



An
Bord
Pleanála

Inspector's Report

ABP-321726-25

Development	A 3-storey mixed use building extension.
Location	Mespil Court, Mespil Road and Burlington Road, Dublin 4.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB 2434/24
Applicant(s)	Espirit Investments LTD.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Ger Sheridan. Burleigh Management(Holland/Grasmere) Ltd.
Observer(s)	None. .
Date of Site Inspection	26 th March 2025.
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The site of the proposed development, which has a stated area of c.0.22ha, is located on the southern side of Mespil Road, immediately south of the Grand Canal and mid-way between Baggot Street Bridge to the east and Leeson Street Bridge to the west. The site is T-shaped with c.9.3m of frontage onto Mespil Road. The site extends back in a south-eastern direction for between c.60m and c.63m before widening out at the rear to a rectangular section where the existing 5-storey red brick office building is located, along with surface level parking spaces.
- 1.2. Pedestrian access is available direct from Mespil Road via a code-controlled gate, while vehicular access is available from Burlington Road to the south-east through a residential development at Burleigh Court and Burleigh Mews consisting of a mix of two storey houses and 5 storey apartments. The vehicular access route also provides access to the rear of the terrace to the west of the site. An uncontrolled pedestrian access route is also available along the immediate western boundary of the site linking Mespil Road to Burleigh Court and Burlington Road, via the side of No 39 Mespil Road.
- 1.3. Commercial buildings are located either side of the Mespil Road frontage with a modern 6 storey office block located to the northeast, with a building line c13.8 back from the roadside edge, while the terrace of 15 three-storey buildings to the southwest, which are protected structures, are set back c.26.5m from the roadside edge. While the protected structures were originally in residential use, the nearest properties to the site are currently in commercial use.

2.0 Proposed Development

- 2.1. Permission is sought for the provision of a three-storey mixed use extension which provides for a 2-storey, raised bridge, office extension adjoining the 2nd and 3rd floors of the existing Mespil Court office building on its north-western (front) elevation.
- 2.2. The proposed extension provides for 1no. café at ground floor, with ancillary storage and staff facilities and has total GFA c.107 sqm. It is also proposed to provide for an external terrace at ground level which is to serve the café. It is also proposed to provide for a roof garden at 1st floor which has a stated area of c.87.5sq.m and external plant.

The second and third floor will provide for office accommodation with associated support facilities. The office accommodation has a total GFA of c.254.5 sqm.

2.3. The proposed extension has a maximum ridge level of c.14.27m along the northern elevation reducing to c.5.4m at the raised bridge and increasing to c.14.11. The proposal sits c. 5.2m below the ridge level of the host building.

2.4. Permission is also sought for the following:

- 30 no. spaces, two tier bike racks in a bicycle store (27.5 sq m).
- 18. no. semi vertical bike racks to replace existing bike racks.
- New bin store (13 sq m).
- 2 no. Sheffield stands in the front curtilage (visitors) and 1 no. Sheffield Stand by the bin store.
- Ground floor plant room (27 sq m).
- Signage zones to northern and eastern ground floor elevations of café unit (c.12 sqm total), and totem sign (c.3 sqm) associated with office within front curtilage adjacent to Mespil Road site boundary.
- Removal of existing boundary wall and railing fronting Mespil Road.
- insertion of new pedestrian access control gate to the eastern boundary pathway, south of the proposed café entrance; and
- Associated green and blue roofs, and drainage for the proposed new works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to grant planning permission on the 20th December 2024 subject to 12 no. conditions.

Conditions to note are as follows:

- Condition no. 2:
Development Contribution of €132,239.00.

- Condition no 5 :

The proposed development shall comply with the following requirements of the Planning Authority:

- i) The guarding & screen along the western edge of the roof garden hereby permitted shall have a height of 1.8 metres above finished ground level
- ii) The proposed fritted glazing to the office extension shall be implemented and thereafter permanently maintained.

Reason: To protect adjoining amenities.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the location of the subject site, details of the proposed development, the relevant planning context at national, regional and local level, the planning history of the subject site, details of submission received and provides for an assessment of the scheme.

The report concludes by recommending that permission be granted in line with the decision issued by the Planning Authority.

3.2.2. Other Technical Reports

- Drainage Division – Report dated 17th December 20204 recommends permission be granted subject to condition.
- Transport Planning Division - Report dated 11th December 20204 recommends permission be granted subject to condition.
- Archaeology Section - Report dated 3rd December 20204 recommends permission be granted subject to condition.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received 3 no. submissions. Concerns raised can be summarised as follows:

- No consent given – protect against legal interest.
- Right of way does not give right to provide additional entrance along western boundary of the site.
- No consent to amend or remove boundary fencing to facilitate development.
- Additional entrances are indicated to be required for fire safety – this will entail further works which are not described in application documentation.
- Siting/design/scale would result in undesirable overdevelopment of the subject site.
- Proposal would materially and adversely affect the character and setting of adjacent protected structure and would be inappropriately located in this Conservation Area.
- The site notice is misleading and invalid.
- Not a development site but rather a strip of open space.
- Site is part of the curtilage of the protected structure.
- Application should be referred to An Taisce and the Irish Georgian Society.
- No sunlight, daylight assessment has been submitted.
- 39 will be detrimentally impacted upon.
- Signage for the café is excessive.
- Subject site is the ‘transition zone area’.

4.0 Planning History

Subject site

ABP-315412-22 Permission REFUSED for the construction of a for 4-storey mixed use building extension. The reason for refusal was as follows:

‘Having regard to the zoning provisions for the area within which the site is located, ‘Z6’ — (Employment/Enterprise) of the Dublin City Development Plan, 2022-2028, and to section 14.3 of the development plan that states which there is a presumption

against uses not listed under the permissible or open for consideration categories in Zone Z6 areas, and to the proposal for residential use over three floors at the northern end of the development, which is a use that is neither permissible nor open for consideration, it is considered that the proposed residential element, which has been designed specifically for residential purposes, in respect of floor to ceiling height and layout, would be contrary to the policies and objectives aimed at promoting commercial uses at this Z6 zoned location. The proposed residential element of the development would therefore materially contravene the Z6 Employment/Enterprise land use zoning objective of the development plan, and to permit the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'

PA Ref 3878/20: Permission refused for the construction of a six-storey over basement commercial office building (c.2,583.24sq.m overall gross floor area including basement), accommodating office use and ancillary reception area (c.2,125sq.m) and 1 no. ground floor café (c.139.5sq.m) and associated works (short description). Permission was refused for the following reasons:

- 1. Having regard to the prominent and sensitive location of the subject site, adjoining Protected Structures and its setting with the Grand Canal Conservation Area and having regard to Policy CHC4 of the Dublin City Development Plan 2016-2022, which seeks to protect the special interest and character of all Dublin's Conservation Areas, the proposed development will, be reason of proximity and visual intrusion, have a significant and detrimental impact on the setting of the Protected Structures and will constitute a visually obtrusive and incongruous form of development. The proposal given its height, scale and massing towering above the established terrace, would create an undesirable precedent for similar type development, and would represent overdevelopment of*

the subject site that has not had appropriate regard to section 14.7 of the Dublin City Development Plan on Transitional sites. The proposal as such would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

- 2. The proposed development of a 6 storey building is considered to seriously impact on the amenity of the adjoining sites given the restricted nature of the site and the proposal to located the development on or in such close proximity to its shared boundaries, resulting in a development which is 'wedged in' with resultant overshadowing and overbearing impacts. The proposed development is therefore considered to be seriously injurious to the amenity of the neighbouring properties and is therefore contrary to the proper planning and sustainable development of the area.*

PA Ref 3189/20: Split Decision - Permission granted for the retention of a bin storage area Permission refused for the retention of 9 no. car parking spaces to the southwest of Mespil Court as they would contravene the maximum car parking standards set out in the development plan.

