



An
Bord
Pleanála

Inspector's Report

ABP-321620-25

Development

PROTECTED STRUCTURE:

Demolition of warehouse and alterations to the approved apartment building comprising of 10 apartments and all associated siteworks.

Location

Rear of nos. 42-43, Blessington Street, (Mews along Blessington Lane) Phibsborough, Dublin 7, D07 KP08

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

3953/24

Applicant(s)

Corduff JG Enterprises Ltd

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Corduff JG Enterprises Ltd

Observer(s)

None

Date of Site Inspection

20 March 2025

Inspector

Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site, stated site area of 575 sq. m (0.0575 ha), is located to the rear of nos. 42 and 43 Blessington Street (Protected Structures RPS No. 806 and RPS no. 807) with frontage onto Blessington Lane in Dublin inner city¹. Buildings 42 and 43 Blessington Street were granted permission, under planning authority register reference 3334/21, to convert from commercial to residential use to provide a total of 8 no. apartments within this pair of protected structures.
- 1.2. Dublin City Council's conservation officer notes in their report that the historic rear plots of nos. 42 and 43 were amalgamated prior to 1911. The subject application relates solely to the mews site and rear garden. The existing warehouse structure is gabled ended onto the laneway and has a single storey flat roofed building projecting forward alongside the gable of No. 41A Blessington Lane.
- 1.3. To the west of the subject site is 41A Blessington Lane, which is a pair of semi-detached mews buildings and to the east by 44 Blessington Lane, a single storey building operating as a car garage.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing warehouse and alterations to the approved apartment building under planning authority register reference 3334/21. The proposed revised apartment building is a three storey over basement residential development comprising 10 no. apartments (5 no. one bedroom duplex units, 2 no. one bedroom apartments and 3 no. studio apartments onto Blessington Lane. There are proposed private balconies/terraces to serve the apartments and a communal landscaped courtyard with bicycle parking facilities and bin storage.

¹ As defined in Glossary of Dublin City Development Plan 2022-2028 "Inner city (see also city centre): The inner city is bounded on the northside by the North Circular Road, Phibsborough Road, the Royal Canal, North Strand Road and East Wall Road, and on the southside by the South Circular Road, Suir Road, the Grand Canal from Dolphin Road to Grand Canal Street Upper, Bath Avenue, Londonbridge Road, Church Avenue and Beach Road"

2.2. Following request for further information the proposed development was revised as follows:

- Reduction in proposed number of units from 10 no. to 9 no. Revised unit mix is 3 no. studio apartments, 3 no. 1 bedroom apartments, 2 no. 1 bedroom duplex units and 1 no. 2 bedroom duplex unit.
- A set back at the second floor.
- Bicycle parking for 16 no. spaces.

2.3. I highlight to the Board, as part of the appeal response the applicant has submitted an alternative proposal with revised studio unit widths at the basement level/lower ground floor level. There are associated modifications to the proposed entrances to the studios and private amenity space configuration. Drawing ABP.01 (Option A as per further information response submitted and Option B alternative proposal with revised unit widths).

3.0 Planning Authority Decision

3.1. Decision

On the 3 December 2024 the planning authority decided to refuse permission for the following two reasons:

1. Having regard to the site's location within a Z8 zoned Georgian Conservation Area, the planning authority is not satisfied on the basis of the information before it, that the mews apartment development will be provided with sufficient useable private open space across the scheme, but particularly the studio units in line with the requirements of 15.9.7 (Private Amenity Space) of the Dublin City Development Plan 2022-2028, or with Appendix 1 of the Sustainable Urban Housing Design Standards for new Apartments Guidelines for Planning Authorities (2023), and as such will have undue negative impacts on the residential amenity of future occupants. Noting the deficiency the proposed development is considered to constitute overdevelopment of this restricted site. The development would therefore be contrary to the proper planning and sustainable development of the area.

2. The layout of the lower ground floor studio apartments does not meet with the minimum width standards, set down for such units in the 'Sustainable Urban Housing: Design Standards for new Apartments – Guidelines for Planning Authorities (December 2022)' prepared by the Department of Housing, Local Government and Heritage. The proposed development would, therefore, be detrimental to the residential amenities of future occupants of the units.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial report

- Residential use is a permissible use under the Z8 land use zoning. Proposed density of 313dph notes that the previously proposed scheme would have had a density of c.249 dwellings per hectare.
- The subject site is located c.1.5km from Dublin City Centre (O'Connell Street), 800m from the Broadstone Luas line, 200m from Blessington Street bus corridor and 200m from planned Mater Metrolink Stop.
- Notes there is some precedent for height but that a step back at 2nd floor might be more appropriate. The contemporary design approach is considered acceptable, and a robust brick finish is preferred.
- Further information sought in relation to details of proposed basement level underhanging the laneway, bicycle parking spaces, service delivery and access strategy, drainage and ground movement assessment details, revised elevation details to the 2nd floor proposals, clarification on proposed floor area of 1 bed duplexes, private open space, overlooking, daylight & sunlight, communal open space, building lifecycle report, Universal Access standards, contribution in lieu condition, revised drawings reducing the block from three storeys to two storey and to remove the proposed basement.

Report following receipt of further information on the 8th November 2024

- Revised plans submitted as part of the further information response reducing the proposed units from 10 no. to 9 no. Notes that the new 2bed/3P duplex unit constitutes 12% of the proposed mix (and in combination with the

permission for the main house 2bed/3 person units will make up 18% of all proposed and permitted units across the entire site) whereas the guidelines (Design Standards for New Apartments 2023) recommend a maximum of 10%.

