



An
Bord
Pleanála

Inspector's Report ABP-321430-24

Development	Construction of a three-storey extension to existing two-storey building, reinstatement of basement level, reinstatement of front façade and all associated site works.
Location	128 Cork Street, The Liberties, Dublin 8, D08 K5RH
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4301/24
Applicant(s)	Ann Kavanagh
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ann Kavanagh
Observer(s)	None
Date of Site Inspection	14 th May 2025

Inspector

Kenneth Moloney

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Planning Authority Reports	7
3.2. Prescribed Bodies	9
3.3. Third Party Observations	9
4.0 Planning History.....	9
5.0 Policy Context.....	10
5.1. National Planning Context.....	10
5.2. Dublin City Development Plan, 2022 – 2028.....	11
5.3. Natural Heritage Designations	13
6.0 EIA Screening.....	13
7.0 The Appeal	13
7.1. Grounds of Appeal	13
7.2. Planning Authority Response.....	16
8.0 Assessment.....	17
9.0 AA Screening.....	34
10.0 Recommendation	35
11.0 Reasons and Considerations.....	35
Form 2 - EIA Preliminary Examination	39
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The appeal site is located in the south inner city of Dublin, on Cork Street.
- 1.2. Cork Street, adjacent to the appeal site, is characterized by 4 no. traffic lanes and a mix of building types, in terms of scale, form and age, facing onto the street. Cork Street is also mixed in terms of both residential and commercial uses.
- 1.3. The appeal property is two-storey in height and is situated at the end of a terrace 3 no. red-brick two-storey houses, which are situated to the immediate west of the appeal site.
- 1.4. On the immediate eastern side of the appeal site there is a part two-storey DCC housing development (Robinsons Court).
- 1.5. The appeal property is a 3-bay structure and has a flat roof profile which differs to adjoining properties, which all have apex roof profiles. The front façade of the appeal building is finished in dark colour.
- 1.6. The appeal property has a small, raised courtyard to the rear where it adjoins the side of Robinsons Court and the neighbouring residential property to the immediate west (no. 127 Cork Street).
- 1.7. The appeal property is currently operating as individual office / studios on ground floor level and residential at first floor level.

2.0 Proposed Development

- 2.1. Planning Permission is sought for the following development.
 - Reinstatement of two-storey extension above existing building with a setback fifth level all over reinstated basement.
 - The development to comprise as follows:
 - Ground floor office unit
 - First floor comprising of two short-term let residential units.
 - Second floor comprising of 1 no. two bedroom residential unit.
 - Third floor comprising of 1 no. one bedroom residential unit.

- Fourth floor consisting of 1 no. one-bed residential penthouse unit.
- The proposed apartments on second, third and fourth level all have private amenity space in the form of balconies / terrace.
- The proposal includes a 15 sq. m. communal space located to the rear of the building and accessed from the internal stair/ lift core area.

2.2. Table 1 below provides a breakdown of the residential floor areas, amenity spaces and storage provision.

Residential unit	Floor area	Amenity space	Storage
First floor unit no. 1	27.2 sq. m ²	None	None
First floor unit no. 2	25.7 sq. m ²	None	None
Apartment 1	60.5 sq. m ²	5 sq. m ²	3 sq. m ²
Apartment 2	60.5 sq. m ²	5 sq. m ²	4.8 sq. m ²
Apartment 3	47.6 sq. m ²	15.7 sq. m ²	3 sq. m ²

- 2.3. The proposed front elevation is designed as a Dutch Billy elevation and is finished in rendered walls painted to selected colours. The windows will be aluminium framed units.
- 2.4. No details are provided with the submitted drawings or the application documentation in respect of access to the basement and any proposed uses.
- 2.5. The application is accompanied by the following documentation.
- Architectural Assessment Impact Assessment & Conservation Methodology Statement & Photographic Survey.
 - Housing Quality Assessment.

3.0 Planning Authority Decision

The Planning Authority decided to refuse permission for the following reasons.

1. Having regard to the design, scale and height of the proposed 5-storey building and its immediate urban structure, it is not considered that the infill development will complement the existing streetscape or enhance its context. The proposed reinstatement of a Dutch Billy elevation is considered to be a poor design response to Cork Street which has potential to appear as pastiche and incongruent on the streetscape. Furthermore, it is considered that the proposed development would have a negative impact upon the residential amenity of neighbouring properties by way of daylight/sunlight impacts and by having an overbearing appearance particularly to the part two-storey, part single storey Robinson Court housing scheme to the immediate north. The proposed development would therefore be contrary to the Z1 zoning objective and Section 15.5.2 which requires infill development to respect and complement the prevailing scale, mass and architectural design in the surrounding townscape and to demonstrate a positive response to the existing context. The proposed development is therefore contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar developments in the area.
2. The proposed short-term units at first floor level are not considered appropriate at this location having regard to the recognised need for housing in the Liberties area and therefore are contrary to Section 15.14.3 of the Dublin City Development Plan 2022-2028 which states that there is a presumption against the provision of dedicated short-term tourist rental accommodation in the city due to the impact on the availability of housing stock. The proposed development would thereby be contrary to the proper planning and sustainable development of the area.
3. Having regard to the significantly below standard apartment units at first floor level within the existing building and the substandard apartment units within the proposed additional floor levels and the poor quality communal open

space in terms of area and daylight/sunlight provision, it is considered that the residential development will provide for a low level of residential amenity for future occupants and would not deliver a quality apartment development in line with Section 15.9 of the Dublin City Development Plan 2022-2028 or the relevant provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, DHLGH (2023). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

3.1.1. The Planning Officer's report dated 14th November 2024 notes the following.

- Proposal supports compact growth, sustainable densities and infill development which is welcome.
- However, proposal is not consistent with section 15.14.3 of the CDP (presumption against short-term letting in the city centre).
- The subject building is neither a protected structure or on NIAH register.
- Policy BHA 6 supports older buildings and presumption against their demolition. Policy BHA 11 seeks to retain older buildings which make a positive contribution to the character of the streetscape.
- The historic fabric of the building has been substantially removed.
- The removal of the upper floors from the historic building and modern interventions has limited the buildings contribution to the historic fabric of the streetscape.
- No objection to the demolition of the existing building and replacement with high quality residential development containing residential development that meets relevant standards.
- Proposed development would not successfully integrate with the streetscape and will not contribute positively to the character of the area.
- Concerns in relation to the impact of the proposed development on the established residential amenities to the rear of the subject site. Applicant

should be requested to submit daylight and sunlight analysis to demonstrate compliance with standards.