PA Ref 4307/16 Split Decision - Permission granted subject to conditions for the relocation of existing railings and gate at pedestrian entrance on Mespil Road. The permitted works have been undertaken. Permission refused for the erection of 1 no. 3m high totem sign and 3 no. 6m high flagpoles at pedestrian entrance on Mespil Road owing to their impact on the character and amenities of a designated Conservation Area contrary to the policies and objectives of the Dublin City Development Plan 2016-2022.

PA Ref 2465/16: Permission granted subject to conditions for the construction of a freestanding single storey ESB substation and switch room

(c.25sq.m) to the side (southeast) of the site, and associated works.

PA Ref 2396/16 Permission granted subject to conditions for the construction of a ground floor single storey reception area extension (c. 40sq.m) to the front (northwest) of the existing five-storey office building.

PA Ref 1609/99: Permission refused for four additional car parking spaces to the rear.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. National Planning Framework 2040

The National Planning Framework 2040 seeks to increase densities and building heights in appropriate urban locations to consolidate urban sprawl and increase the sustainability of public transport networks.

Relevant National Planning Objectives include:

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 60: Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.

5.1.2. National Development Plan (2018-2027)

National Strategic Outcome 1. Compact Growth

National Strategic Outcome 4. Sustainable Mobility

National Strategic Outcome 5. A Strong Economy, supported by Enterprise, Innovation and Skills

National Strategic Outcome 6. High-Quality International Connectivity

National Strategic Outcome 7. Enhanced Amenity and Heritage

5.2. Regional Planning Policy

5.2.1. Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019-2031)

RSO 2: Compact Growth and Urban Regeneration - Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens.

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

5.3. Local Planning Policy

5.3.1. Dublin City Development Plan 2022-2028

The site is zoned Z6; Employment/Enterprise, with a stated objective *‘to provide for the creation and protection of enterprise and facilitate opportunities for employment creation’*. ‘Permissible Uses’ in Z6 zoned areas include ‘café/tearoom’, ‘office’ and ‘restaurant’. The development plan has identified key Strategic Development Areas (see Chapter 6: City Economy and Enterprise) to support investment, job creation, and overall economic growth within the city.

The City Plan recognises that the remaining Z6 lands constitute an important land bank for employment use in the city, which is strategically important to protect. The progressive consolidation and development of these lands will be supported. The primary objective for this zone is to facilitate long-term economic development in the city. It is important that these remaining Z6 zoned lands provide for intensive employment and accommodate a wide range of local services. The uses in these areas will create dynamic and sustainable employment and include innovation, creativity, research and development, science and technology, social enterprise, creative industry and the development of emerging industries such as green/clean technologies and the marine sector. These uses will be accommodated in primarily office-based industry and business technology parks developed to a high environmental standard and incorporating a range of amenities, including childcare facilities, public open space and enhanced public realm, green networks and leisure facilities.

The front portion of the subject site facing onto Mespil Road, running from the front building line of the terraces of houses to the immediate west towards the canal, is designated as in a Conservation Area. Section 15.15.2.2 ‘Conservation Areas’ provides that all planning applications for development in conservation areas shall:

- Respect the existing setting and character of the surrounding area.
- Protect the amenities of the surrounding properties and spaces.
- Positively contribute to the existing streetscape.

Relevant section and objection are considered as follows:

Chapter 3 – Climate Action

- Section 3.5.2 :

It is vital that the current and future form of the built environment will respond and be resilient to the impacts of climate change. As a result, there is a need for both new and existing development not only to mitigate against climate change, but also to adapt to such changes.

Another key mitigation measure in relation to the built environment is to ensure that proposals for substantial demolition and reconstruction works can be justified having regard to the ‘embodied carbon’ of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.

All applications for significant new developments, or for significant refurbishment projects, shall be required to submit a Climate Action Energy Statement as part of any overall design statement for a proposed development (see Chapter 15, Section 15.7 for further detail). This statement shall also provide outline information relating to the anticipated energy performance and CO₂ emissions associated with the development as well as information outlining how the potential of district heating and other low carbon energy solutions have been considered in relation to the development.

Chapter 4 – Shape and Structure of the City

- Policy SC6 Urban Design and Architectural Principles

To promote the urban design and architectural principles set out in Chapter 15, and in the Dublin City Public Realm Strategy 2012, in order to achieve a climate resilient, quality, compact, well-connected city and to ensure Dublin is a healthy and attractive city to live, work, visit and study in.

Chapter 6 - City Economy and Enterprise

- Policy CEE8: The City Centre

To support the development of a mix of office, retail, tourism related and cultural activities in the city centre and to facilitate the regeneration and development of key potential growth areas

- Policy CEE21: Supply of Commercial Space and Redevelopment of Office Stock

(i) To promote and facilitate the supply of commercial space, where appropriate, including larger office floorplates suitable for indigenous and FDI HQ-type uses.

(ii) To consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city.

Chapter 11 – Built Heritage and Archaeology

- Policy 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.

Chapter 15 Development Standards

- 15.4.3 Sustainability and Climate Action

Good design has a key role to play in both reducing waste and emissions which contribute to climate change. These issues must be considered from the outset of the design process. Development proposals will be expected to minimise energy use and emissions that contribute to climate change during the lifecycle of the development with an aspiration towards zero carbon, and ensure the reduction, re-use or recycling of resources and materials, including water, waste and aggregates. To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new build.

- 15.5 Site Characteristics and Design Parameters

Development proposals should make the most efficient use of land by delivering an optimum density and scale of development for the site having regard to its location within the city.

Certain areas of the city, such as those located adjacent to high quality public transport will lend themselves to a more intensive form of development. Similarly, brownfield and infill sites can also achieve greater densities subject to the location and proximity to other services. Appendix 3 of the plan sets out guidance regarding density and building height in the city in order to achieve sustainable compact growth.

In considering the appropriateness of a development at a city scale, applicants should demonstrate that the scheme proposed has adopted an appropriate approach to urban intensification broadly consistent with its location.

15.7.1 Re-use of Existing Buildings

Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible in accordance with Policy CA6 and CA7.

15.14.4 Office

The provision of office accommodation will be supported in appropriate areas of the city. Regard will be had to the scale of such development depending on location. All office proposals shall be accompanied by an architectural design statement which details the internal building design and layout to ensure a high standard of amenity for future employees, in relation to noise impact, daylight and sunlight, ventilation.

15.15.2.2 Conservation Areas

Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city.

- All planning applications for development in Conservation Areas shall:
- Respect the existing setting and character of the surrounding area.
- Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.
- Protect the amenities of the surrounding properties and spaces.
- Provide for an assessment of the visual impact of the development in the surrounding context.
- Ensure materials and finishes are in keeping with the existing built environment.
- Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.

15.14.7.2 Restaurants/Cafes

The positive contribution of café and restaurant uses and the clusters of such uses to the vitality of the city is recognised.

In considering applications for restaurants, the following will be taken into consideration:

- The effect of noise, general disturbance, hours of operation and fumes on the amenities of nearby residents.
- Traffic considerations.