- Conclusion of the Daylight Analysis & Overshadowing assessment indicate that the proposed development passes the recommendations as per BER from daylight. No assessment of impact or provision of access to sunlight to habitable rooms appears to have been undertaken. Communal open space area will achieve 2hrs of sunlight for 50% of the area on March 21 as per BT209. States that living spaces are predicted to provide an acceptable standard of amenity with regard to daylight.
- The revised drawings remove the basement under hang of the laneway and has provided cycle parking spaces for 16 no. bicycles.
- The planting proposals along the southern elevation will consist of planters only and an automatic irrigation system for all planters and planting is also proposed.
- Concerns remain with respect to the provision of useable private open space and lack of privacy between studio patios and semi-basement level general circulation. The width of the proposed studio units does not meet the minimum 4m requirements set out in Appendix 1 of the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (December 2022) [NB: Cover dated July 2023].
- Excludes the need for EIA at preliminary examination and a screening determination is not required.
- Having undertaken the Appropriate Assessment (AA) screening it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

3.2.2. Other Technical Reports

- Engineering Department

Initial report sought further information with respect to the submitted basement impact assessment.

Report following receipt of further information states no objection subject to conditions.

- Transportation Planning Division

Initial report seeks further information on the proposed basement area's encroachment under the laneway, bicycle parking provision and Service Delivery and Access Strategy.

Report following receipt of further information – notes that the revised drawings do not under hang Blessington Street Lane, bicycle parking provision in accordance with the minimum standard of the development plan 2022-2028. Notes no provision for cargo bicycle parking spaces.

Recommends conditions in respect to the design of the bicycle parking. The contents of the submitted Service Delivery and Access Strategy are noted and based on the scale of the development and the nature of the street there is no objection raised.

- Conservation Officer Report

Initial report requested further information with respect to the height of the proposed apartment block, suggesting its reduction to two storeys and to remove the basement as the development appears to constitute overdevelopment of the site.

Report following receipt of further information - The Conservation Officer (CO) asserts that the proposed development exceeds the traditional scale of mews development which would normally be acceptable for protected structures as per built heritage policy BHA2 and BHA14 of the Dublin City Development Plan 2022-2028. The CO accepts that proposed scale generally aligns with that of the previously permitted scheme (Ref. 3334/21), that the historic rear plots were previously amalgamated prior to 1911, and that the proposed architectural treatment would be high calibre.

As demonstrated in the application, the proposed external drawings show the use of high-quality finishes of Dolphin's Barn brick, exposed concrete and flat metal panels. Green vertical planting with deep horizontal planters and vertical wire trellis to support planting are intended to mature into a wintergarden presentation.

The CO remains concerns, however, by the layouts of the basement units which are narrow and long and would recommend that the three units be reduced to two units to achieve higher quality, wider floor areas for both.

Recommend a grant of permission subject to conditions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) – The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen's Green to Broombridge Line) under S. 49 Planning and Development Act 2000, as amended. If the above application is successful and is not exempt², please include a condition to apply the Section 49 Luas Line Levy.

Irish Water

3.4. Third Party Observations

One submission was received from Broadstone Basin Residents Association, in summary issues raised include:

- The lack of mix in proposed apartment typology.
- Concerns about the adequacy of the proposals to provide sufficient light to the units, noting single aspect for some of the proposed north facing units and reliance on a 'void' to provide for reflected light.

² Exemptions include "Works to, and change of use from residential use to commercial and vice versa, of buildings included in the Record of Protected Structures. Protected Structure refers to the actual structure(s) and does not include development within its curtilage" (Supplementary Development Contribution Scheme Luas Cross City). Note that the application relates to development within the curtilage and, therefore, are not an exempt category.

- The provision of 5 no. duplex units without a lift do not meet it universal design requirement QHSNO11 of the development plan.
- The communal open space is reduced and the provision of the additional bicycle parking racks in concert with the increase of dwellings, further reducing the communal open space, is contrary to sustainable development.

4.0 Planning History

Planning Register Reference 0293/21: Certificate granted for social housing exemption under Section 97 Planning and Development Act 2000 (as amended).

Planning register reference 3334/21: Planning permission granted (March 2022) at 42/43 Blessington Street (with frontage onto Blessington Lane), subject to 19 no. conditions, for the PROTECTED STRUCTURE: Planning permission sought for the following:

- i) change of use from commercial to residential land use;
- ii) demolition of existing single-storey warehouse to the rear of the site (fronting Blessington Lane) and existing single storey extension to the rear of Nos. 42 and 43 Blessington Street (Protected Structures);
- iii) removal of non-original partition walls, doors and furniture; reinstatement of some previously removed walls; and installation of new partition walls, doors, sanitary ware and kitchen units in Nos. 42 and 43 Blessington Street to provide 8 no. apartments (6 no. 1-bed apartments and 2 no. 2-bed apartments);
- iv) refurbishment and restoration works to Nos. 42 and 43 Blessington Street, including the following works to the interior of the building:
 - repair and strengthening of existing stairs; repair and replacement (where necessary) of original ceilings, including the replacement of missing lengths of cornice; reinstatement of stained and sealed hard wood skirting with moulding to match the existing; repair and restoration of original plasterwork; and replacement of fireplaces;
 - and the following works to the exterior of the building:

- replacement of existing modern windows and new timber sash windows of a suitable historic detailing to match the originals; cleaning, sanding and repainting of original walls; replacement of existing roof tiles with Spanish slates; cleaning and repairing of all gutters and down pipes and installation of a cast aluminium rain water pipe on the front facade; cleaning and repointing of steps and paving featuring along the Blessington Street frontage; and cleaning and repainting of existing railings featuring along Blessington Street frontage;
- v) construction of a three-storey apartment building, comprising 6 no. one-bedroom apartments, fronting Blessington Lane. Apartments are provided with private balconies. Residents of all proposed apartments have access to a central landscaped courtyard and bicycle parking facilities and
- vi) landscaping; boundary treatments; SuDS drainage; and all ancillary works necessary to facilitate the development.