- The proposed units on first floor level are substantially below the apartment guideline standards. The proposed residential units in the additional floor level offer a good standard of residential amenity, except the 2-bed unit at second floor level.
- The 2 no. units at first floor level have no private amenity space. The second-floor apartment balcony is below the required 7 sq. m., while the 1-bedroom units achieve the appropriate standard for private amenity space.
- The communal open space (15 sq. m.) is below the required (28. sq. m.).
- The position and orientation of the amenity space would offer limited amenity value.
- In relation to AA it is considered that significant effects are not likely to arise.
- In relation to EIA, there are no real likely significant effects on the environment arising from the proposed development.
- In conclusion the scale of the proposal is not considered appropriate.

3.1.2. Other Technical Reports

- **Drainage Division:** - No objection subject to standard conditions.
- **City Archaeologist:** - No objection subject to conditions.
- **Environmental Health Officer:** - No objection subject to conditions.
- **Transportation Planning Division:** - Additional information sought for the following (1) clarify means of access to the basement, (2) letter of consent permitting the works outside the application site boundary with Robinsons Court, (3) alternative refuse and cycle storage provision should item no. 2 of FI request not be addressed, (4) revised proposals for residential cycle parking at a rate of at least 1 no. cycle parking space per bedroom to serve additional units above first floor level.

3.2. Prescribed Bodies

- None

3.3. Third Party Observations

- None

4.0 Planning History

4.1. On-site

- LA Ref. - 0352/24

Social Housing Exemption Certificate granted under s. 97 of the P&D Act.

4.2. Adjacent Sites

- Ref. ABP-316828-23

This site relates to Cork Street. The Board approved, subject to conditions, the Tallaght/Clondalkin to City Centre Bus Connect Core Bus Corridor Scheme. This scheme is one of 12 CBC schemes forming part of the Bus Connects programme, which seeks to redesign the bus network in Dublin by building new bus corridors and cycle tracks.

- Ref. ABP-308162-20

- 4.3. This site relates to the Old Glass Factory and no's. 113-117 Cork Street and no's. 118-122 Cork Street, situated approximately 100 metres to the west of the appeal site. Permission granted, subject to conditions. Permission granted for the demolition of existing building and construction of 397 no. bedspace Build to Rent Shared Living residential development and associated site works. The height of the permitted development is between 4 and 7 storeys (max 28m).

5.0 Policy Context

5.1. National Planning Context

5.1.1. The National Planning Framework – First Revision (April 2025)

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 22 (standards based on performance criteria), and NPO 45 (increased density).

5.1.2. Section 28 Ministerial Planning Guidelines

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy for the proposed development includes:
 - Standards and requirements of SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for 1-2 bedroom units), SPPR 4 (33% to be dual aspect units in more central and accessible urban locations).

5.1.3. Circular PL4/2019

The primary objective of this circular is to influence the bringing back of houses and apartments in designated Rent Pressure Zones which are currently being used for short-term letting purposes to the traditional long-term rental market thereby helping to ease the accommodation shortage pressures currently being experienced in this area. The Circular sets out the summary of the new legislative provisions which include Section 38 of the Residential Tenancies (Amendment) Act 2019 and inserts a new Section 3A into the Planning and Development Act 2000 to provide that short-term letting of a house in a Rent Pressure Zone is a material change of use of the property concerned thereby requiring planning permission, unless specifically exempt from this requirement.

5.2. Dublin City Development Plan, 2022 – 2028

5.2.1. The subject site is zoned 'Z1 Sustainable Residential Neighbourhoods'. The stated objective for such lands is: *"To protect, provide and improve residential amenities"*.

5.2.2. Chapter 4 'Shape and Structure of the City' includes guidance on urban density, increased height, urban design and architecture. In terms of urban density Chapter 4 recognises that RSES and Dublin MASP promotes greater densification and more intensive forms of development along strategic public transport corridors. Greater height at appropriate locations will be considered. The following policies are relevant to the proposed development.

- Policy SC1 – Consolidation of the Inner City
- Policy SC11 – Compact Growth and sustainable densities
- Policy SC12 – Promote a variety of housing and apartment types and sizes
- Policy SC17 – Building Height and protect and enhance the skyline of the city
- Policy SC19 – High Quality Architecture contributing to the built environment
- Policy SC22 – Promote understanding of city's historical architectural character

5.2.3. Chapter 5 'Quality Housing and Sustainable Neighbourhoods' includes guidance for the delivery of well-design adaptable, infill and brownfield development. The following policies are relevant to the proposed development.

- QHSN36 – High Quality Apartment Development
- QHSN37 – Houses and Apartments with satisfactory level of residential amenity
- QHSN38 – Appropriate mix of houses /apartments

5.2.4. Chapter 11 'Built Heritage and Archaeology'. The following policies are relevant to the proposed development.

- BHA06 – Presumption against the demolition or substantial loss of any historic buildings
- BHA11 – Rehabilitation and Reuse of Existing Older Buildings (not on RPS).

5.2.5. Chapter 15 'Development Management Standards'. Section 15.9 includes guidance on apartment development including unit mix, sizes, aspect / orientations, private amenity spaces, communal amenity spaces. Guidance is also provided in respect of separation distances and overlooking / overbearance.

5.2.6. Section 15.5.2 provides guidance in respect of infill development.

5.2.7. Section 15.14.3 relates to short-term letting and states the following.

'There is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact on the availability of housing stock.

Applications for Short Term Tourist Rental Accommodation will be considered on a case by case basis in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve. Applications may also be considered in locations adjacent to high concentration of night / time noisy activity where standard residential development would be unsuitable'.

5.2.8. Appendix 3 'Height Strategy' recognises the role that height plays in the achievement of compact cities and refers to key factors that will determine height will be *'the impact on adjacent residential amenities, the proportions of the building in relation to the street, the creation of appropriate enclosure and surveillance, the provision of active ground floor uses and a legible, permeable and sustainable layout'*. The strategy includes guidance on plot ratio and site coverage and advises that the default height within the city within the canal ring is 6 storeys. In relation to more intensive development abutting lower intensity development, the Plan advises

'where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities',

and further that proposals for increased height in the city centre sensitive areas must demonstrate that they have no impact on these sensitive environments.

