



An
Bord
Pleanála

Inspector's Report

ABP-321745-25

| | |
|-------------------------------------|-------------------------------------------------------------------------------------------------------|
| Development | PROTECTED STRUCTURE Construction of 46 apartments and all associated siteworks. |
| Location | Turnpike Lane at the rear of No. 59 - 69 Drumcondra Road Lower (Protected Structures), Dublin 9 |
| Planning Authority | Dublin City Council North |
| Planning Authority Reg. Ref. | 4062/24 |
| Applicant(s) | Ginxo Trading Ltd |
| Type of Application | Permission |
| Planning Authority Decision | Grant permission with conditions |
| Type of Appeal | First Party |
| Appellant(s) | Ginxo Trading Ltd |
| Observer(s) | Marie Cronin Catriona Walsh Iona & District Residents' Association |
| Date of Site Inspection | 20 March 2025 |
| Inspector | Claire McVeigh |

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 1715 square metres, is located to the rear of a terrace of Protected Structures at 59-69 Drumcondra Road Lower, Dublin 9 and accessed via Turnpike Lane.
- 1.2. The site is bounded to the west by the rear of properties 57, 59, 61, 63, 65, 67 and 69, Drumcondra Road Lower and to the north by the parking area/private amenity space of 71-73 Drumcondra Road Lower. Turnpike Lane directly borders the southern and eastern boundaries and provides access to the Cross-care Hub (formerly Mater Dei Institute of Education) which is located further east.
- 1.3. There are no buildings or structures on the subject site, although there are sections of original stone boundary walls (as identified on drawing no. PL-4002 – Existing Boundary Wall Elevations).

2.0 Proposed Development

- 2.1. The proposed development is for the construction of 46 apartments in a single block ranging in height from 2 to 6 storeys with all ancillary site development works. Key elements of the proposal set out in Table 2.1.
- 2.2. Further Information (FI) was sought and in response to the request the third, fourth and fifth floors are revised by setting back the profile of the west façade providing a stepped profile on these upper floors. No reduction in the total number of residential units results from the revised floor plans but the revisions has resulted in a change in the proposed residential mix as set out in Table 2.2.
- 2.3. The key elements of the proposal are as follows:

Table 2.1: Proposed development and as revised following request for further information)

| | As originally submitted | As revised following FI |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site Area | 0.17 ha (1715 sq. m) | 0.17ha (1715 sq. m) |
| No. of residential units | 46 | 46 |
| Gross floor area of building. | 4233 sq.m (as originally submitted) | 4136 sq.m |
| Density | 268 dph | 268 dph |
| Height | 2-6 storeys | 2- 6 storeys |
| Dual Aspect | 30 no. units (65%) as per submitted Housing Quality Assessment. | 21 no. units (47%) as per submitted Schedule of Accommodation. |
| Plot ratio | 2.47 | 2.4 |
| Site coverage | 58% | 58% |
| Public open space | None provided. | None provided. |
| Communal amenity space | 408 sq.m (as per the statutory notices) | 408 sq.m (as per the statutory notices) |
| Parking | <p>2 no. car share parking spaces and 1 no. accessible car parking space.</p> <p>100 bicycle parking spaces, 2 no. secured cargo bicycle spaces. <i>(Figure as per the statutory notices. I note that the number of bicycle spaces proposed differs in both the submitted Mobility Management Plan and the submitted Planning and Design Report).</i></p> | <p>2 no. car share parking spaces and 1 no. accessible car parking space.</p> <p>100 bicycle parking spaces, 2 no. secured cargo bicycle spaces.</p> |

Table 2: Residential unit mix (as revised following response to request for further information – Please note error in apartment labelling noted on drawing no PL-2002 with respect changes to unit mix)

| | 1 bed | 2 bed (3 person) | 2 bed (4 person) | Total |
|--------------------------------------------|------------|------------------|------------------|-------------|
| <i>Originally submitted proposal</i> | 12 no. | 1 | 33 no. | 46 |
| Revised proposal in response to FI request | 15 no. | 2 | 29 no. | 46 |
| % of total (as revised by FI) | 33% | 4% | 63% | 100% |

- 2.4. It is proposed to create a new mains connection for water supply and wastewater drainage. A Uisce Éireann Confirmation of Feasibility letter has been submitted with the application indicating that water connection and wastewater connection is feasible subject to upgrades with approximately 25m of network extensions via the lane from Drumcondra Road Lower.
- 2.5. Letter from Dublin City Council Housing Department confirms that the applicant has engaged in discussion and an agreement in principle to comply with the Part V requirement has been reached.