Condition no. 5

5. The development hereby permitted shall incorporate the following amendments:

- a) The building facing Blessington Lane shall be reduced in height to two storeys, containing a maximum of four apartments. A pitched roof may be substituted for the proposed flat roof if required.
- b) A door shall be provided in the kitchen of apartment 1 and the main bedroom of unit 2 to provide access to the rear open space and fire escape access. Any original fabric displaced as a result of this shall be reused within the development. Revised drawings, plans and particulars showing the above amendments shall be submitted to the planning authority and written agreement obtained prior to commencement of development on the site, and such works shall be fully implemented prior to occupation of the development.

Reason: To ensure that the development is in keeping with the character and pattern of development on this constrained mews lane and avoid an over-intensive development on the site, and in the interests of residential amenity.

An Bord Pleanála 300828-18/Planning Register Reference 4194/17 Planning permission refused (October 2018) for the change of use of the protected structures (562 sq. metres) from existing commercial use to use as an Aparthotel, addition of platform lift, demolition of existing 277 square metres single storey light industrial building to rear of site, and construction of 556 sq. m two and three storey extension with glazed link and lift, all to provide a total of 28 number aparthotel rooms, comprised of 10 no. rooms in the existing structure and 18 no. rooms in the proposed new structure, and ancillary guest and staff facilities, screened refuse enclosure and secure parking for six no. bicycles, works to include the removal of miscellaneous non-original elements and redundant services, reinstatement and renovation of existing features, internal alterations and provision of mechanical and electrical services throughout, addition of mechanical plant at basement and ground floor levels, removal of existing walls, the lowering of ground and first floor levels and the inclusion of additional openings to provide level access at rear return of the protected structures, connection to all existing foul and surface water services, and all associated minor or ancillary site and development works to be carried out in accordance with conservation principles all at 42 and 43 Blessington Street and rear of 42 and 43 Blessington Street, Dublin with frontage onto Blessington Lane, Dublin (Protected Structures)

Reasons for refusal:

1. The proposed development provides for aparthotel units which are minimal in size, containing kitchens and bathrooms but no seating or dining space, with an inadequate mix of unit types and sizes, resulting in an over-intensive use in the two protected structures and a poor standard of amenity for occupants. The proposed works to facilitate aparthotel use would also have an adverse impact on the character of the protected structures on the site, by reason of the proposed alterations to the original plan form and the intensification of drainage, plumbing and ventilation services and associated fire safety services and structural upgrade works necessary to provide bathroom and kitchen accommodation for each aparthotel unit. The proposed development would, therefore, be detrimental to the character and structural integrity of the two protected structures and contrary to the provisions of the "Architectural Heritage Protection Guidelines for Planning Authorities" issued by the

Department of Arts, Heritage and the Gaeltacht in October 2011, the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

2. The proposed new two-storey and three-storey extension occupying the majority of the rear site would seriously compromise and adversely affect the architectural significance and setting of the protected structures and adjoining terrace, leaving almost no external space for the amenity of the buildings, contrary to Policy CHC2(d) of the Dublin City Development Plan 2016-2022 which states that 'the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure'. The scale and bulk of the proposed extension would also adversely impact on the residential amenities and privacy of adjoining dwellings and would set an undesirable precedent for extensions of a similar scale to protected structures in the vicinity which would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

The subject site is located in Flood Zone C. zoned Z8 Georgian Conservation Area: Z2 and Z8 Zonings and Red-Hatched Conservation Areas

The Z8 Georgian Conservation Areas, Z2 Residential Conservation Areas and red-lined Conservation Areas are extensive throughout the city. Whilst these areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application.

Designated Conservation Areas include extensive groupings of buildings, streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core, the 19th and 20th century city, and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals. The City Council will

encourage development which enhances the setting and character of Conservation Areas.

It is the Policy of Dublin City Council:

BHA9 Conservation Areas To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps.

Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Re-instatement of missing architectural detail or important features.
3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
5. The repair and retention of shop and pub fronts of architectural interest.
6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
7. The return of buildings to residential use.

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.

BHA10 Demolition in a Conservation Area There is a presumption against the demolition or substantial loss of a structure that positively contributes to the

character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.

Objective QHSN36 High Quality Apartment Development To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.

15.4.1 Healthy Placemaking

15.9 Apartment Standards

Apartment schemes make up the majority of the new housing stock in Dublin City. In this respect, it is, therefore, essential that high quality, attractive and liveable apartment units are provided. All apartment developments should make a positive contribution to the local area in terms of public open space and / or public realm improvements and should provide long-term living environments for future residents through quality communal amenity spaces and attractive and sustainable internal units.

Development Standards Chapter 15: Refer to Figure 1.2 Appendix 1, Annex 3 North Inner-City Area - To require planning applications that include residential accommodation of 15 residential units for more in the North Inner City and Liberties Sub-City Areas (as per Figure 1.2 as part of Appendix 01, Annex 3) include the following mix of units:

- A minimum of 15% three or more bedroom units.
- A maximum of 25%-30% one bedroom / studio units

15.9.7 Private Amenity Space Private amenity space shall be provided in the form of terrace, balcony or private garden and should be located off the main living area in the apartment. The minimum areas for private amenity are set out in Appendix 1 and Section 3.35 to 3.39 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) for details.

At ground floor level, private amenity space should be sufficiently screened to provide for privacy. Where ground floor apartments are to be located adjoining the back of a public footpath or other public area, consideration may be given to the

provision of a 'privacy strip' of approximately 1.5 m in depth, subject to appropriate landscape design and boundary treatment.