5.2.9. Heights greater than 6-storeys within the Canal Ring will be considered on a case-by-case basis subject to the performance criteria set out in Table 3.

5.3. Natural Heritage Designations

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c. 4.6 km east
- South Dublin Bay SAC (Site Code 000210) c. 4.6 km east
- North Dublin Bay SAC (Site 000206) c. 7.6 km northeast
- North Bull Island SPA (Site Code 004006) c. 7.6 km northeast
- Grand Canal pNHA (Site Code 002104) c. 0.86 km south

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal may be summarised as follows.

Relevant National Planning Policy Context

- Proposed density of 25 uph is appropriate for this location having regard to section 3.6 of the Sustainable Compact Development Guidelines (2024) which refers to very small infill sites.

City Development Plan

- Key provisions of the CDP include Policy SC1 (Consolidation of the Inner City), Policy SC22 (Historical Architectural Character), Policy SC14 (Building

Height Strategy), Policy QNSN6 (Urban Consolidation) and Policy QNSN7 (Upper Floors).

- The CDP is supportive of higher density (s. 15.5.5) and Infill development (s. 15.5.2).

Refusal Reason no. 1

- Acknowledged that the proposed 5-storey development is taller than the prevailing height. The prevailing height is starting from a low base.
- Opportunity for densification in a similar manner to that on the opposite side of Cork Street.
- The PA Planner's Report has no significant objection to demolition of the building for replacement with a quality and high-density development.
- Report in Appendix 2 addresses the terms of the Dutch Billy design.
- The closest building to the subject site is Robinsons Court (DCC housing development to the rear of appeal site) which has a gable elevation to the rear. As such any impact from the proposed development is minimised.
- The submitted shadow study¹ shows no discernible impact in December and only minimal overshadowing in June.

Refusal Reason no. 2

- Section 15.14.3 of the CDP provides a presumption against, but not a prohibition of short term lets.
- The CDP states that short term lets will be considered on a case-by-case basis including where there is noisy activity.
- The proposed short term lets are considered appropriate at this location.
 - The 2-unit pre-63 configuration at first floor level is established and applicant is reluctant to change this.

¹ Appendix 3 of appeal submission

- First floor use is located directly above a busy office and close to a busy street and as such there is concern with the impact on long term residential amenity.
- A single unit across the full floorplate would represent an inefficient use of space.
- A submitted statement of reasons² includes the owners' assertions why short term lets is considered appropriate at this location.
- The Board are requested to consider the merits of short stay accommodation at this location.

Refusal Reason no. 3

- The current first floor 2-unit layout is a pre-63 configuration.
- The PA has applied residential standards to a commercial use in the form of short stay residential rental.
- There is no express requirement that such a commercial use is required to comply with Section 15.9 of the CDP or the Apartment Guidelines (2023).
- Section 3.19 of the Apartment Guidelines (2023) provide an exemption for building refurbishment schemes for sites less than 0.25 ha. Standards can be relaxed subject to overall design quality.
- The proposed development (short term residential rentals) is a commercial use, and residential quantitative standards do not apply.

Attachments

The appeal is accompanied by the following attachments:

- Appendix 1 – Copy of Notification of Decision to Refuse Permission
- Appendix 2 – Architects Report
- Appendix 3 – Shadow Study
- Appendix 4 – Letter from Applicant dated 10th December 2024

² Appendix 4 of appeal submission

7.2. I have considered Appendix 4 (Letter from Applicant dated 10th December 2024) in my assessment under section 8.3 below. In summary the main issues raised in this letter include.

Challenges with Long-Term Rentals

- Fire safety issues
- Anti-social behaviour
- Nonpayment of rent
- Property Damage

Succes with Short-Term Rentals

- Suitability of unit sizes for short-term stays
- Proposed short-term lets compatible with Architects Office at ground floor level.
- Applicant has invested significantly in short-term let units to ensure high standard of finish
- Proposed development provides for a sustainable mix of units.
- Existing first floor units are pre-63. Applicant wishes to regularise the short-term letting units.
- Upper floor units are only financially viable based on the inclusion of short-term lets at first floor level

7.3. Planning Authority Response

The Planning Authority submit the following.

- The Board uphold PA decision to refuse permission.
- If permission is granted the PA requests that the following conditions are included, section 48 contribution, payment of bond, payment of contribution in lieu of open space, naming and numbering condition and management company condition

7.4. Observations

- None

8.0 Assessment

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Density, Height and Scale
- Short-term Accommodation
- Residential Amenity

8.1. Principle of Development

- 8.1.1. The proposed development relates to the intensification of an urban site in Dublin's south inner city on Cork Street. I would note that Cork Street has approval³ for the Tallaght/Clondalkin to City Centre Bus Connect Core Bus Corridor Scheme. The Bus Connect scheme will provide new bus corridors and cycle tracks along Cork Street.
- 8.1.2. The intensification of development on the subject site is consistent with national planning policy, including the National Planning Framework – First Revision (April 2025) and policies such as NPO 7 (compact growth), NPO 9 (compact growth) and NPO 45 (increased density).
- 8.1.3. Furthermore, regional policy objectives in the EMRA Regional Spatial Economic Strategy (2019 – 2031) supports compact growth (RPO 3.2) and infill development (RPO 3.3).
- 8.1.4. Moreover, a key strategy in the DCDP, 2022 – 2028, is the achievement of compact growth (policy objective SC11) in alignment with Metropolitan Area Strategic Plan,

³ Ref. ABP-316828-23

through the consolidation and intensification, particularly on public transport corridors. In this regard there is a requirement to consider greater height in appropriate locations. In addition, Policy objectives SC11 and SC1 of the Dublin City Council Development Plan, 2022 – 2028, (DCDP) support compact growth and consolidation of the city respectively.

8.1.5. The proposed development which involves the intensification of an existing 2-storey building to a 5-storey building to provide for residential units above ground floor office unit, in an area close to the city centre and accessible by public transport, existing and proposed, is therefore consistent with national, regional and local policy objectives.

