and period mainly residential development.</p> <p>This appeal site occupies a location beside the biodiversity rich Pheonix Park and lies to the north of River Liffey corridor.</p> <p>With the proposed development seeking to retain quality natural features on site including but not limited to a Wych Elm and provide additional indigenous mature tree and hedge planting as part of the proposed development.</p> <p>The site is one that is significantly remote from other sensitive natural habitats, designated sites and landscapes of significance identified in the Dublin City Development Plan, 2022-2028.</p> <p>This appeal site is located on residentially zoned land and forms part of a parcel of land designated an ACA under the said Development Plan. Further, under Volume 4 of the said Development Plan it forms part of the curtilage and setting of Protected Structures, it is adjoined and neighbours a number of Protected Structures. With a number of the period properties and structures afforded protection also listed in the NIAH survey.</p> <p>This site also forms part of zone of archaeological constraint associated with the Recorded Monument & Place associated with the medieval settlement of Chapelizod through to is located in close proximity to a number of significant Recorded Monuments & Place with the site having a long history of human habitation and associated to human habitation land uses.</p>

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 modest nature of the proposed development as revised by way of the additional information and clarification of additional information responses, the site's and its setting locational and geographical attributes relative to 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	Yes or No
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: *28th day of Feb, 2025.*

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)