15.9.8 Communal Amenity Space The minimum areas for private amenity are set out in Appendix 1 and Section 4.10 to 4.12 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) for details.... On refurbishment or infill sites of up to 0.25 ha, the communal amenity requirements may be relaxed on a case-by-case basis.

Development proposals shall demonstrate that the communal open space:

- Complies with the minimum standards based on each individual unit.
- Will be soft and/or hard landscaped with appropriate plant species and landscaping materials such as those with good resistance to accidental damage and low maintenance characteristics.
- Is secure for residents and benefits from passive surveillance.
- Considers the needs of children in particular in terms of safety and supervision and is fully accessible to all.
- Achieves good sunlight penetration – see Appendix 16.
- Has appropriate arrangements for maintenance and management such as a conveniently accessed garden maintenance and storage area with water and drainage connections.

Development Plan objective GI26:

Securing Acquisition of Additional Public Open Space

To give priority to acquiring new public open space on-site, particularly in areas identified in the Council's Parks Strategy 2019 as deficient in public open space. Where it is not feasible or realistic on site, the Council will require a financial contribution in lieu of provision to provide appropriate open space in the vicinity. The methodology for calculating this contribution shall be included in the City's Development Contribution Scheme.

Appendix 3: Achieving Sustainable Compact Growth Policy for Density and Building Height in the City.

Appendix 9: Basement Development Guidance

Appendix 16: Sunlight and Daylight

5.2. Sustainable Urban Housing: Design Standards for New Apartments (July 2023)

1.8 While a range of factors are key to increasing housing output generally and apartments specifically, such as securing development finance for residential development generally and ensuring a pipeline of ready to go sites at reasonable cost, including brownfield sites, the overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output.

Communal Amenity Space

4.12 For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

Bicycle Parking & Storage

4.16 ...In particular, planning authorities must ensure that new development proposals in central urban and public transport accessible locations and which otherwise feature appropriate reductions in car parking provision are at the same time comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors.

5.3. Natural Heritage Designations

The subject site is located approximately 0.71km south of the proposed Natural Heritage Area: Royal Canal (Site Code: 002103) and 4.5 km northwest from the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and 4.5 km northwest of the South Dulin Bay SAC (Site Code 000210). The subject site is

approximately 3.9km west from the proposed Natural Heritage Area North Dublin Bay (Site Code: 000206).

Further east of the subject site sits the Special Protection Area North Bull Island SPA (Site Code 004006) and the Special Area of Conservation: North Dublin Bay SAC is 6.6 km east of the subject site. Special Protection Area: North-west Irish Sea SPA (Site Code 004236) is located approximately 8km to the east of the subject site. Special Area of Conservation: Rockabill to Dalkey Island SAC (Site Code:003000) is 12 km to the east of the subject site.

6.0 Environmental Impact Assessment (EIA) Screening

See completed Appendix 1 and 2 of this report. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended) I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. An EIA screening determination or an EIA, therefore, is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The first party appeal is principally in response to the two reasons for refusal. In this respect I highlight to the Board as already set out in section 2.0 of my report that an alternative proposal has been submitted with revised studio unit widths in response to refusal reason no. 2.

- Sufficient useable private open space in line with the requirements of 15.9.7 (Private Amenity Space) of the Dublin City Development Plan 2022-2028 and with Appendix 1 of the Sustainable Urban housing Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- The second reason for refusal was not flagged at further information stage. The refusal reason referred to the widths for bedrooms in other units is 2.1m, whilst this is a studio apartment the bedroom is located in a separate area due

to the length of the unit and therefore it is not necessary to have a 4m wide unit.

- The proposed development is consistent with the site's Z8 Georgian Conservation Area' zoning objective and is subservient to the main house in height. The proposed development will remain subservient to the established character of Blessington Lane and will be of a similar height to existing buildings located along the mews lane. The conservation officer recommended a grant of permission following further information³.
- The proposed development represents the more efficient and sustainable use of centrally located, zoned and services lands that provide an appropriate response to the use of an infill/back land development site, whilst also providing a high standard of residential accommodation.
- The proposal would enhance the streetscape along Blessington Lane, by providing a contemporary and innovative design solution which relates well to its surrounding context.
- The proposed development has been designed to avoid any impacts of overbearance on adjacent properties and existing units within the site.
- An alternative design option has been prepared for the consideration of the Board to overcome refusal reason no. 2 should the Board agree with the planning authority.

7.2. Planning Authority Response

- Request that the Board uphold the decision to refuse permission. In the event that permission is granted requests that the following conditions be applied:
 - Section 48 development contribution.
 - Section 49 Luas X City development contribution.
 - Bond condition.

³ Subject to a condition reducing the 3 no. studio units to 2 no. units at lower ground floor (basement) level.

- Contribution in lieu of open space requirement not being met (if applicable).
- Naming and numbering condition.
- Management company condition.

7.3. Observations

- None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and having inspected the site and having regard to the relevant local/regional/national policies and guidance, acknowledging this application under appeal relates to alterations to development previously approved under planning authority register reference 3334/21 I consider that the substantive issues in this appeal to be considered are as follows:

- Overdevelopment - communal amenity space and private amenity space provision
- Internal space standards

8.2. *Overdevelopment - communal and private amenity space provision*

8.2.1. As noted above, planning permission has been granted for an apartment block on the subject site under planning authority register reference 3334/21, see section 4.0 of my report. By way of condition (Condition No. 5) the planning authority reduced the apartment building to two storeys and permitted a maximum of 4 no. apartments. Condition no. 5 allowed for the substitution of a pitched roof instead of the flat roof. A compliance submission was made, agreed in default as stated in the planner's report, to the planning authority comprising a two and a half storey building with asymmetrical pitched roof with dormer windows onto Blessington Lane.