8.1.6. In accordance with the DCDP, 2022 – 2028, the land use zoning objective on the appeal site is 'Z1 Sustainable Residential Neighbourhoods' with the objective to '*protect, provide and improve residential amenities*'. Residential uses are 'permissible uses' within this zone and office use is 'open for consideration'. I am satisfied that the proposed development is consistent in principle with the current Development Plan zoning provisions.

8.1.7. I would therefore consider that the principle of the proposed development, subject to appropriate transition and of scale to allow integration with established streetscape and character of the area, protection of established amenities and achievement of appropriate residential standards in terms of amenity, is acceptable.

8.2. **Density, Height and Scale**

8.2.1. **Appendix 3 of DCDP, 2022 – 2028**

The existing development on the appeal site comprises of a two-storey building over basement with a floor area of approximately 179 sq. metres. The existing building height, facing onto Cork Street, is approximately 6.8 metres above ground level, and consistent with the neighbouring building height either side of the appeal site.

8.2.2. The proposal will consist of a 5-storey development over basement with a total floor area of 419 sq. metres, and the building height of the proposed development, facing onto Cork Street, will be approximately 15 metres above ground level. The proposed

development involves retaining the existing two-storey building and extending upwards to a new 5-storey height.

- 8.2.3. The City Plan notes that schemes of increased density are often coupled with buildings of increased height and scale and in such instances where buildings and density are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 in Appendix 3 of the DCDP shall apply.

8.2.4. Density

Section 3.2 of the Dublin City Development Plan, 2022-2028, relates to density and notes that highest densities should be located at the most accessible and sustainable locations. It emphasises that there should be a focus not just on maximising density to maximise yield but on a range of qualitative criteria and other factors including architecture, community facilities and quality placemaking. The density of a proposal should respect the existing character, context and urban form of an area and protect existing and future residential amenity. Public transport accessibility and capacity also determine the appropriate density permissible.

- 8.2.5. There is a notable variance of density in the prevailing context of the appeal site, from older developments with generally lower densities to newer developments, or those currently under construction, with higher densities. The Compact Settlement Guidelines (2024) recommend a residential density in the range of 100 dph to 300dph shall be applied to the city centre of Dublin. The proposed 3 no. standard residential units within the proposed development would achieve a density of 270dph, which is within the recommended density range for residential units.

- 8.2.6. Bedspaces per hectare would be more reflective density for the proposed development given that the development relates to both standard residential accommodation units and short-term let accommodation. Bedspaces for the proposed development, comprising of 3 no. residential units and 2 no. short term let units, would have a density of 720 bedspaces per ha, which is less than the development permitted at the Old Glass Factory, no. 113 – 117 Cork Street and currently under construction, 100 metres from the site, and also less than the development on the opposite side of Cork Street on a site known as a portion of the Brewery block.

8.2.7. Conclusion on Density in Appendix 3

The proposed density would not be significantly higher, having regard to the prevailing context, which is varied, as such the proposed development is not required to be considered in terms of Table 3 of Appendix 3 of the Dublin City Development Plan, 2022 – 2028, on the basis of significantly increased density.

Height and Scale

Section 4 of Appendix 3 of the City Development Plan addresses how to achieve sustainable height and density. The proposed development comprises of a 5-storey height.

8.2.8. Section 4 also refers to the Building Height Guidelines, advises that a default position of 6-storeys will be promoted in the city centre and within the canal ring, subject to site specific characteristics.

8.2.9. The prevailing building height context is varied, with two-storey heights immediately adjoining the appeal site, however on the opposite side of Cork Street, including buildings permitted and under construction, the height ranges from 5 – 7 storeys. The development under construction at the Old Glass Factory, 100m from the appeal site, has a maximum height of 28m.

8.2.10. Conclusion on Building Height in Appendix 3

The proposed building height would not be significantly higher, having regard to the prevailing context, as such proposed development is not required to be considered in terms of Table 3 of Appendix 3 of the Dublin City Development Plan, 2022 – 2028, on the basis of height.

8.2.11. Relationship with Existing Buildings

Chapter 4 of the DCDP advises that key considerations for greater height proposals will include the prevailing height, potential impacts such as overshadowing and overlooking, impacts on sensitive areas.

- 8.2.12. The Plan states, where a development abuts a lower density development, appropriate transition of scale and separation distances are required to protect adjoining amenities.
- 8.2.13. In considering the impacts of the proposed development I will have regard to the relationship with existing buildings in terms of design, scale and height, and the established residential amenities, and also built heritage having regard to the applicant's appeal submission. I will therefore consider design, scale and height of the proposed development based on its own merits and having regard to the provisions of the DCDP, in particular S. 15.5.2 'Infill Development'.
- 8.2.14. Section 15.5.2 'Infill Development' of the DCDP, 2022 – 2028 advises that Infill development should complement the existing streetscape, providing for a new urban design quality to the area. The Plan notes that it is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.
- 8.2.15. The Section 15.5.2 of the DCDP requires specifically the following relevant requirements, in relation to infill development
- *to respect and complement the prevailing scale, mass and architectural design in the surrounding townscape,*
 - *to demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area*
 - *Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.*
- 8.2.16. The key issue, in my view, is the relationship between the proposed development and the established built context immediately adjoining the subject site, which is two-storey in height. This relationship is key in the interest of protecting established amenities and ensuring that infill development respects and complements the prevailing scale, mass and architectural design in surrounding townscape.

- 8.2.17. In terms of protecting established residential amenities, I have considered this below under paragraph 8.2.36.
- 8.2.18. In terms of the relationship of the proposed development with the existing buildings, I noted from my site assessment that the immediate building height immediately adjoining the appeal site is two-storeys. The appeal property is located at the end of a terrace of 3 no. red-brick two-storey houses. On the immediate eastern side of the appeal site there is a part two-storey housing development. However, in the wider context including on the opposite side of Cork Street, the scale of existing buildings, including buildings permitted and under construction, varies in height, including five to seven storeys in height. Although I noted higher building heights in close proximity to the appeal site, such as across the street or 100m from the site on the same side of Cork Street, I would acknowledge that the sites comprising of 5-7 storey heights differ to that of the appeal site in terms of immediate scale and mass, and some of the higher building heights relate to street blocks and include transition to lower density development. The proposed development does not provide for any similar transition in scale.
- 8.2.19. In further considering the scale of the proposal relative to its existing context I would have regard to the site coverage and the plot ratio of the proposed development. In relation to site coverage the indicative site coverage for the Central Area is 60%-90%, and the proposed development has a site coverage of 86.5% which is therefore acceptable. I would note from the submitted application form that the proposed development has plot ratio of 3.8. The indicative plot ratio in the Central Area is 2.5 – 3.0, as contained in the DCDP. The DCDP allows a degree of flexibility whereby it is recognised that a higher plot ratio may be appropriate in certain circumstances including adjoining public transport corridors or to facilitate complete redevelopment of areas in need of urban renewal. Notwithstanding the flexibility in the DCDP in respect of plot ratio the proposed development is not required to facilitate the complete redevelopment of an area in need for urban renewal and the subject site abuts lower density development.