3.0 Planning Authority Decision

On the 17 December 2024 the planning authority decided to grant permission subject to 11 no. conditions.

The planning authority attached bespoke conditions, as follows:

Condition No. 3 The height of the 6-storey block shall be reduced by 2 no. storeys (middle floors) to provide for a maximum of 4 no. storeys only (The reduction will remove 14 no. units providing a new total of 32 no. units). Revised plans indicating the reduced height shall be submitted for written agreement with the planning authority.

Reason: To prevent the amenities of the protected structures located within a residential conservation area.

Condition No. 4 The development shall retain and reconstruct the existing stone wall boundary and shall incorporate all stone salvaged as part of any new boundary as

far as possible. Prior to the commencement of development, the applicant shall consult with and agree a methodology with the Conservation Section which shall be submitted for written agreement.

Reason: To restore and reuse existing historic fabric on site.

Condition No. 6 The development shall comply with the following requirements of the Transportation Planning Division:

- a. Prior to commencement of development, the applicant /developer shall submit to the planning authority for written agreement documentation and drawings illustrating upgrades to the laneway from the junction onto Drumcondra Road Lower and adjoining the red line boundary to ensure that the servicing of the development, emergency access and manoeuvrability of vehicles can be achieved as outlined in the submitted swept path analysis drawings. The documentation shall address the following:
 - i) All improvements to the laneway should include surface treatment, lighting, road markings etc. to remove parking, enhance safety and security of all users. Pedestrian priority and associated measures should be demonstrated at the Turnpike Lane junction onto Drumcondra Road Lower. All works along the laneway shall comply with the requirements of all relevant sections of Dublin City Council's Environment and Transportation Department.
 - ii) Details of the materials along the laneway and junction onto Drumcondra Road Lower proposed in public areas is required and shall be in accordance with the document Construction Standards of Road and Street Works in Dublin City Council and agreed in detail with the Road Maintenance Division.
 - iii) The applicant shall carry out an independent Road Safety Audit undertaken in accordance with the City Council's procedures shall be submitted for the agreement of the Environment and Transportation Department.

All changes to the laneway and at Turnpike Lane Junction onto Drumcondra Road Lower agreed under this condition shall be constructed and finished prior to occupation of the first residential unit.

- b. Prior to commencement of development, the applicant shall submit revised plans for the written agreement of the planning authority, a bicycle parking plan using detailed drawings to ensure bicycle parking provision is of high quality having regard to the proposed car parking ratio on site, and publication of bicycle parking design standards within the Cycle Design Manual 2023, published by the National Transport Authority, the revised drawings shall illustrate the following:
 - i) Outlining type and quantum per store/area, ensuring functionality and ease of access, including the type of bicycle stands proposed and distance between each stand. Ensure bicycle stores are located at the most convenient areas close to stairs/lifts in the under-croft area. Ensure the access doors to these stores are appropriately located.
 - ii) The location of all visitor bicycle parking, distances between each stand and shelter for bicycle parking. The route from the public road to the proposed spaces should be designed to facilitate the universal design bike (2.8m long x 1.2 m wide).
 - iii) Areas for cargo bikes, and electric bicycle charging stations and quantum of spaces per area should be outlined in submitted drawings. 5% of the total bicycle parking should be capable of accommodating cargo/accessible bicycle parking.
 - iv) Cycle parking dimensions and design should have particular regard to Section 6 of the Cycle Design Manual 2023, published by the National Transport Authority.
- c. The applicant/developer shall undertake to implement the measures outlined in the Mobility Management and to ensure that future residents and users of the development comply with the plan. A mobility manager for the overall scheme shall be appointed to oversee and coordinate the actions contained within the Mobility Management Plan.