- 8.2.2. The current application seeks to make alterations to the permitted apartment block onto Blessington Lane. The application under assessment seeks permission for a three storey over basement building with 9 no. apartments (as revised following request for further information). Notably the proposed new three storey building is lower in height than the ridge line of the permitted block under 3334/21, although the massing of the third floor is significantly greater than that of the asymmetrical roof agreed by way of compliance.
- 8.2.3. The planning authority's first reason for refusal is on the basis that the proposed development constitutes overdevelopment of this restricted site noting the deficiency in useable private open space. Key to the consideration of this proposed scheme therefore is the proposed height and density and I shall assess both having regard to the already permitted 8 no. apartments within buildings no. 42 and 43 Blessington Street.
- 8.2.4. Having regard to Appendix 3 (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City) of the Dublin City Development Plan 2022-2028 (the development plan) which states that there is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance (section 3.1) I am of the view that the proposed three storey over basement structure would deviate from the prevailing height context. Nevertheless, the staggered nature of the building line at this end of the laneway would in my opinion reduce the visual impact of the proposed new three storey structure. Furthermore, the proposed scheme as revised following request for further information incorporates a set back at the second-floor level and a punctuated elevation and I am of the opinion that the architectural treatment would provide visual interest and ameliorate the massing of the proposed building. As such, consider the increased height acceptable given the subject site's context.
- 8.2.5. Table 1 (Appendix 3) of the development plan sets out the density ranges supported in the city. For the subject site's location, a net density range (units per ha) of 100-250 is considered appropriate. I note in the application documentation, 'Response to request for Further Information' prepared by Hughes Planning & Development Consultants, states that the net residential density is approximately 156 dwellings per hectare. This figure does not accurately reflect the total number of residential units on the site as it excludes the already permitted 8 no. apartments within

buildings nos. 42 and 43 Blessington Street whilst including the total site area. For clarity, the proposed scheme, as amended following request for further information is for a total of 17 no. units on a site of 0.0575ha which equates to a residential density of 296 dph (net). As such the proposed residential density significantly exceeds the density range supported in the development plan for the city centre area and is denser than the existing prevailing pattern of development along the narrow mews laneway. The development plan outlines in Appendix 3 that where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply.

Performance Criteria

- 8.2.6. Table 3 Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale sets out ten key objectives. As already assessed above I am of the view that the three-storey height of the proposed building is visually acceptable so I shall focus on the proposed residential density in my assessment for the proposed scheme against the performance criteria contained in Table 3.

Table 8.1: Assessment of the proposed scheme against the performance criteria contained in Table 3 Appendix 3 of Dublin City Development Plan 2022-2028 Volume 2.

No.	Objective	Assessment/commentary
1	To promote development with a sense of place and character.	<p>I am of the view that the proposed development would complement the existing and established urban structure by reason of its distinctive design, proposed high-quality finishes and green vertical planting.</p> <p>Notwithstanding, I have concerns with respect to the adequate provision of communal amenity space both in terms of providing adequate space for future residents and also providing a suitable set back and space between both the protected structures and the proposed new building apartment block, these</p>

		shall be addressed under item 4 and section 8.2.8-8.2.12 of my report.
2	To promote appropriate legibility.	The subject site is a mid-terrace location along a narrow mews laneway. I consider the provision of a specimen tree within the front projecting building line would provide an attractive soft transition between the proposed block and the gable elevation of the existing residential dwellings immediately adjoining to the west and would positively contribute to the legibility of the area.
3	To provide appropriate continuity and enclosure of streets and spaces.	The proposed scheme includes a basement level with set back from the mews laneway to accommodate a lightwell/void. I am of the opinion that this feature would not provide sufficient street level activity, animation and visual interest. Please see sections 8.2.13-8.2.15. in respect to private amenity space.
4	To provide well connected, high quality and active public and communal spaces.	<p>The proposed scheme comprises the redevelopment of a brownfield site, with a total site area of 0.0575ha. No public open space is provided within the scheme, and I consider this acceptable, subject to condition that a financial contribution in lieu to provide appropriate open space in the vicinity in accordance with development plan objective GI26, given the size and context of the site in terms of its proximity to Blessington Basin and Blessington Street Park.</p> <p>Note: see section 7.2 of my report for detail, including a payment of a contribution in lieu of the open space requirement not being met (if</p>

		<p>applicable) in the event of a grant of permission.</p> <p>In respect to considerations relating to communal open space please see section 8.2.8-8.2.12 of my report.</p>
5	To provide high quality, attractive and useable private spaces.	<p>The applicant in their appeal response has provided a new drawing (ABP 02) to illustrate the private amenity space total area for each of the proposed 9 no. units and drawing (ABP 03) indicating the depth and useable length of the private amenity space. These revised drawings indicate an extension of the useable balcony depths to 1500mm. Unit 6 is the only apartment where the depth of the useable length is less than 1500mm and the total amenity space available is 4sq. metres which is less than the required 5sq. m. Given the orientation of this balcony I consider that there will be a good level of sunlight and improving the usability of the balcony.</p> <p>On balance I consider that the quantitative provision of private open space meets with, with exception unit no. 6, and exceeds the minimum areas for private amenity space.</p> <p>I would, however, have concerns about the attractiveness and useability of the private amenity space provided at lower ground floor level (basement) both onto the laneway and in the void space within the rear of the site in terms of achieving adequate levels of sunlight given its sunken nature and the overhead projecting balconies and apartment units</p>