Conclusion on Relationship with Existing Buildings

- 8.2.20. The proposed 5-storey height, having regard to the established building height in the immediate context of the appeal site, which is two-storeys, including an established

red-brick terrace to the immediate west of the appeal site, would be, in my view, jarring to this part of Cork Street and would appear overly dominant in respect of adjoining properties without transition.

8.2.21. Design and Streetscape

I noted from my site assessment that views of the proposed 5-storey building from the east, along Cork Street, would be out of character with established height and scale immediately adjoining the appeal site, and in respect of proposed views from the west along Cork Street, the proposal would appear similarly out of character to the established height and scale.

8.2.22. In addition, I would consider, that the proposed Dutch Billy design would not address concerns in respect of scale and height, given the 5-storey scale of development and proximity to neighbouring properties. I would note that the submitted Architect's Report, that accompanied the appeal submission, contends that the steep gable profile mitigates bulkiness, however the design of the gable elevation as viewed from the east, along Cork Street, and the west also along Cork Street, would not mitigate the scale of the building, and in my view, the design would not integrate with the existing immediate built character. The gable elevation of the building would appear as a 5-storey building and would be visually prominent having regard to the adjoining building which are two-storey in height.

8.2.23. Although the streetscape is varied along Cork Street the immediate context of the appeal site is defined by the established neighbouring buildings to the east and the west. The proposed 5-storey development, without any transition to neighbouring properties, which are uniformed in height, would not complement the immediate scale of the established streetscape and therefore, based on the submitted elevations⁴, would fail to integrate with the streetscape along this stretch of Cork Street and furthermore would have an adverse impact on the character of the area.

8.2.24. Conclusion of Design and Streetscape

I would conclude therefore, based on the above considerations that the proposed design, height and scale onto Cork Street at this location, having regard to restricted

⁴ Drawing No. 300-PA

size of the site and the transition to adjoining properties, would be visually prominent and overbearing relative to the existing streetscape with potential to dominate the character of the street, and as such having regard to Section 15.5.2 of the DCDP I am not satisfied that the proposed development respects and complements the established scale, mass and architectural design in the surrounding townscape.

8.2.25. Built Heritage

8.2.26. I note from the applicant's submitted Architectural Assessment Impact Assessment & Conservation Methodology Statement & Photographic Survey Report⁵, that accompanied the planning application, that the two-storey building on the subject site dates originally from c. 1730 and took the form of a Dutch Billy design. The same report submits that in the 1950's the subject building was lowered from a four-storey building to a two-storey building. The Report also submits that some of the external features of the existing building are original whereas the internal features of the original building have not remained in-tact.

8.2.27. The Architects Report⁶ sets out the rational for the height, scale and massing of the proposed development. The Report submits that the proposed development will reinstate the original proportions and gable design to ensure historical accuracy and reinstating the buildings historical authenticity. Further the Report submits the creation of a steep gable profile mitigates bulk creating a proportional and visually engaging form that aligns with the surrounding streetscape. The Architects Reports also submits that the stepped gable will restore vertical articulation and therefore enhancing the streets architectural rhythm and the recreation of the Dutch Billy façade will reinforce Cork Street's identity as a historically significant urban corridor.

8.2.28. I would accept the historic nature of the appeal building and its connections to the 1730's. However, the existing building on the subject site is not a protected structure and not located within an Architectural Conservation Area or Conservation Area, in accordance with the provisions of the DCDP, 2022 – 2028, and the building is not listed on the NIAH register.

⁵ Dated 20th September 2024

⁶ Appendix 2 of appeal submission

8.2.29. Therefore, a relevant consideration in respect of the arguments in the applicant's Architects Report is policy objective BHA11 (Rehabilitation and Reuse of Existing Older Buildings) of the DCDP. The policy recognises that many older buildings, which are not included on the Record of Protected Structures or Architectural Conservation Areas, or conservation areas, make a positive contribution to the historic built environment of the city. Further the DCDP considers that the retention and reuse of these buildings add to the streetscape and sense of place and there will be a presumption against their demolition as they contribute to the character of the area.

8.2.30. Notwithstanding policy objective BHA11, I would acknowledge based on the submitted Architectural Assessment Impact Assessment & Conservation Methodology Statement & Photographic Survey Report, that accompanied the planning application, that much of the original structure has been replaced overtime, and I would consider, based on reports from the applicant and the PA, and in addition having regard to my site assessment that the existing building would have limited historic fabric in-situ, as such raising uncertainty, in my opinion, whether the proposed development would be justified by Policy Objective BHA11 given that the historic fabric has been substantially removed, apart from its original windows and entrance door pattern to the front and back. I would consider that the height and scale of the proposed development would be more appropriately considered in respect of S. 15.5.2 'Infill Development' of the DCDP, as concluded above.

8.2.31. Impacts on Established Residential Amenities

Introduction and setting

The existing development is two-storeys in height and includes an existing single storey extension to the rear. The neighbouring property to the immediate west (no. 127 Cork Street), which is in residential use, has a two-storey return with a gable window facing towards the appeal site. The gable elevation of this neighbouring return is set back approximately 2 metres from the western boundary of the appeal site. No. 127 Cork Street has a rear garden situated to the rear of the existing two-storey return.

8.2.32. Robinsons Court which is located to the east and north of the appeal site consists of single storey housing located to the rear of the appeal site, and two-storey residential units accessible by own door.

8.2.33. The housing development fronts onto Cork Street and the side street off Cork Street and encloses an internal courtyard area which is situated to the northeast of the appeal site.