- d. The proposed car parking shall not be sold. Leased or otherwise assigned to a unit within the development and shall be under the control of the applicant/developer.
- e. Contracts for sale/rent/lease of the proposed apartments shall make it clear to prospective tenants that the apartments will not have dedicated car parking on site or within the vicinity of the site.
- f. Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan for the demolition phase of the development shall be submitted to the planning authority for written agreement...
- g. Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall be implemented in full during the course of construction of the development...
- h. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the applicant/developer.
- i. No part of the proposed building either above or below ground level (including foundations, balconies, and access doors) shall overhang the existing or proposed public road.
- j. The applicant/developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of road safety and orderly development.

3.1. Planning Authority Reports

3.1.1. Planning Reports

- The principle of residential development on the site has been previously established. Concerns regarding density and height. Further information sought with respect to reducing the 6-storey block to 4 no. storeys. Notes the applicant's further information response to include minor set backs but has not reduced the height of the proposed six storey element. Considers that a four-storey block to the rear would sit more comfortably in this sensitive infill site to

the rear of protected structures in a residential conservation area (Z2). Grant with amending conditions recommended.

3.1.2. Other Technical Reports

- Conservation Officer – Initial report states that they would broadly be supportive of a proposed residential scheme that is further reduced the height and density to that of the proposed development and that would provide a landscaping scheme with a clear reference to the historic garden plots, so that the urban grain could remain legible.

Recommends refusal for the following reason:

By means of its height, scale and massing and proximity to the rear of the protected structures, the proposed development is overly dominant, would not conserve nor enhance the special architectural character of the setting of the protected structures and their curtilage and would result in extensive and unjustifiable demolition of original historic fabric. Therefore, the proposed works would cause serious injury to the special architectural character and legibility of the protected structures, their setting and their curtilage as well as the wider Conservation Areas, would contravene Policies BHA2 (a), (b), (c), (d), (e), BHA9 (4), (6) and BHA14 of the Dublin City Development Plan 2022-2028 and would set an undesirable precedent.

In their second report following review of submitted further information the conservation officer is of the opinion that the applicant has not considered the special architectural interest of the protected structures at nos. 59-69 Drumcondra Road Lower and their curtilage, nor the significance of the historic mews laneway. Recommends refusal for the reason as outlined in their initial report.

- Archaeology, Conservation and Heritage – Archaeology Section recommended conditions noting that “*Although the site is outside the historic city, it is within lands known to have formed part of a medieval grange and a review of the historic mapping suggests that there may be remains of pre-existing structures at the subject site, including an 18th century windmill*”.
- Drainage Division – No objection to the development subject to conditions.

- Transportation Planning – Initial report seeks further information in respect to control, design and management of Turnpike Lane, car parking management plan, location for temporary waste storage, swept path analysis for vehicles entering and egressing Turnpike Lane on Drumcondra Road Lower and bicycle parking to be capable of accommodating the universal bicycle design including cargo and accessible spaces.

Second report following receipt of further information (dated 5th December 2024) notes that the laneway is not currently in charge. The Central Area Committee Meeting proposal letter that the applicant has submitted in their further information response indicates that the developer under planning register reference 4044/15 had undertaken to carry out necessary works as per the planning conditions to bring the laneway up to the standard required. These works have not been carried out. It is noted that the applicant will engage with Dublin City Council to identify upgrading the lane as required.

- Air Quality Monitoring and Noise Control Unit – recommended conditions with respect to a Construction Management Plan and Noise Control.

3.2. Prescribed Bodies

An Taisce – The proposed residential use is welcomed in principle. Notwithstanding the changes to the volume of the proposal to that previously proposed under planning register reference 3485/22 it is considered the proposed development would constitute overdevelopment to the rear of protected structure, would overbear on these structures and fail to protect their amenities, setting and special interest. Highlights Policy BHA2 of the Dublin City Development Plan 2022-2028 and recommends that a reduction in the height of the 6-storey element is considered.