		respectfully. I shall assess in further detail the proposed private amenity spaces against this performance criterion in section 8.2.13-8.2.15. of my report.
6	To promote a mix of use and diversity of activities.	The proposed development comprises a residential apartment and no mix of uses are proposed. Given, the small-scale nature of the brownfield subject site and its prevailing context I consider that a sole residential use is appropriate.
7	To ensure high quality and environmentally sustainable buildings.	<p>The Building Lifecycle Report (section 3.1 Energy and Carbon Emissions) indicates that a target of A2/A3 rating for the apartments is proposed to reduce energy consumption and running costs, in terms of fabric energy efficiency U values will be in line with the requirements set out in Technical Guidance, Document Part L 'Conservation of Fuel and Energy Buildings', A rated appliances (if a white goods package selected) and designed site lighting for optimum operation to minimise costs.</p> <p>Daylight Analysis and Overshadowing has been provided by H3D using the methodologies set out in the British Standard: Lighting for Buildings Part 2 Code of Practice for Daylighting and BR 209 2022 edition '<i>Site layout planning for daylight and sunlight: a guide to good practice</i>' analysing the access to daylight in respect of the proposed residential units against BS EN17037:2018, a vertical sky component (VSC) analysis on the adjacent</p>

		<p>windows facing the proposed development and a study to investigate if the proposed communal amenity area achieves 2 hours of sunlight on March 21st.</p> <p>The submitted H3D report concludes that the communal area is predicted to achieve the required access to light as per the BRE guidelines and living spaces in the proposed development are also predicted to provide an acceptable standard of amenity from a daylight perspective.</p> <p>I highlight to the Board that Table 6 of the submitted Daylight Analysis report indicates the amenity overshadowing results of the proposed gardens. It is stated in the analysis that the communal amenity area for the proposed units is predicted to meet the BRE requirement. However, I consider that the information presented is unclear and, in my opinion, may have errors with respect to what is stated as the area receiving 2 hours of sunlight on March 21st as 81.83 whereas the garden area as proposed is 59.82 sq. m. In this respect I do not consider that it has been sufficiently demonstrated that the proposed communal amenity space will receive adequate sunlight. Furthermore, Figure 4 does not include a key to explain the colour coding within the plan.</p> <p>Please see also my assessment of private and communal open space (8.2.8-8.2.15),</p>
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		<p>The site is identified as not at risk of tidal or fluvial flooding; however, it is at low risk from pluvial flooding. It is stated that the ground profile and local upstands/balustrading at lightwells shall prevent overground flows entering the basement level in extreme rainfall events. An integrated surface water management strategy includes a green and blue roof within the scheme.</p> <p>The proposed use of brick (Corso long format Roman Brick), metal cladding and powder-coated black planters will reduce ongoing maintenance.</p>
8	To secure sustainable density, intensity at locations of high accessibility.	<p>The subject site is well served by high-capacity public transport, within walking distance of the Broadstone LUAS stop (800m), Blessington Street Bus Corridor (200m) and 200m from the planned Mater Metrolink stop and well served by a range of services including a local shops and services within easy walking distance of the subject site.</p>
9	To protect historic environments from insensitive development.	<p>The subject application is an amending application to planning register reference 3334/21. In the parent permission a communal open space of 117.16 sq.m with a minimum depth of 8 metres between the return of the existing protected structures (Nos. 42 & 43 Blessington Street and the proposed apartment block onto Blessington Lane.</p> <p>I consider that the parent permission provided for an appropriate level of communal amenity space to serve both the future residents of the</p>

		<p>buildings on Blessington Street and future residents of Blessington Lane. The current proposal with a proposed residential density of 296 dph proposes to reduce the communal open space to 59 sq. m and to maximum depth of 4 metres between both proposed void spaces. I am of the opinion that this reduction is communal amenity space would not contribute positively to the setting of the historic and protected structures no. 42 & 43 Blessington Street.</p>
10	To ensure appropriate management and maintenance.	<p>The submitted supporting documentation outlines that a property management company (PMC) will be engaged at an early stage of the development and that they will enter a contract directly with an Owners Management Company (OMC) for the ongoing management of the built development.</p> <p>Supporting relevant documents include:</p> <ul style="list-style-type: none"> • Building Life Cycle Report prepared by Hughes Planning & Development Consultants • Outline Delivery & Servicing Plan prepared by Curtins. <p>Conditions can be attached to ensure delivery, monitoring and review of the management company plan and delivery & servicing plan in the event the Board is minded to grant permission.</p>

Having undertaken an assessment of the proposed scheme against the performance criteria contained in the development plan I am of the view that the scheme can demonstrate substantial compliance with the criterion with exception to the communal amenity space in terms of future residential amenity; detrimental impact of the proposed basement level on the communal amenity space; impact on the setting of the protected structures no. 42 & 43 Blessington Street; and, the quality and usability of the proposed basement level private amenity spaces. These matters are further assessed separately below.

- 8.2.7. Following on from my assessment of height and density in terms of the impact of the proposed residential density of the scheme on private amenity space provision, I shall also consider the proposed development's provision of communal amenity space taking into account the totality of the site (including the permitted 8 no. apartments in nos. 42 and no. 43 Blessington Street), noting the application site includes these buildings and given that the proposed scheme impacts directly on same the considerations in respect to overdevelopment for both communal and private amenity space are interlinked.

Communal Amenity Space

- 8.2.8. Communal amenity space as now proposed is a stated 59 sq.m for use by both the future residents of the 8 no. apartments (in No. 42 and no. 43 Blessington Street) and the residents of the proposed 9 no. Blessington Lane apartments, a total of 17 no. units. As already noted above the proposed residential density significantly exceeds the development plan density range for this location and exceeds the prevailing context, therefore an assessment of the proposal against the ten performance criteria has been undertaken in table 8.1 above and the proposed communal amenity space is further assessed here.
- 8.2.9. Table 8.2 outlines the scheme of permitted and proposed accommodation on the subject site and the communal amenity space requirements for same.