8.2.34. Shadowing

As referred to above I would acknowledge that there are existing residential amenities located to the north of the appeal site and having regard to the orientation of the established amenities, relative to the proposed development, there is potential for overshadowing or loss of daylight. However, a degree of overshadowing would be expected for an inner-city site.

8.2.35. The adjoining DCC housing development includes a communal courtyard situated to the northeast of the proposed development. I noted from my site assessment that the existing communal courtyard space to the immediate north of the proposed development had good availability of sunshine in the afternoon of my site assessment.

8.2.36. The proposed development retains the building lines of the existing building to the front and rear and is extended upwards by an additional 3 no. floors. The floor area of the existing extension to the rear of the appeal property is enlarged and the extension is extended upwards by 4 no. floors.

8.2.37. The appeal submission included a shadow study (Appendix 3) which compares the existing scenario and the proposed development on December 21st and June 21st. I have reviewed the submitted 3D Model Shadow Analysis, and I would note that the study demonstrates low impact on the established residential amenities on December 21st.

8.2.38. However, 3D Model Shadow Analysis demonstrates overshadowing on neighbouring residential amenities to the north on June 21st at 9am, 11am and 3pm. I would consider that the shadowing impacts would negatively impact on residential amenities in particular in respect of the existing internal courtyard space relating to

Robinsons Court at 3pm and the rear gardens of 127 and 126 Cork Street at 9am in June.

8.2.39. The BR 209 guidelines recommend that for an amenity space to appear adequately sunlight throughout the year it is required that at least half of the amenity space should receive at least two hours of sunlight on the March 21st. The application documentation, or the supporting appeal submission, does not include a sunlight analysis on March 21st. Furthermore, the application documentation does not include a daylight analysis or the adjoining residential units.

8.2.40. The existing development on the appeal site has a single storey extension to rear, and the proposed development will extend the single extension up to 5-storeys in height. This will involve a height change from approximately 3 metres (existing) to c. 15 metres (proposed) and given its location on the site boundary, adjoining the courtyard space, associated with the adjacent DCC housing development, it is likely to have a shadowing impact on the neighbouring amenity space, as indicated in the Shadow Analysis on June 21st. However as noted above a degree of overshadowing can be expected given this city centre location.

8.2.41. The overall shadowing impact, in terms of impact on established amenity spaces and adjoining residential units, is unclear from the available documentation on the file, and the full impacts of the development cannot be adequately demonstrated, however having regard to the substantive issues in this appeal I would recommend to the Board that this issue is not pursued further.

8.2.42. Overlooking

8.2.43. In terms of overlooking the layout of the proposed residential units includes bedrooms to the rear facing north as such the proposed bedroom windows would orientate towards the rear of no. 127 Cork Street and no. 126 Cork Street. However, given that the windows do not relate to the primary living areas I would not consider that overlooking from the proposed bedrooms would be a concern in relation to existing residential amenities.

8.2.44. The single storey extension to the rear of the subject development would prevent any overlooking towards the amenities associated with Robinsons Court.

8.2.45. The residential units at second and third floor include balconies to the rear which would introduce additional overlooking towards no. no. 127 Cork Street and no. 126 Cork Street.

8.2.46. However, the proposed balconies are set back from the northern site boundary and there would be a degree of established overlooking in existence, as such the provision of two additional balconies, in my view, set back from the site boundary, would not seriously injure established residential amenities.

8.2.47. Visual Prominence

The appeal site has a limited site area measuring approximately 111 sq. metres (0.0111 ha) and the site abuts existing residential development including Robinsons Court to the immediate east. As referred to above the existing development on the appeal site has a single storey extension to rear, and the proposed development will extend the extension up to 5-storeys in height. This represents an increase from approximately 3 metres (existing) to c. 15 metres (proposed) which represents a significant modification given the extension is located on the site boundary with Robinsons Court. I noted above in the shadowing assessment that there will be an introduction of overshadowing to the internal courtyard of Robinsons Court in June.

8.2.48. I therefore would have concerns with the scale of the proposed development, in particular adjacent to a sensitive established residential development, which is situated to the immediate north of the proposed development. I would consider that the height, mass, and scale of the development, and in particular the 5-storey extension to the rear which adjoins the site boundary to a sensitive established residential development would be visually overbearing and would have an adverse impact on established residential amenities.

8.2.49. Conclusion

Therefore, in conclusion and having regard to S. 15.5.2 'Infill Development' and the proposed design, height and scale of development, it is considered that the proposed development would constitute overdevelopment of the site, would have an unreasonable overbearing and visually dominant effect on adjoining sites and would seriously injure the residential amenities of the area by way of overbearing and undue visual impacts and fails to integrate with the streetscape. I would therefore support the PA's first reason for refusal.

8.3. **Short-term Accommodation**

- 8.3.1. Section 15.14.3 of the DCDP provides grounds for the case-by-case consideration of short-term tourist rental accommodation. The appellant submits information⁷ outlining her experience in terms of long term and short-term letting, which emphasizes the challenges in relation to long-term letting and the relative success of the short-term letting in respect of the existing two units at first floor level on the subject site. The applicant submits that the two residential units at first floor level are pre-63 units and now wishes to regularise these units for short-term letting.
- 8.3.2. I would note that the existing residential units at first floor level comprise of a studio unit, with a floor area of c. 27.2 sq. metres, and a 1-bed unit with a floor area of c. 25.7 sq. metres. The studio apartment has a dual aspect orientation, and the one-bed bedroom apartment is single aspect south facing residential unit and neither of the units have private open space provision.
- 8.3.3. The purpose of this assessment is not whether the first-floor apartments meet current planning standards, the assessment relates more so whether applications for short-term letting are not suitable for standard residential development where normal standards or residential amenity may be difficult to achieve. I consider that the first-floor area, having regard to the units proposed at upper floor levels, would comfortably achieve the minimum floor area for a studio apartment or a one-bedroom apartment compliant with the standards in the Apartment Guidelines (2023) and DCDP, with potential for a balcony similar to the upper floors. As such, having regard to Section 15.14.3 of the development plan, I do not consider the units at first floor level would be unsuitable for longer term occupancy or that normal standards here are difficult to achieve.
- 8.3.4. In relation to amenity, I note the appellant's comments regarding the location of the existing units directly above a busy office and close to a busy street which would impact on long term residential amenity. The appeal site is located in the middle of a residential street with residential properties located on either side of the appeal site, including dwellings above ground level. The proposed balconies, with the exception of the penthouse unit, are located to the rear of the building and therefore away from the street. Having regard to the pattern of development in the immediate vicinity of

⁷ Appendix 4 of Appeal – Letter from Applicant dated 10th December 2024

the subject site and also Section 15.14.3 of the DCDP, I do not consider that the surrounding noise would be sufficient to inhibit longer-term occupancy, or that normal residential amenity would be difficult to achieve.