3.3. Third Party Observations

There were nine no. third party submissions made by the following:

- Róisín Nic Cóil o.b.o. St. Laurence O'Toole Diocesan Trust

- Anthony Heary
- Alexander and Catriona Walsh
- Carol Lynch o.b.o. Iona and District Residents Association
- Cllr. Donna Cooney Deputy Lord Mayor of Dublin City
- Michael Gilmartin
- Patrica Murphy
- Marie Cronin o.b.o. By-the-Trees Management Company
- Deirdre Fox

Submissions to the planning authority on the application raised issues similar to those raised in the observations to the Board.

4.0 Planning History

Pre-application consultation 15/04/2024

Planning register reference: 3485/22 ABP-313679-22 Planning permission

REFUSED for a 74 unit Build to Rent scheme comprising of one building 8 storeys in height over lower ground floor level, with all ancillary site development works.

Reasons for refusal:

1. Having regard to the height, scale, massing, density and architectural design, taken in conjunction with the lack of appropriate transitions on a sensitive restricted site, it is considered that the proposed development would constitute overdevelopment of the site and would have an unreasonable overbearing and visually dominant effect on adjoining sites. The proposed development would be contrary to Section 15.5.2 (Infill Development) and Section 15.13.4 (Backland Housing) of the Dublin City Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would fail to adequately integrate with the adjoining terrace of Protected Structures at 59-59 Drumcondra Road Lower

and, as a result would seriously injure the visual amenities of the streetscape, would have an adverse impact on their character and setting, and that of the adjoining residential conservation area, and would be contrary to Section 14.7.2 (Residential Neighbourhoods (Conservation Areas) – Zone Z2) of the Dublin City Development Plan 2022-2028. The proposed development, by itself and by the precedent it would set for other development, would seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Planning register reference: 4044/15 Planning permission GRANTED for six, three-storey mews terraced houses at Turnpike Lane to the rear of No's 59, 61, 63, 65, 67, 69 Drumcondra Road Lower, Dublin 9 (Protected Structures). The site was originally the rear gardens of these houses.

Planning register reference: 3241/08 (PL29N.230778) Planning permission REFUSED on appeal for the construction of 2 no. residential blocks, ranging in height from 3-4 storeys (over basement car park) and consisting of 24 no. units.

Planning register reference: 3847/07 Planning permission REFUSED for two residential buildings up to 5 storeys in height comprising 34 residential units accessed off Turnpike Lane to the rear of 59-69 Drumcondra Road Lower (a Protected Structure).

Planning register reference: 1357/04 (PL29N.212045) Planning permission REFUSED on appeal for 26 apartments in a four-storey building over basement carpark at site to rear of Nos. 59-69 Drumcondra Road Lower, Dublin 9 (Protected Structures)

In the applicant's appeal reference is made to planning register reference 0341/15 in section 1.2 Planning History. I note for the Board that this reference does not relate to the subject site, it is in relation to an application at Baggot Street Lower and is not relevant to the subject site.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

Land use zoning 'Z2': To protect and/or improve the amenities of residential conservation areas.

Z2 and Z8 Zonings and Red-Hatched Conservation Areas

The Z8 Georgian Conservation Areas, Z2 Residential Conservation Areas and red-lined Conservation Areas are extensive throughout the city. Whilst these areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application. Designated Conservation Areas include extensive groupings of buildings, streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core, the 19th and 20th century city, and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas. As with Architectural Conservation Areas, there is a general presumption against development which would involve the loss of a building of conservation or historic merit within the Conservation Areas or that contributes to the overall setting, character and streetscape of the Conservation Area. Such proposals will require detailed justification from a viability, heritage, and sustainability perspective.

Policy BHA2 It is the policy of Dublin City Council:

Development of Protected Structures

That development will conserve and enhance protected structures and their curtilage and will:

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.
- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- (e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.
- (f) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.
- (g) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.
- (h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- (i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.
- (j) Have regard to ecological considerations for example, protection of species such as bats.

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.

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

Policy BHA14

Mews To promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.

15.13.4 Backland Housing

15.13.5 Mews

Height Strategy Appendix 3

Outer City (Suburbs)

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. Greater heights will be considered on a case-by-case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in Table 3.

In general, heights of 4-6 storeys is supported on such sites, subject to compliance with the key criteria set out above and the performance criteria set out in Table 3. Where such sites abut existing lower density residential areas, appropriate transition of scale and separation distances must be provided in order to protect existing amenities. Heights greater than 6 storeys may be considered on a case by case basis where there is a strong placemaking and urban design rationale.