	Number and type of unit	Dublin City Development Plan requirements* as per the Apartment Guidelines

		for communal amenity space.
<i>As permitted under Reg. Ref. 3341/21</i> Nos. 42 and No. 43 Blessington Street	6 no. 1 bedroom apartments	30 sq.m
	2 no. 2 bedroom apartments (3 person)	12 sq.m
<i>Current application as amended following request for further information.</i> Rear of nos. 42 & 43 Blessington Street (Mews along Blessington Street)	3 no. studio apartments	12 sq. m
	3 no. 1 bedroom apartments	15 sq. m
	2 no. 1 no. bed duplex apartments	10 sq. m
	1 no. 2 bedroom duplex (3 person) apartments	6 sq. m
	TOTAL Minimum floor area	85 sq. m

8.2.10. Access proposed to the basement level to the rear and void space above the proposed studio unit's private amenity space courtyards reduce the available and useable communal amenity space from what was originally permitted, stated as 117.16 sq. m on drawing 'RFI response to 3334/21 Drawing PP.10' dated 27/06/2024 under the original permission 3334/21 for 12 no. units. A greater depth of

communal amenity space with a separation of over 8 metres between the closest part of the apartment building block and the protected structures building. The subject application now proposes a communal amenity space of 59 sq. m to serve 17 no. units (as shown on dwg. RFI.01 and drawing ABP.04). I note that the drawing submitted in support of the appeal ABP.04 includes within the communal amenity space a 20 sq. m children's play area instead of the originally planned communal seating/table area.

- 8.2.11. I consider that the proposed residential density of 296 dph, significantly in excess of the recommended density range contained in the development plan, would detrimentally compromise the size, design and layout of the communal amenity space with the creation of voids to accommodate daylight to the private amenity space proposed at the basement level. In addition, as already stated in my assessment of the proposed scheme against the performance criteria (see Table 8.1), the proposed reduction in rear garden/communal amenity space located between two void spaces would not in my view contribute positively to the setting of or the character of the historic protected structures on the subject site.
- 8.2.12. Furthermore, I am of the opinion that the reduction of communal amenity space and the limited scale of children's play area within same would not sufficiently be of a quality and layout to be functional and useable without resulting in negative impacts on the future resident's private amenity spaces and the setting of the protected structures. In this respect, I consider the original proposal of a communal garden with large table and benches to be more suitable for the proposed mix of units within the scheme, given the number of one-bedroom apartments proposed across the entirety of the subject site.
- 8.2.13. In conclusion on this point, I am of the view that a reduction in the proposed number of units within the apartment block by the removal of the three basement level studio apartments would reduce the proposed residential density to 243 dph which is at the upper end of the density range considered appropriate and supported in the development plan. Such a reduction in the number of proposed units would allow for the provision of an increased depth and more useable communal amenity space to serve the future residents of both the apartment block and the apartments within nos. 42 and 43 Blessington Street. In the event the Board is minded to grant permission these matters can be addressed by way of condition.

Private Amenity Space

- 8.2.14. As addressed above in Table 8.2 I consider that the quantum of private amenity space meets with, with exception to proposed unit no. 6, and exceeds the minimum areas for private amenity space I would, nevertheless, have concerns about the attractiveness and useability of the private amenity space provided at lower ground floor level (basement) both onto the laneway and in the void space within the rear of the site in terms of achieving adequate levels of sunlight given its sunken nature and the overhead projecting balconies and apartment units respectfully.
- 8.2.15. The overall design quality of the private amenity space proposed at the lower ground floor level (basement) will be constrained by both its below ground level position and the overhanging ground floor private amenity spaces serving proposed units no. 4 and unit no. 5. The proposed private amenity space at this sunken level onto the narrow mews laneway, is in my view incongruous to the nature of the development along the laneway and would not in my view provide a comfortable and useable amenity space.
- 8.2.16. As per my recommendation with respect to the consideration of the communal amenity space in the event the Board is minded to grant permission I recommend that a condition be attached omitting the proposed lower ground floor (basement) level in its entirety and for revised ground floor layout be agreed with the planning authority to provide sufficiently screened private amenity spaces for proposed ground floor units (Unit 4 and Unit 5). In addition, a condition may be attached to require that the communal amenity space is increased in depth accordingly and revised landscape proposal submitted to and agreed in writing with the planning authority.

8.3. Internal space standards

- 8.3.1. The proposed width of units no. 1, no. 2 and no. 3 as per the revised drawings received following further information is 3.2m, with a floor area of 37sq. m per unit. The planning authority refused permission as the width does not meet with the minimum width standards, set down for such units in the 'Sustainable Urban Housing: Design Standards for new Apartments – Guidelines for Planning Authorities (December 2022). In the interest of clarity, the 2022 'Apartment Guidelines' referred to in reason for refusal no. 2 were amended to remove specific Build-to-Rent (BTR)

design criteria and the applicable guidelines are titled July 2023 are the Sustainable Urban Housing: Design Standards for New Apartments, as per section 5.2 of my report.