- Waste storage facilities.
- Hours of operation.
- The number/frequency of restaurants and other retail services in the area.
- The contribution to the vitality and viability of the area.
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For proposals relating to outdoor dining, applicants will be required to demonstrate whether temporary or permanent outdoor dining facilities are provided. These areas should be fully contained within the site boundary. Temporary dining should ensure all fixtures and fittings are fully removable outside operating hours and should not impede access or create undue clutter or trip hazard in the streetscape.

Permanent structures should be included in all plans and elevations submitted with the application. Details of ventilation and heating of the area will also be required.

Section 15.17.4: Outdoor seating and street furniture.

Appendix 16 – Sunlight and Daylight

5.4. **Natural Heritage Designations**

The subject site is not located within or is not adjoining any Natura 2000 Sites. The nearest Natura 2000 sites are South Dublin Bay SAC (Site Code:000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code:004024) which are c2.3km east of the site.

6.0 **EIA Screening**

The development does fall within a class of development set out in Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended). However, the scale of the proposed development does not exceed the thresholds set out and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

Two Third Party appeals have been received by An Bord Pleanála from:

1. Burleigh Management (Holland/Grasmere) Ltd. Of 38 Upper Baggot Street, Dublin 4.
2. Ger Sheridan of Sheridan Motor Group, 39 Mespil Road, Dublin 4.

Each appeal is summarised in turn below:

7.1.1. Burleigh Management (Holland/Grasmere)

1. Invalid Application.

- Appellants are freehold owners of the right of way indicated on site location map.
- Applicant is relying on utilising this land to provide access to two portion of the proposed building – a stairway and a service area for the coffee shop.
- This is a private lane which also provides access to other parties.
- The applicant has indicated that it is proposed to provide additional entrances and removing boundary – the nature of such will change and require changes to the surface and as such it should have been included in the red line boundary.
- Statutory notices state: ‘insertion of new pedestrian access control gate to the eastern boundary pathway’ – proposal does not include an entrance to the east – this is proposed on the western boundary and has been incorrectly described.
- There is a second entrance on western boundary which has not been included in the statutory notices.

2. Right of Way

- The Planners Report makes misnomers in relation to the orientation which introduces confusion – reiterated from Architectural Design Report.

- Incorrect reference to the eastern boundary in the planning application description.
- Planning Permission does not extend to legal entitlement – the impact of the proposed development needs due consideration and issues regarding the right of way are relevant.
- Existing boundary is continuous, and an unbroken fence is provided along the full length of the new building.
- The purpose and entitlement of a Right of Way is to connect the applicable point a to point b – it does not afford unfettered access for its length. This is what is being permitted in Planning terms.
- The Planning Officers assessment of the Right of Way summarises that no such entitlements exist. With regard to the access proposed on the western boundary the assessment states *“It is not absolutely necessary to the functioning of the café, or indeed offices, which can be accessed from the opposite (eastern) side of the development at ground floor level”*.
- Should have been the subject of a request for further information – at the same time dealing with the incorrect outline of the site.

3. Impact on Pedestrian link from Mespil Road

- Nature of link will be fundamentally changed and disimproved – becoming a narrow passage flanked by buildings.
- Previous reason for refusal (PA Ref 3878/20) was proximity to shared boundaries – overbearing and serious injurious to adjoining amenities.
- While previous proposal was taller – issues remain in the context of the path being an amenity not only to neighbouring property but also a pedestrian route.

4. Request for Further Information.

- Such errors as:
 - Incorrect extent of application lands in red line boundary.

- Failure to obtain owners consent for lands which are part of the application.
- Incorrect description of development – location of the proposed pedestrian access.
- Failure to include reference to a second pedestrian access on western boundary.

Should have resulted in invalidation of the application or a request for further information.

- Draw the Board attention to the assessment of the Planning Authority with regard to the building line –

“The planning authority notes some discrepancy in the building line above ground floor level between the proposed floor plans..... The view implies the building will project beyond the building line of the adjoining Georgian Terrace The discrepancy noted is considered significant and accordingly should be clarified by way of further information.” (pg 13).

- Failure to seek further information is fundamental to the assessment undertaken – issuing the grant of permission in the absence of this matter being addressed is terminally flawed.

7.1.2. Ger Sheridan

1. Site Notice discrepancies.

- Site notice description is misleading and invalid.
- Site notice should have included GFA of proposal and existing development.

2. Principle of Development.

- Subject site is not a development site but rather a strip of open space which provides a buffer between the terrace of Protected Structures and the modern offices.
- Fundamentals of that separation distance has remained constant over many decades.

- 2018 application was refused due to its impacts on long established pattern of development and relationship between Offices and Grand Canal Conservation area.
- Current application seeking to obliterate the space that has defined the buffer and transitional space.
- No input on application from the City Councils Building Conservation Officer – should be the relevant department for examining the proposal affecting a Conservation Area/Protected Structure.
- Report on file from Archaeologist which references the applicants Conservation Report – no evidence that the objections were considered.
- This is a substantive issue – Conservation Officer should have assessed the application.
- Acknowledged that a degree of compromise between conservation and densification objective may be justified – only where strategic redevelopment opportunity is concerned. Proposal does not meet threshold as a modest commercial infill development.

3. Conservation Objectives.

- The board need to consider the current application with reference to the following:
 - Site is immediately adjacent to a Protected Structure (No. 39).
 - Site on the boundary with Z8 Zoning Objective (Georgian Conservation Area) – Transitional Zone Area and policy seeks to protect amenities of more sensitive zone.
 - Site within Grand Canal Conservation Area.
- Previous refusals have recognised the prominent and sensitive location of the site – adjoining Protected Structure and within a conservation area.

4. Overdevelopment of the site and Associated Impacts on no. 39 Mespil Road.

- Proposal extends beyond the established building line of the terrace units.

- Separation of c.3m not in keeping with existing separation distances established.
- Proposal overbearing and dominant.
- The area of the site where development is proposed should remain free of development.
- Proposal represents overdevelopment of the subject site.
- Overlooking and overshadowing of No. 39 – building extends beyond the rear building line.

➤ Overlooking

- Overlooking currently mitigated by distances and the presence of large trees.
- Removal of trees and the proximity of the building on the boundary will result in overlooking of no. 39 Mespil Road.
- Rear extension, rear private garden and rear windows of no. 39 Mespil Road all overlooked.

➤ Overshadowing (Daylight/Sunlight)

- No impact assessment done on no. 39 Mespil Road.
- Proposal will negatively impact all windows of adjoining property.
- Private rear garden will also be negatively impacted.

5. Daylight and Sunlight Impact on 40 Mespil Road Offices.

- Not considered or assessed as part of the application.
- 40 Mespil road not designed to envisage a building so close to its façade.
- Permission was granted for the redevelopment of 40 Mespil road on the presumption no further development would be proposed to the west.

6. Loss of attractive and Important Pedestrian/Cycle Route.

- Access to Mespil Court is used by the wider community – forms part of the wider cycle/pedestrian network from the backland to the canal.

- Removal of such should not be permitted – council are seeking to promote sustainable travel.

7. Loss of Trees and Planted Buffer

- Loss of 2 no. large mature trees – Heritage Impact Assessment report submitted with the application notes that the loss of these trees is a negative impact on the character of the adjoining Protected Structure.
- Planning Authority should not have sanctioned the removal of these trees.

8. Signage

- Signage zones for café are excessive for a conservation area.