- 8.3.5. I further consider the permanent loss of an apartment unit for longer-occupancy accommodation to have a detrimental impact on the availability of housing stock. Albeit a single unit, the proposal nonetheless comprises the loss of a dwelling for longer term occupancy, which has the potential to set a precedent contrary to Section 15.14.3 of the development plan.
- 8.3.6. I consider the proposed development in relation to short-term letting would be detrimental to the availability of housing stock. I do not consider the unit unsuitable for longer-occupancy, subject to redesign, or that normal standards or residential amenity would not be achieved for a residential unit at first floor level. Furthermore, I do not consider this to be a location where standard residential development is unsuitable due to nighttime noisy activity. As such I consider the proposed development to be contrary to Section 15.14.3 of the DCDP.

8.4. **Residential Amenity**

- 8.4.1. The DCDP includes development standards to be applied in the assessment of apartment developments to ensure that development provides a good standard of residential amenity for future occupants and would not adversely impact on any established amenities. The DCDP apartment standards⁸ are consistent with those contained in the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines).
- 8.4.2. In terms of considering residential amenity for future occupants of the proposed development I would have regard to the floor areas, bedroom floor areas, storage provision, private amenity spaces and communal amenity space. Table 2 below sets out floor areas, amenity spaces and storage provision for the proposed development relative to that required in the DCDP, 2022 – 2028, and the Apartment Guidelines (2023).

⁸ Section 15.9 of DCDP

Proposed Unit	Floor area	Required Floor Area		Amenity space	Required Amenity space		Storage	Required storage space
		DCDP	S. 28's		DCDP	S. 28's		DCDP & S. 28's
1 st floor unit no. 1	27.2 m ²			None			None	
1 st floor unit no. 2	25.7 m ²			None			None	
Apartment 1	60.5 m ²	73 m ²	73 m ²	5 m ²	7 m ²	7 m ²	3 sq. m ²	6 sq. m ²
Apartment 2	60.5 m ²	45 m ²	45 m ²	5 m ²	5 m ²	5 m ²	4.8 sq. m ²	3 sq. m ²
Apartment 3	47.6 m ²	45 m ²	45 m ²	15.7 m ²	5 m ²	5 m ²	3 sq. m ²	3 sq. m ²

8.4.3. The DCDP does not include guidance on minimum bedroom standards, however the Apartment Guidelines (2023) requires the following minimum bedroom sizes

- One bedroom – 11.4 sq. m.
- Two bedrooms (3 person) – 13 + 7.1 sq. m. = 20.1 sq. m.
- Two bedrooms (4 person) – 11.4 + 13 sq. m. = 24.4 sq. m.
- Three bedrooms – 11.4 + 13 + 7.1 sq. m. = 31.5 sq. m.

8.4.4. Private Open Space

8.4.5. The Apartment Guidelines (2023) recommend a minimum private amenity space of 5 m² for a one-bedroom apartment and 7 sq. metres for a two-bedroom (4 person) apartment. The private amenity space serving the proposed two-bedroom apartment at second floor level and the one-bedroom apartment at third floor level is a rear balcony and, in both cases, has a floor area of 5 sq. metres. The two-bedroom apartment would therefore be substandard in terms of private amenity space provision. The one-bedroom apartment at fourth floor level has a private amenity space in the form of a terrace, of approximately 15.7 sq. metres. As such the 2 no. 1-bed apartments would have adequate private amenity space.

8.4.6. I have noted above in Table 2 that neither of the proposed short-term letting accommodation includes private amenity space.

- 8.4.7. In addition to the above private amenity space provision the proposed development includes 15 m² of communal open space serving the proposed apartments, located to the rear of the building and accessed from the internal stair/ lift core area.
- 8.4.8. The required communal space for the proposed 3 no. apartments on the second, third and fourth floor would be at a minimum of 17 sq. metres in accordance with apartment Guidelines (2023). I would acknowledge that the PA in their Planning Report estimates that the minimum required communal space, allowing for all 5 no. residential units proposed within the development proposal would be 28 sq. metres, which is substantially above the communal space provision in the proposed development. I would further note that the communal space is north facing which would impact on the quality of this space.
- 8.4.9. I would acknowledge that the Apartment Guidelines (2023) allow for flexibility in relation to the application of standards having regard to the size of the site and its location within a city centre area. However, notwithstanding the communal amenity space in the proposed development is substandard relative to the standards in the Apartment Guidelines (2023), and the provisions of the DCDP, 2022 – 2028, which requires the same standards as the Apartment Guidelines (2023) in respect of communal space.

Minimum Floor Areas

- 8.4.10. The Apartment Guidelines (2023) recommend minimum floor areas in relation to apartment units. SPPR 3 of these Guidelines require minimum apartment floor areas for a 1-bedroom unit of 45 sq. metres and for a 2-bedroom (4-persons) unit of 73 sq. metres.
- 8.4.11. The floor area of the proposed 1-bedroom unit is c. 60.5 sq. m. at third floor level and 47.6 sq. metres at fourth floor level which satisfactorily meets the minimum standards. The proposed two-bedroom unit on the second-floor level has a floor area of c. 60.5 sq. metres which would be substandard relative to the s. 28 guidelines and DCDP standards which requires a floor area of 73 sq. metres.