- 8.3.2. Appendix 1 sets out the minimum aggregate floor areas for living/dining/kitchen rooms and minimum widths for the main living/dining rooms. For studio apartments a minimum width of the living/dining room is 4m. A note is attached to this figure and confirms this is applicable to a combined living/dining/bedspace, also includes circulation. I refer to the definition of studio type apartments at para. 3.2 of the Apartment Guidelines (i.e. as a small unit with a combined living/sleeping area generally provided for a single person)
- 8.3.3. The applicant puts forward the argument that whilst it is a proposed studio unit the bedroom is located in a separate area due to the length of the units and therefore it is not necessary to have a 4m wide unit. I highlight that, Option B as noted in section 2.0 of my report has been submitted in the applicant's appeal response to provide an alternative internal layout with a 4-metre-wide kitchen/dining/living room for consideration by the Board.
- 8.3.4. Notwithstanding this alternative option, I am of the opinion the proposed 3 no. units at basement level are not studio units. A studio unit is as defined in the apartment guidelines as "*Studio type apartments (i.e. a small unit with a combined living/sleeping area, generally provided for a single person)*". Having regard to this definition I am of the opinion that the proposed units (no's 1, 2 and 3) they are substandard one no. bedroom apartment units. Given the issues already outlined with respect to communal amenity and private amenity space I am of the view that the 3 no. substandard one bedroom units at lower ground floor (basement level) should be omitted by way of condition in the event the Board is minded to grant permission.

9.0 Appropriate Assessment (AA) Screening

Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

- 9.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 9.2. The subject site is not located within or adjacent to any European Site. The closest European Sites, part of the Natura 2000 Network, is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the South Dublin Bay SAC (Site Code 000210) 4.5 kms from the proposed development.
- 9.3. The proposed development is located within built up urban area and comprises the demolition of an existing warehouse and construction of 9 no. apartments (as revised following response to request for further information).
- 9.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.
- 9.5. The reason for this conclusion is as follows:
- Small scale and domestic nature of the development
 - The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
 - Taking into account the screening determination by the planning authority.

- 9.6. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

10.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

11.0 Reasons and Considerations

Having regard to the subject site's zoning Z8 Georgian Conservation Areas, the adjoining designated protected structures nos. 42 and 43 Blessington Street and the prevailing nature and scale of development on Blessington Lane the proposed brownfield development, subject to a reduction in the number of residential units to six (6 no. units), located within the highly accessible Dublin north inner city would provide an innovative approach to optimise densities whilst respecting the established character of the conservation area. As such, it is considered that subject to compliance with conditions set out below, the proposed development would comprise the efficient use of urban land, would provide sufficient useable communal and private amenity space across the subject site, and as such would not have undue adverse impacts on the residential amenity of future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8 November 2024, except as may otherwise be required in order to comply with the following conditions.

Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning

authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference 3334/21 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

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

3. The proposed development shall be amended as follows:
 - a) The proposed 3 no. studio apartments and proposed basement level shall be omitted. A total of 6 no. units are hereby permitted on ground, first and second floor only.
 - b) The proposed communal amenity space shall be enlarged to incorporate the space created by the omission of the proposed basement level, as per (a) above, in conjunction with revised landscaping proposals.
 - c) A revised ground floor layout to include new and suitably screened private amenity spaces for proposed unit no. 4 and unit no. 5 incorporating revised landscaping proposals and a privacy strip onto Blessington Lane.
 - d) The proposed bin storage provision shall be reduced proportionately with the omission of the 3 no. studio units.
 - e) The location of 1 no. bicycle space for larger non-standard bicycles. The space shall comply with the dimension standards contained within Section 6 of the National Cycle Manual, issued by the National Transport Authority.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenity and to protect the setting of the protected structures (Nos. 42 and 43 Blessington Street) within this designated Z8 Georgian conservation area.

4. (a) The proposed bicycle parking shall be secure, conveniently located, sheltered and well lit. Bicycle parking design shall allow both wheel and frame to be locked and shall be separated between long-term and short-term spaces.
- (b) The proposed bicycle parking spaces agreed under this condition shall be constructed and ready for use prior to occupation of the first residential unit.
- (c) contracts for sale/rent/lease of the proposed apartments shall make it clear to prospective tenants that the apartments will not have dedicated car parking on site.
- (d) All costs incurred by Dublin City Council, including any repair to the public road and services necessary as a result of development, shall be at the expense of the developer. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of providing high quality bicycle parking infrastructure and orderly development.

5. The non-amenity roof areas shall not be accessible except for maintenance purposes only.

Reason: In the interest of residential amenity.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other

external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

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

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

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme, incorporating a Delivery & Servicing Plan (DSP) and providing adequate measures for the future maintenance of open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. A schedule of landscape maintenance, including the specimen tree to the front elevation onto Blessington Lane, shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

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

10. A plan containing details for the management of waste (and recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable

materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

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

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

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

13. The developer shall pay to the planning authority a financial contribution in respect of LUAS Cross City Scheme (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the

Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

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

Reason: To ensure the satisfactory completion of the development.

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.

Claire McVeigh
Planning Inspector

27 March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321620-25		
Proposed Development Summary	PROTECTED STRUCTURE: Demolition of warehouse and alterations to the approved apartment building comprising of 10 apartments and all associated siteworks.		
Development Address	Rear of nos. 42-43 Blessington Street, (Mews along Blessington Lane) Phibsborough, Dublin 7, D07 KP08.		
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/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units. The proposal, as revised following further information request, is for 9 no. units.	Preliminary examination required (Form 2)

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

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321620-25
Proposed Development Summary	PROTECTED STRUCTURE: Demolition of warehouse and alterations to the approved apartment building comprising of 10 apartments and all associated siteworks.
Development Address	Rear of nos. 42-43 Blessington Street, (Mews along Blessington Lane) Phibsborough, Dublin 7, D07 KP08.
<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>	
<p>Characteristics of proposed development</p> <p>(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>	<p>The proposed development is for the demolition of an existing warehouse building (c. 270 sq.m) and construction of a three storey over basement apartment building with 9 no residential units (as revised following request for further information).</p> <p>The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance. The construction of the proposed development does not have potential to cause significant effects on the environment due to water</p>

		pollution. The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
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).		The subject site is located within a designated Z8 conservation area. The subject site is not located in or immediately adjacent to ecologically sensitive sites. It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.
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).		The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.
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.	Yes
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.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)