7.2. Applicant Response

7.2.1. A response to the 3rd Party Appeals was received from the Applicant on the 21st February 2025. The response makes reference to what is considered to be positive attributes of the proposed development. The comments made are noted.

7.2.2. I further note that section 2.3.5 of the report has set out a detail planning precedent of developments whereby contemporary development has been permitted within the environs or curtilage of a Protected Structure and within an ACA/Conservation Area.

7.2.3. The response provided to the 2 no. 3rd party appeals received can be summarised as follows:

1. Site Notice

- Need to include floor area within the Site Notice is an opinion and not a statutory requirement.
- Reference made to Section 3.4 of Development Management Guidelines for Planning Authorities (Purpose of Site Notice).
- Reference to pedestrian entrance to the east is correct.

2. Principle of Development

- Reference to the site being a buffer of grass is the opinion of the Appellant.
- The relationship of a buffer between offices and terrace of units is likely to have emerged by way of gradual evolution.

- Opinion of appellant prioritises conservation over all other matters – no room for acceptance of high-quality considerate design or planning policy’s intention to seek more efficient sustainable land use.
- Densification does not need to be a strategic scale to surpass threshold to trump conservation.
- Proposal has been carefully considered in terms of conservation objectives.
- Does not overbear upon protected structure.
- Provides a transition from terrace to existing office building – material palette takes cue from both terrace building and office building.
- Emphasis is placed upon the zoning of the subject site – Z6. If it was intended for the subject site to remain undeveloped it would have been zoned Z9 Amenity/Open Space Lands/Green Network.

3. Conservation Objectives

- Relationship with 39 Mespil Road
 - The subject site was not subject to development thus there was a void – development to the east/north-east should not dictate possibility of development.
 - Historical map long predates the identification and formal protection of Protected Structures – subject site has been severed from No. 39 for a long time.
 - Architectural and Archaeological Impact Assessment asserts that the proposal should be granted as previous application was refused solely on the proposed uses – design now altered slightly on foot of change of use.
 - The impact assessment fully considered the development and its potential impact on no. 39.
- Location within the Grand Canal Conservation Area
 - Reference to the conservation area is from the expired 2016-2022 Dublin city Development Plan and does not feature in new 2022-2028 Plan.

- Proposal would create undesirable precedent for other conservation areas in the city – same uses as proposed already located in the conservation area.
- Uses introduce a viability and vibrance into the area and are supported by the Development Plan.
- Delivering proposal gives a purpose and brings life to area.
- Conservation area already comprises of a mix of uses and design.
- Transitional Zone
 - Consensus that the site should remain undeveloped places an excessive and undue burden on applicant – site is in private ownership and not an area of public open space.
 - Guidance on transitional zones does not state that such parts of the city must remain free from development – development must be carefully designed and considerate.
 - No. 39 together with a number of buildings within the terrace is in commercial use (office) – With the uses proposed there is a clear synergy and complementarity of uses.
- Overall Design

Height/Scale

- The height represents a gradual transition from no. 39 Mespil Road to Office building to the east.

Filling a Void

- Form of building has remained slender and fills the void between no. 39 and the existing office building.
- Height by width ratio is 1:45.

Presentation and Form

- Proposal is respectful of its relationship with No. 39 Mespil Road.
- Moderate form takes its lead from the scale and character of No. 39 Mespil Road.

Materiality

- Materiality is simple – avoids over complex or excessive nuanced especially along the front elevation.
- Consider it creates a rapport with no. 39 Mespil Road.
- Fenestration layout is vertically rectangular – taking inspiration from the terrace of Georgian terraces.

4. Overdevelopment and Impact on no. 39 Mespil Road

Overbearance

- i. Design has been informed by previous refusal – overall design/massing/height and separation distance are considered to respect conservation objectives and relationship to no. 39.
- ii. Proposal delivers a transition in form, height and design in the space between no. 39 and existing office building.
- iii. Breathing space is provided between no. 39 and the proposal.

Overlooking

Design has considered overlooking:

1. the first-floor levels and second floor - west elevation address blank façade (east) gable of no. 39 Mespil road. As such no overlooking occurring.
 2. 1st floor level external garden – design along western side includes for planting and features preventing users of space reaching the edge.
- Prospect of overlooking also addressed by inclusion of selected painted perforated metal guarding and screens sitting atop a parapet.
 - Where it is considered, overlooking occurs from the extension to the office – the fenestration principally faces the existing car parking for the offices at Mespil Court. Where offices face the amenity space it is noted that this is a small heavily vegetated space.
 - No. 39 is in office use – overlooking and matters of impacts on privacy are not directly applicable.
 - It is expected at this location lands will be used more intensely with taller buildings that are closer together.

Overshadowing

- Daylight and Sunlight assessment was submitted as part of the application.
- Assessment found that only 1 no. window on the rear elevation of no. 39 and no. 40 will have a minor adverse effect – all other opes will experience negligible effect.
- Rear amenity space of no. 39 will only experience negligible effect.

5. Loss of Pedestrian/Cycle Route

- Subject site not identified on Development Plan Maps as a public right of way/ no site-specific objective has been applied to the site.
- Connectivity from Mespil Road to Mespil Court will be miniated – indicated on proposed site plan - located to the western side of the site.
- The link from Mespil Road is not legally though this site but rather through the established right of way to the west.

6. Loss of Trees

- Trees to be removed are Sycamores – invasive species.
- No vegetation on site is protected with any tree protection order.
- Impact on character of protected structure is noted – single extracts of the Architectural and Archaeological Impact Assessment should not be taken in isolation.

7. Signage

- Signage has been carefully designed and is of a modest scale.
- Condition 6(iv) requires the Planning Authorities agreement on signage – if Board are minded to grant this condition should be retained.

8. Right of Way

- A right of way allows a party to move freely through the space without undue hindrance.
- In this instance it does not mean that movement is limited to/from Mespil and Mespil Court/Burleigh Mews.

- Unaware of any basis to the appellants opinion that right-of way does not afford unfettered access to its length – thus accessing the right of way from within the site is not restricted.
- Proposing entrances/exits does not materially affect the functioning of the right of way or its enjoyment.

7.3. Planning Authority Response

A response from the Planning Authority was received on the 11th February 2025 and respectfully requests that the decision to grant permission be upheld. It is stated that in the instance that the decision is upheld that a condition for a Section 48 development contribution be included.

7.4. Observations

None received.

8.0 Assessment

Having reviewed the documents on the file and undertaken a site visit and having regard to the relevant policies and zoning objective pertaining to the subject site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Principle of development.
- Transitional areas.
- Design Impacts.
- Right of Way.
- Impact on Protected Structure and Conservation Area.
- Loss of Trees.
- Other Issues.

8.1. Principle of development

- 8.1.1. The subject site is zoned under Objective Z6-Employment/Enterprise within the Dublin City Development Plan 2022-2028. This objective seeks 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'.
- 8.1.2. 'Permissible Uses' in Z6 zoned areas include for 'café/tearoom', 'office' and 'restaurant'. The applicant is seeking permission for a three-storey extension to an existing building which will provide for a café at ground floor and office accommodation on the remaining 1st and 2nd floors.
- 8.1.3. Therefore, having regard to the uses listed as being 'permissible' under the Z6 zoning objective, I consider the proposed development to be acceptable in principle.