Other Amenity Standards

- 8.4.12. Dual aspect orientations are proposed for all 3 no. residential units on the second, third and fourth floor level respectively, which will ensure a good standard of residential amenity for future occupants.
- 8.4.13. The proposed 2-bedroom unit provides inadequate storage provision as recommended in the Guidelines (2023) and the proposed one-bedroom units include adequate storage provision (3 sq. m.) and as such are compliant with the Apartment Guidelines (2023) and DCDP.
- 8.4.14. In terms of bedroom spaces, I would acknowledge that bedroom floor areas in respect of the apartment units on the second, third and fourth floors are all a good standard and exceed the requirements of the Apartment Guidelines (2024).
- 8.4.15. The proposal includes provision for cycle parking and bin storage located to the rear of the development site and accessible from a proposed access door from the internal lift / stair core area. However, the location of the proposed cycle parking and bin storage is situated outside the red line application site boundary, and it is unclear from the application documentation whether the applicant obtained consent from the adjoining property owner (DCC housing development). The Transportation Planning Division of the PA sought additional information to address this issue, however I would consider that having regard to the substantive issues in this appeal that this issue is not pursued further by the Board.
- 8.4.16. Conclusion
- 8.4.17. I note that the applicant, in their appeal submission, argues that the proposed 2 no. short-term letting units at first floor level are a commercial use and therefore not subject to the residential standards in the Apartment Guidelines (2023) or the provisions of the DCDP. I note that the floor area of these units is significantly below the minimum floor area for a studio apartment (37 sq. metres) in both the Apartment Guidelines (2023) and DCDP. However, and notwithstanding the applicant's arguments, the proposed short-term letting units are integrated to the overall development and share amenities with the remaining proposed 3 no. residential units including access onto the communal open space which is substandard in size and by including it as an amenity space for the proposed 2 no. short term letting units would contribute further to the substandard nature of this communal space, given the size of the space relative to that required.

- 8.4.18. I would therefore consider, having regard to the minimum floor area associated with the proposed two-bedroom unit which is substandard relative to the relevant standards in the Apartment Guidelines (2023) and DCDP, and the overall inadequate provision of amenity space, including communal open space, and private amenity space for the two-bedroom residential unit, that the proposed development would provide a substandard form of residential amenity for future occupants.
- 8.4.19. As noted above the location in respect of the proposed cycle parking and bin storage is situated outside the red line boundary of the application site and it is unclear from the documentation available how appropriate cycle parking and bin storage can be provided for the proposed development. Should the Board be minded to grant permission they may wish to clarify this issue by further information, however having regard to the substantive issues I would not consider it necessary to clarify this issue further.
- 8.4.20. I consider that the proposed development would not comply with standards for residential development included in the national planning guidelines and local policy context. I am not satisfied that the applicant has demonstrated that the proposed development will provide future residents with acceptable level of residential amenity.

9.0 AA Screening

- 9.1. I have considered case ABP-321430-24 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The proposed development comprises of the construction of a three-storey extension to existing two-storey building, reinstatement of basement level, reinstatement of front façade and all associated site works. The closest European Sites, part of the Natura 2000 Network, is the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA, both located approximately 4.6 km east of the proposed development. The European Sites, North Dublin Bay SAC and North Bull Island SPA, are located c. 7.6km northeast of the proposed development.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.4. The reason for this conclusion is as follows:

- The nature and scale of the proposed development and the location of the site on developed serviced lands.
- The absence of any ecological pathway from the development site to the nearest European Site.
- Location-distance from nearest European site.

9.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that planning permission be refused for the reasons set out below.

11.0 Reasons and Considerations

1. Having regard to the design, height and scale of development, it is considered that the proposed development would constitute overdevelopment of the site, would have an unreasonable overbearing and visually dominant effect on adjoining sites and would seriously injure the residential amenities of the area. The proposed development fails to integrate with the streetscape along this stretch of Cork Street and as a result, would have an adverse impact on the character of the area. The proposed development would therefore be contrary to Section 15.5.2 of the Dublin City Development Plan 2022-2028. The proposed development, therefore, by the precedent it would set for other development, would seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the development plan in this regard and

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

2. Having regard to the nature of the proposed two-short-term letting accommodation units, the development would have a negative impact on the availability of housing stock in the City, contrary to Section 15.14.3 of the Dublin City Development Plan 2022-2028. The proposed development would set a precedent for similar type development contrary to the provisions of the Dublin City Development Plan 2022-2028. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development, by reason of its inadequate qualitative and quantitative provision of communal open space, private open space and internal floor area for the proposed two-bedroom apartment, would conflict with the provisions of the Dublin City Development Plan, 2022 – 2028, and with the minimum standards recommended in the “Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities” published by the Department of Housing, Local Government and Heritage in 2023 and would constitute excessive development on this restricted site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Kenneth Moloney
Senior Planning Inspector

20th June 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321430-24
Proposed Development Summary	Construction of a three-storey extension to existing two-storey building, reinstatement of basement level, reinstatement of front façade and all associated site works.
Development Address	128 Cork Street, The Liberties, Dublin 8.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) of Part 2: threshold 500 dwelling units.</p> <p>Class 10(b)(iv) of Part 2: threshold 2 ha.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321430-24
Proposed Development Summary	Construction of a three-storey extension to existing two-storey building, reinstatement of basement level, reinstatement of front façade and all associated site works.
Development Address	128 Cork Street, The Liberties, Dublin 8.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposed development consists of infill development in the south inner city of the Dublin. The existing building is two-storeys in height, and it is proposed to increase the height to 5-storeys by providing for a 3-storey extension onto the existing building. The proposed development will provide for office at ground floor level and residential units in the upper four floors. There are established residential properties within the immediate context of the development site, including two-storey houses and 5 to 7 storey apartment developments within the immediate context of the subject site. There are also established commercial uses located within the immediate context of the appeal site. The proposed development has a floor area of 419 sq. metres. The proposal is not considered exceptional in the context of neighbouring properties. During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. It is proposed to retain the existing two-storey building on the site, and no demolition works are proposed. The development, by virtue of its residential type and ground floor office, does not pose a risk of major

	accident and/or disaster, or is vulnerable to climate change.
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural or historical significance.</p> <p>The nearest designated European Sites to the appeal site are the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024), both located approximately 4.6 kms east of the proposed development. The European Sites, North Dublin Bay SAC (000206) and North Bull Island SPA (004006), are located c. 7.6km northeast of the proposed development.</p> <p>Given that there are no hydrological connections I have concluded in my AA Screening that the proposed development would not likely have a significant effect on any European site.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the scale of the proposed development (i.e. a 3-storey extension to an existing 2-storey building) and the limited nature of construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.</p>
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)