8.2. Transitional area

- 8.2.1. The appellants have questioned whether this site is in fact a development site at all, and in their opinion, it should be considered as open space which provides a transition between the Protected Structures and Conservation Area of the terrace of dwellings along Mespil Road and the office development to the east. It is contended that this area should remain free from development.
- 8.2.2. The applicant in response has referred to Section 14.6 'Transitional Zone Areas' of the Dublin City Development Plan 2022-2028. It is argued that Section 14.6 of the City Plan does not at any point state that transitional areas should remain free from development and if that was the opinion of the Planning Authority that this site was in fact open space, then it would have been zoned under Objective Z9- Amenity/Open Space Lands/Green Network in its review of the development plan, which included a comprehensive review of Z6 zoned lands.
- 8.2.3. From a review of Section 14.6 of the City Plan, I note that it states that it is important to avoid abrupt transitions in scale and land-use between zones and that in dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.
- 8.2.4. The terrace of dwellings located to the west of the subject site are mainly in use as offices and commercial properties with only a few having retained a residential use.

The units that are in use as residential dwellings are located further west and closer to the junction of Mespil Road with Sussex Terrace.

- 8.2.5. I accept that the established pattern of development has deviated significantly from 3 storey Georgian Buildings to a 4-storey office development to the east of the site and as such the subject site has a role to play in achieving a balance between these two typologies of development.
- 8.2.6. In the first instance I do not accept the appellants assertion that this site is not a development site. As I have established in section 8.1 of my report, this site has been zoned under Objective Z6 - Employment/Enterprise and forms part of the curtilage of an existing office development. Therefore, I am satisfied that the site of the proposed development is, subject to all other considerations, suitable for development and is not open space.
- 8.2.7. Secondly, with regard to its position as a transitional zone, the uses being proposed are established uses, most notable the immediate building to the west, No. 39 Mespil Road, is currently in use as an office. As such, in accordance with Section 14.6 of the City Plan 2022-20228 the land-use between zones have remained consistent.
- 8.2.8. While I note the scale being proposed has increased in terms of height, I consider it to be acceptable having regard to the existing building located to the east. I will discuss the overall design idiom further in the next section of my report. However, in terms of the transition between the Z6 - Employment/Enterprise and Z8 - Georgian Conservation Areas zoning objectives, I consider the proposed to accord with Section 14.6 of the Dublin City Development Plan 2022-2028 and as such it is an appropriate form of development for this transitional area.

8.3. Design Impacts

- 8.3.1. The Appellants within their appeals have raised concern over the design of the proposed development and the impact it will have upon their adjoining properties. This relates to the visual impact and the impact in terms of overlooking/overshadowing and overbearance and also the lack of assessment undertaken with regard to the loss of daylight. I will address each of these concerns under the appropriate sub-headings below:

Design idiom

- 8.3.2. The proposed extension, which projects c. 53m from the front elevation of the existing office building, has been provided as 2 no. buildings which are joined together at second floor level. The building is cantilevered over an existing area of car parking which is located to the front of the existing office building on site. The front elevation of the building has been set back c.20.29m from the front boundary of the subject site where it addresses Mespil Road. The appellants have contended that the proposed development breaches the established building line of the row of terrace buildings located to the west of the subject site.
- 8.3.3. The proposed extension at ground and 1st floor projects c.3.365m beyond the front building line of no. 39 Mespil Road and is then set back at 1st, 2nd and 3rd floor to meet the established building line of the adjoining terrace units. I note that currently the existing office block located on the subject site is set back approximately c.50m behind the building line of no. 39 and that the adjoining office building, to the east of the subject site is set c. 13m forward so said building line. In addition, the proposed extension is set c.9m behind the building line of the office block to the east. As such, I consider that the layout of the proposed extension on site is acceptable given the staggered building line which has been established by the insertion of the office building to the east.
- 8.3.4. The proposed extension would be 4-storeys in height at the front with the central section reading as two storeys in height. The rear section would be two storeys cantilevered above the existing car park. The front section would have a height of c.14.32m at the front, which is c.2.55m higher than the ridge of the adjacent terrace, while the highest point of the gently sloping roof would be c.3.37m higher than the terrace at a distance 10.15m back from the front proposed building line. The flat roof of the office element at the rear maintains the ridge level of the front section and would not be visible from Mespil Road having again a maximum height of c.14.32m.
- 8.3.5. The height strategy in Appendix 3 to the Dublin City Development Plan 2022-2028 indicates that Plot Ratio and Site Coverage are the two determinants as to whether a building is suitable for a site, and in that regard, the site coverage would be 34% and the plot ratio 1.68, both of which include the floor area of the existing office building and the proposed development in the calculations. Table 2 of Appendix 3 to the Development Plan provides that Plot Ratio in Conservation areas would be 1.5-2.0 and in Outer Employment Areas' it would be 1.0-2.5. The Site Coverage in the areas

would range from 45-60%. I am satisfied that compliance with these criteria indicated that the proposed development would not represent overdevelopment of the site.

- 8.3.6. I am also satisfied that the proposed 4 storey building at this location does not constitute an unacceptable form of building, would not be excessive in terms of its height relative to the adjacent buildings and would be acceptable taking into consideration that Appendix 3 to the development plan states that 'outside of the canal ring, in the suburban areas of the city, in accordance with the guidelines, heights of 3 to 4 storeys will be promoted as the minimum'.

In reaching my conclusion, I have also considered the characteristics of the site, the prevailing pattern of development in the area and to the height of the adjacent terrace of protected structures. Furthermore, I do not consider that the height as proposed is a deviation from the established pattern of development within the immediate context of the site having regard the existing building on site which sits c. 5.2m higher than the proposed extension. As such I do not consider it necessary to assess the proposal against *Table 1: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale* of Appendix 3 of the City Plan.

- 8.3.7. I have assessed the proposed plans and elevation together with the architects design statement and I am satisfied that the proposed design is appropriate and acceptable for this site and would be finished in a range of materials that would be complementary to the existing adjacent structures in particular the protected structures, and if the board was minded to grant permission, the material finished could be subject to a condition requiring final agreement with the planning authority prior to the commencement of development.

Overlooking of No. 39 Mespil Road

- 8.3.8. The appellant considers that overlooking of their property is currently mitigated by separation distances and the presence of large trees and that the removal of trees, as proposed, and the proximity of the building on the boundary will result in overlooking of no. 39 Mespil Road. It is contended that the rear amenity space, the rear extension and rear windows will all be overlooked.
- 8.3.9. I observed, on a site visit, that the existing rear garden area, which is small, is already observable by pedestrians walking along the path at the side of the appellants property and is also observable, although from a greater distance, from the existing office block

on the site and the office block to the east. I note that the design of the new cantilevered office extension incorporates a stair core and solid wall immediately adjacent to the garden of No 39 Mespil Road which would restrict any direct overlooking. Furthermore, the proposed 1st floor podium terrace/roof garden has been designed to include for planting and features along the western elevation are intended to act as privations to users of this space reaching the edge. Plans submitted have also indicated the use of a selected painted perforated metal guarding and screens sitting atop a parapet level.

- 8.3.10. I further note that a row of trees has been planted along the rear boundary of No. 39, which act as a visual buffer. The applicant proposes to use fritted glazing to mitigate any potential for oblique overlooking of adjacent properties, and while I am satisfied that there will be no direct overlooking of the rear garden area, if the board was minded to grant permission, a condition could be attached that would require a section of the glazing on the western facade of the building, closest to the rear garden of No. 39 to be fitted with opaque rather than fritted glazing at both second and third floor levels.

Overshadowing – Daylight/sunlight.

- 8.3.11. The appellant, owner of No. 39 Mespil Road, states that no assessment of no. 39 Mespil Road was undertaken in terms of overshadowing and considers that all windows on the adjoining property will negatively impacted in terms of overshadowing and loss of daylight.
- 8.3.12. The applicant in their response states that a Daylight and Sunlight assessment was submitted as part of the application which considered no. 39 Mespil Road, and it found that only 1 no. window on the rear elevation of no. 39 will have a minor adverse effect while all other opes will experience negligible effect.
- 8.3.13. From review of the daylight and sunlight report submitted I note that the assessment did include for an assessment of the adjoining structure – no. 39 Mespil Road. I further note that paragraph 2.2 of the BRE Guidelines (2022) is most relevant in this instance as it states that *“the BRE Guidelines are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas, and garages need not be analysed. The guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally*

include schools, hospitals, hotels and hostels, small workshops, and some offices'.

The offices at No 39 appear to be used as part of a car hire business, so would have not specific requirement for internal light.

- 8.3.14. Daylight is measured by the applicant by way Vertical Sky Component (VSC) and is a measure of the amount of sky visible from a given point (usually the centre of a window) within a structure. The BRE guidelines state that a VSC of greater than 27% should provide enough skylight and that any reduction below this level should be kept to a minimum and that if the VSC is both less than 27% and less than 0.8 times its former value, with the new development in place, occupants of the existing building would notice the reduction in the amount of skylight.
- 8.3.15. The assessment submitted assesses the Vertical Sky Component, Annual and Winter Probable Sunlight Hours in respect of both No's 39 and 40 Mespil Road as well as the effect on sun on ground in the existing rear garden of No 39 and in the open space areas proposed as part of this application.
- 8.3.16. Of the nine windows at No 39 Mespil Road that were assessed, eight are compliant with the BRE Standard, while one of the ground floor windows is not. I also note the results in respect of the adjacent office developments and given that all adjacent uses are office and that the window at the rear of No 39 Mespil Road that does not meet the BRE requirement, already had a low VSC calculation of 20.09%, which I consider to be a factor of the presence of already large buildings to the south and east, I am satisfied that the impact of the proposed development on daylight at the rear of No 39 would be acceptable and would not be of degree that would warrant a refusal of permission.
- 8.3.17. Sunlight to existing buildings is assessed by the applicant in terms of annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH), and if a room can receive more than 25% of APSH, and 5% of APSH in the winter months between 21 September and 21 March, then it should still receive enough sunlight. In order for the reduction in APSH/WSPH to be noticeable, the available sunlight must fall below the 25% or 5% levels and be less than 0.8 times its previous baseline value. The assessment indicates that while some of the six windows assessed at the rear of No 39 Mespil Road, will see a reduction in the APSH and WPSH that they will all be compliant with the recommendations of the BRE Guidelines.

- 8.3.18. The BRE guidelines recommends that at least 50% of amenity areas should receive at least two hours of sunlight on the 21st of March and that a noticeable effect would only exist if this standard were not met and of the area that does receive more than two hours is less than 0.8 times its former value. The Daylight and Sunlight assessment includes an assessment of existing sunlight availability to the rear amenity area at No 39, and sunlight availability with the proposed development in place, and the analysis has demonstrated that there would be zero impact on the extent of the existing amenity space that received at least two hours of sunlight on the 21st of March as result of the proposed development with both the existing and proposed areas being 48.2% of the amenity space at the rear of No 39 Mespil Road.
- 8.3.19. The assessment also indicates that the two proposed open space areas on the application site, being the ground floor area between Mespil Road and the café and the first-floor communal open space area for the apartments, would both respectively receive in excess of the minimum requirement, respectively receiving more than two hours of sunshine on March 21st over 91.6% and 87.4% of their areas.

Conclusion

- 8.3.20. Overall, I am satisfied that the applicant has assessed the potential impact of the proposed development in terms of how the design of the building would impact the adjacent properties in terms of overlooking and overshadowing and I am satisfied that the proposed development would not result in any significant level of undue negative impact in terms of the current level of amenities enjoyed by the adjacent properties, which are in office use, that would warrant a refusal of permission.

8.4. Right of Way

- 8.4.1. The appellants have raised concerns with regard to the impact the proposed development would have upon 2 no. pedestrian/cycle access routes which connect Mespil Road to Burleigh Mews/Burlington Gardens/Mespil Court. The 1st access is described as being through the subject site while the 2nd access is to the west and outside of the red line boundary associated with the development.
- 8.4.2. It is contended that the applicant does not have sufficient legal interest or consent to provide access from the proposed extension onto the right of way which is located to the west of the site and that the construction of the proposed extension will impede

the current pedestrian link through the site to Burleigh Mews/Burlington Gardens which contravenes the policy of the City Council with regard to active travel.

- 8.4.3. The applicant in response with regard to the access through the site states that the subject site is not identified on Development Plan Maps as a public right of way and there is no site-specific objective applied to the site identifying it as a cycle/pedestrian route. It is argued that the link from Mespil Road is not legally through this site but rather through the established right of way located immediately to the west of the proposed development site.
- 8.4.4. With regard to the right of way, the applicant considers that the establishment of a right-of-way allows a party to move freely through the space without undue hindrance and in this instance it does not mean that movement is limited to/from Mespil and Mespil Court/Burleigh Mews. The applicant contends that proposing entrances/exits on this area does not materially affect the functioning of the right of way or its enjoyment.
- 8.4.5. The submitted plans indicate that a right of way to Burlington Road from Mespil Road runs along but outside of the western boundary of the site, along the side of the adjacent end of terrace property No 39 Mespil Road, which is owned by one of the 3rd party appellants. On a review of Landdirect.ie, on the 31st March 2025, I note that no right of way is shown on the land registry in respect of either the application site or the appellants property. However, I note that on the day I undertook a site visit, I did observe the pedestrian/cycle access route as it is shown on the plans.
- 8.4.6. Currently, while there is an access through the subject site, I noted on inspection of the site that this access is gated and controlled by a code. I therefore am satisfied that it is not available as a means of access for the general public either to or through the application site. Furthermore, I consider that the proposed development would have no impact on the existing right of way access to the west of the subject site through the adjacent property at No 39 Mespil Road.
- 8.4.7. From review of plans submitted, no works are proposed to be undertaken outside of the red line boundary associated with the subject application. However concern has been raised by the Appellants with regard to the provision of 2 no. access points along the western elevation of the proposed extension which would provide access on the area indicated as a wayleave on the site location map. To this end I note that An Bord

Pleanála is not an arbiter of title and the extent to which it is required to interrogate these issues is limited. Section 5.13 the Development Management Guidelines for Planning Authorities states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land, these are ultimately matters for resolution in the Courts.

- 8.4.8. Furthermore, Section 34(13) of the Planning and Development Act, 2000 (as amended) further provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development. As such, I do not consider this is a matter for the Board to assess as part of their assessment of this application.

8.5. Impact on Protected Structure and Conservation Area

- 8.5.1. Section 14.6 of the development plan refers to transitional zones and the need to protect the more environmentally sensitive zone. In this case the adjacent land to the immediate west is zoned Z8 'Georgian Conservation Area', where it is the objective to protect the existing architectural and civic designing character, and to allow only for limited expansion consistent with the conservation objective.
- 8.5.2. I have previously considered within my assessment, in Sections 8.2 and 8.3 above, that the design of the proposed development, in particular the facade facing onto Mespil Road would be acceptable and I do not consider that the design of the structure would negatively impact the established Conservation Area. I note that the wider area is a conservation area on both sides of the Grand Canal and that significant development has been carried out in this area in the recent past, including the office development to the immediate east of the site and at Wilton Place on the city side of the Grand Canal, where significant new development is currently being carried out and nearing completion.
- 8.5.3. I am satisfied that the proposed development would not have a negative impact on the character of the protected structure or the conservation area and would form an appropriate and acceptable scale of development on this site, appropriately transitioning between the taller office building to the east and the lower-level terrace of protected structures to the west. I also consider that the ground floor cafe would bring some animation to the street, which would be a welcome addition to Mespil Road,

and should the board be minded to grant permission that signage including free standing and façade mounted signage could be addressed by way of a condition.

8.6. Loss of Trees

- 8.6.1. The appellants have expressed concerns about the proposed removal of the two large sycamore trees and other smaller trees from the site that they consider are integral to the character of the area and in their opinion cannot be mitigated. It is asserted that the loss of the trees would be very noticeable for passers-by on the canal and particularly so for the owners of No 39 and No 40. They further note that the Architectural and Archaeological Impact Assessment, submitted as part of the application documentation, stated that the removal of the sycamore trees would detract from the surrounding conservation area.
- 8.6.2. The application included a Landscape Visual Impact Assessment and a Landscape Design Rationale. The proposals include the planting of new trees to compensate for the removal of existing trees at the front of the site facing Mespil Road, as well as the softening of the existing landscape around the existing office building. As part of the construction works, it is proposed that a 7.5m high semi-mature Field Maple will be planted inside of and close to the street edge that would align with other trees located along Mespil Road in front of the other offices on the street. Field Maples have capacity to grow to 20m in height and would also compensate for the loss of the mature tree that has been removed from the appellants property. It is also proposed to plant two 6.5m high Downy Birch trees in tree pits between the café terrace and Mespil Road.
- 8.6.3. I also note that the application included a protected species (Bats and Birds) assessment prepared by an ecologist with surveys dated October 2024, with a specific objective to assess the potential of the site for bat roost features and also to establish the level of bat activity and the range of bat species on and around the site, including the adjacent house, No 39 Mespil Road, the existing office block on the site and along the Grand Canal. A survey was also carried out in September 2022 for birds' nests as the survey was carried out outside of the breeding season.
- 8.6.4. No bats were observed on or adjacent to the site and it was noted that the installation of spotlights on and beside both existing sycamore trees reduced their bat roost potential. Faint bat passes were recorded on the occasion of both site visits but were

determined to be at a distance from the site. The site was evaluated as being of low importance for bats and bird species with limited suitable features for nesting birds or roosting sites for bats and no significant impacts are expected. The species impact assessment recommended that an ecologist should be present on site for the felling of the trees, which should be done outside of the bird breeding season, that the site should be surveyed prior to the felling off the trees and that any lighting should be designed to be bat friendly.

- 8.6.5. I am satisfied that the removal of the existing trees from the site is acceptable and would be more than compensated for by the proposed landscaping plans and the planting of new trees at the front of the site, as well as other landscaping proposals around the site at ground level, on the roof terrace/garden and via a sedum roof on the proposed office extension.

8.7. Other Issues

- 8.7.1. Discrepancies in validation of planning application

The appellants have raised concerns over the validation process undertaken by the Planning Authority. The issues relate to the statutory description of development on the site notice and orientations being incorrect.

I note that the Planning Authority consider that the application was acceptable in light of the validation process. I therefore accept that the assessment of the Planning Authority in terms of validity to be acceptable.

- 8.7.2. Discrepancies in Plans Submitted

The Appellant seeks to draw the Boards attention to the assessment of the Planning Authority with regard to the building line. The Planning Authority within their assessment notes a discrepancy of the building line as presented on the floor plans, elevations and sections as to that presented within the Landscape Visual Assessment submitted. This related specifically to Viewpoint 4: Mespil Road facing east.

The view implies the building will project beyond the building line of the adjoining Georgian Terrace at all levels while the floor plans, section and elevations submitted clearly show the building at upper floor levels designed to be in line with the front building line of the terrace. The Planning Authority in their assessment considered this

to be significant and accordingly stated should be clarified by way of further information. However, the assessment recommended that permission be granted.

From a review of the Landscape Visual Assessment submitted I note that viewpoint 4 indicates that the proposed extension would project beyond the front building line of the adjoining terrace. However, I note that all other drawings submitted, that being the proposed site layout plan, proposed floor plans, proposed elevations/contiguous elevation and proposed sections, which are all listed as statutory requirements to be submitted as part of any planning application under Section 22 of the Planning and Development Regulations, 2001 (as amended), all indicate that the front (northern) 1st, 2nd and 3rd floor of the proposed extension have set in line with the front building line of the terrace of buildings to the west. While I accept that the Landscape Visual Assessment submitted indicates different, condition no. 1 of the grant of permission requires the applicant to construct the building in line with the statutory plans submitted. Notwithstanding the discrepancy noted on image 4 of the VIA, I consider that the remainder of the assessment can still be relied upon for the assessment of the proposed scheme.

As such I do not accept the concerns of the Appellant and do not consider that the issuing the grant of permission in the absence of this matter being addressed is terminally flawed.

8.7.3. Discrepancies in entrances proposed.

The appellant has queried the validity of the application with regard to access being proposed. The appellant states that the site notice makes reference to the insertion of new pedestrian access control gate to the eastern boundary pathway proposal does not include an entrance to the east. However, it is contended that this is proposed on the western boundary and has been incorrectly described.

I note from assessment of plan submitted that the applicant is proposing as described a controlled entrance along the eastern section of the subject site. I note that this controlled entrance does not impede or block any established right of way. This has been assessed under Section 8.4.6 of my report above. As such I do not accept the concerns raised by the appellant with regards this matter.

8.7.4. Signage

The appellant considers that the signage zones for café are excessive for a conservation area. The plans submitted indicate the provision of a totem sign which has a stated area of 3sq.m and signage zones to northern and eastern ground floor elevations of café which have a total area of c.12sq.m.

Having regard to the set back of the proposed extension from the front boundary of the site, which is shared with Mespil Road, which is in excess of c.20m, I do not consider that the proposed signage on the elevations of the extension will be readily visible from the streetscape and as such are considered to be acceptable.

The proposed totem sign has a height of 2m, a width of 800mm and a depth of 160mm and is indicated as being located at the entrance to the site. Plans submitted indicate that the purpose of the totem sign is to allow tenants of the building advertise their location within the building. I noted that the office building to the east has similar signage located along the front elevation which is readily visible as would be the subject totem sign.

Condition no. 6(iv) of the Planning Authorities grant of permission requires the applicant to submit details of the proposed totem sign and the signage to be installed in the signage zone shown on the drawings submitted, for the written agreement prior to the commencement of development. In the instance that the Board are minded to grant permission I recommend that similar condition be included.

9.0 AA Screening

- 9.1. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the sites in view of the sites' Conservation Objectives. The Board is the competent authority in this regard and must be satisfied that the development in question would not adversely affect the integrity of the European sites having regard to their conservation objectives.
- 9.2. The Applicant has submitted an Appropriate Assessment Screening Report. This report considers the potential impacts arising from the project, the location of the Natura 2000 sites and pathways between the development and the Natura 2000 network and evaluates and screens the proposed development to assess if full Appropriate

Assessment is required, with all European sites screened out and no direct pathways identified. This assessment examines the implications of proceeding with the project in view of the conservation objectives for the protected habitats.

- 9.3. The Applicant's AA Screening Report concludes that the project would have no direct or measurable indirect impacts on any European sites in close proximity to the appeal site and that no significant impacts of the qualifying interests of any SPA or SAC is likely. Having reviewed the AA Screening Report, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European Sites. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects.
- 9.4. The proposed development is not located within or immediately adjacent to any European site. In my opinion the nearest European sites of relevance are the South Dublin Bay SAC (Site Code:000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code:004024).
- 9.5. There are no watercourses running through the site and the operational development would connect to existing public services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.
- 9.6. In terms of potential effects, habitat loss and fragmentation would not arise given the location and nature of the site. Given the site characteristics in terms of location and scale of development, I consider that surface water drainage and wastewater generation should be considered for examination in terms of implications for likely significant effects on European sites.
- 9.7. I note that surface water and foul water would discharge to the combined sewer for onward treatment at the Ringsend WWTP. I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal

increase in loadings to the sewer and the WWTP, however, upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. I also note that evidence shows that negative effects to European sites are not arising.

9.8. Therefore, having regard to the location, nature and scale of the development, the dilution capacity of Dublin Bay and the insignificant additional loading on the Ringsend WWTP, I am satisfied that there is no potential for the development to result in significant effects on the Dublin Bay European sites, either on its own or in combination with other developments.

9.9. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise. The measures to be employed at construction stage are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.

9.10. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including (but not limited to) European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) European Site No. 000210 (South Dublin Bay SAC) and North-West Irish Sea SPA (004063) in view of the sites' Conservation Objectives, and Stage II Appropriate Assessment is not, therefore, required.

10.0 Recommendation

10.1. Having regard to the above, I recommend that the decision of Dublin City Council be upheld, and permission be granted for the development based on the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to the land use zoning of the subject site, the provision of the Dublin City Development Plan 2022-2028, and the design, scale and layout of the proposed development, it is considered that subject to compliance with the conditions set out below, would provide for an appropriate form and mix of uses on this urban infill site and would not adversely impact upon the built heritage of the area or the amenities of the properties in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>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 6th June 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall comply with the following requirements of the Planning Authority:</p> <ul style="list-style-type: none">a) The guarding & screen along the western edge of the roof garden hereby permitted shall have a height of 1.8 metres above finished ground levelb) The proposed opaque glazing to the office extension shall be implemented and thereafter permanently maintained. <p>Reason: To protect adjoining amenities.</p>

3.	<p>The mitigation measures set out in Section 6 of the Protected Species (Bats and Birds Assessment) shall be implemented in full unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interests of ecology protection and biodiversity enhancement.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes shall be as submitted with the application, unless otherwise agreed in writing with the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: In the interests of amenity, ecology and sustainable development.</p>
6.	<p>A) The café hereby permitted shall be fully fitted out and ready for operation prior to the first occupation of any of the office space hereby permitted</p> <p>B) Before the café use hereby permitted commences, a scheme shall be submitted to and approved in writing by the Planning Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use commences and thereafter permanently maintained.</p> <p>C) The café hereby permitted shall not have a hot food takeaway component unless the precise nature of the takeaway element is agreed in writing with the Planning Authority prior to commencement.</p> <p>D) Before the café use hereby permitted commences, details of the proposed totem sign and the signage to be installed in the signage zone shown on the drawings hereby approved shall be submitted to and agreed in writing by the Planning Authority.</p>

	Reason: In the interests of streetscape vibrancy and to mitigate against ground floor commercial unit vacancy and in the interests of the amenities of both the immediate neighbours and to protect the visual amenities of the Grand Canal Conservation Area
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

	<p>(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
8.	<p>No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.</p> <p>Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general</p>
9.	<p>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.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
10.	<p>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.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p>

	Reason: In order to safeguard the amenities of property in the vicinity.
12.	<p>(a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'</p> <p>(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.</p> <p>Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</p> <p>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.</p>

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.

. Kathy Tuck
Planning Inspector

9th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-321726-25		
Proposed Development Summary	A 3-Storey mixed use extension to existing building and all associated site works.		
Development Address	Mespil Court, Mespil Road and Burlington Road, Dublin 4.		
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	X
		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	X	S. 5 P.2 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	S. 5 P.2 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-321726-25
Proposed Development Summary	3 storey mixed use extension to existing building with all associated site works
Development Address	Mespil Court, Mespil Road and Burlington Road, Dublin 4.
<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 (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 subject development would comprise the construction of a narrow extension to the front of an existing office building on an infill site bound by a terrace of three storey offices (former houses) to the west and a 6 storey over basement office building to the east, and a 5 storey office block already on the site.</p> <p>The proposed development would consist of an extension to the existing office building accommodating a café at ground level and office accommodation on 2st and 2nd floors, all fronting onto Mespil Road, with offices located to the rear that would connect to the existing office development at first and second floor levels. The proposal is not considered exceptional in size in the context of the surrounding or nearby commercial or residential buildings</p> <p>During the construction phase, the proposed development would generate waste during excavation and construction. However, given the moderate size of the proposed building 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</p>

	construction or operational phases due to the limited size of the site and the nature of the proposed use.	
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 adjacent sites are all built out, and while comprehensive redevelopment is being carried out on the southern side of the Grand Canal at Wilton Place, that development is nearing completion. Owing to the serviced urban nature of the site and the infill character of the development, 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.	
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).	<p>The application site is not located in or immediately adjacent to any European site. 10.1.1. The nearest Natura 2000 sites are South Dublin Bay SAC (Site Code:000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code:004024) which are c2.3km east of the site</p> <p>The Grand Canal is located c40m north of the nearest part of the proposed extension and enters Grand Canal Dock, where the Rivers Liffey and Dodder meet, before flowing through Dublin port and connecting with the waters of the SPA and SAC near the mouth of Dublin Harbour. The site is located within a serviced urban area and the site will be connected to public surface and foul sewers. I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>	
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
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Inspector: _____ Date: _____

Appendix 3

Screening the need for Appropriate Assessment

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

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises of a 3 storey extension to the front of the existing building and all associated site works at Mespil Court, Mespil Road, Dublin 4.

The applicant submitted an Appropriate Assessment Screening Report as part of the planning application documentation. The screening concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites. The Planning Authority, within their assessment, accepted the findings of the screening report submitted.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km or 5 no. of European sites are located within a potential zone of influence of the proposed development. These are:

- South Dublin Bay and River Tolka Estuary SPA (004024)
- South Dublin Bay SAC (000210)

There are no direct natural hydrological connections from the subject site to Dublin Bay. Notwithstanding the location of the subject site proximate to the Grand Canal it is noted that the canal is an artificial waterway with minimal flow. Furthermore, the site is separated from the canal by a public road and buildings so there is no direct connection between the development site and the canal.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

Likely impacts of the project (alone or in combination)

Surface water and foul water would discharge to the combined sewer for onward treatment at the Ringsend WWTP. I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP, however, upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. I also note that evidence shows that negative effects to European sites are not arising.

Having regard to the distance separating the site to the nearby Natura 2000 site there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPA/SAC's identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natura 2000 sites located within the zone of influence.

Overall Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development;
- The location of the subject site within the urban context of Dublin City Centre;
- The lack of any direct connections to the nearest Nature 2000 site; and
- Taking into account appropriate assessment screening report submitted with the application.

Inspector: _____ Date: _____