Policy QHSN6: Urban Consolidation

To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

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

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

5.3. Urban Development and Building Heights Guidelines for Planning Authorities (2018)

Paragraph 3.1 In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in

appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.

5.4. Natural Heritage Designations

The subject site is located 350m from the proposed Natural Heritage Area: Royal Canal (Site Code: 002103) and hydrologically connected to the proposed Natural Heritage Area: South Dublin Bay (Site Code: 000210) approximately 4.5km to the southeast. The South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA are approximately 4.5km southeast of the subject site.

6.0 Environmental Impact Assessment (EIA) Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The applicant has submitted a first party appeal against condition no. 3 and seeks the removal of this condition from the decision to grant permission, in summary the grounds of appeal are:

- Dublin City Council (DCC) have issued a decision to grant permission subject to 11 conditions and the permission clearly establishes that the submitted proposal would confirm the overall acceptability of the design proposal in planning and development terms.
- This appeal addresses the issues of height, scale and massing of the proposed development and its relationship with the adjoining protected

structures. Considers the requirement by DCC to reduce the height of the proposed rear block by two floors to be unreasonable and unwarranted.

- The current application takes into account the assessments of both the planning authority and the Board in the previously refused application for development on the site under planning register reference 3485/22 and ABP 313679-22 (see section 4.0 of my report).
- Notes that the National Inventory of Architectural Heritage (NIAH) appraisal of the protected structures does not refer to the rear plot walls or boundary walls surrounding the development site. Highlights that the NIAH appraisal considers that the terrace of houses is important primarily in its streetscape presentation along Drumcondra Road as well as the attractive facade and other details to the front of the properties. No reference to the interiors or rear of the protected structures in the Heritage Assessment carried out in the NIAH.
- Refers to the planning history of the adjoining former Mater Dei Institute of Education and the Conliffe College complex, proposals for significant and intense development proposals.
- Acknowledge that due consideration should be given to the sensitivities and existing design parameters and character in the area surrounding the subject lands. Nevertheless, it is argued that such considerations should be balanced against the important strategic land use considerations which would favour higher density development at the subject lands above a design response that might arise from the replication of existing neighbouring low-density development.
- Contend that a more accurate assessment in relation to the scale and height for this proposal would be reached with reference to the status of the protected structures, proximity of proposed development to protected structures, daylight & sunlight studies and visual impact of development from strategic viewpoints.
- The bulk of the proposed development is concentrated to the eastern area of the subject site furthest from the rear of the protected structures, with a

separation distance of 30 metres. Images 1, 2, 3 and 4 included with appeal submission to illustrate proposed development in context with existing buildings and as viewed from St. Alphonsus Road.

- The detailed Daylight and Sunlight Analysis confirms that the proposed development would have no negative impact on the adjoining buildings. This is a clear indicator that the proposed development is not excessive in terms of its height or would result in overshadowing or overbearance in relation to adjoining buildings.
- The proposed development is not visible from the majority of viewpoints as demonstrated in the submitted Visual Impact Assessment as part of the response to further information request. The proposed development would be visible from two viewpoints. It is stated that this visibility is limited. An additional view has been submitted (Image 4) illustrating the proposed development from St. Alphonsus Road opposite Turnpike Lane which confirms that the proposed development does not breach the height of the ridgeline of the protected structures on Drumcondra Road Lower.

7.2. Planning Authority Response

Request that the Board uphold the planning authority's decision and request that if permission is granted the following conditions be applied:

- Section 48 development contribution.
- Payment of a bond.
- Contribution in lieu of the open space requirement not being met (if applicable).
- A naming and numbering condition.
- A management company condition.

7.3. Observations

A total of three observations were received, from Iona and District Residents Association (IDRA), Catriona Walsh and Marie Cronin. In summary the points raised are:

- The subject site is not a standalone (greenfield) site but rather constitutes significant portions of the curtilages of a number of protected structures 59-69 Drumcondra Road Lower and should be assessed on this basis.
- Highlights that Dublin City Council's Conservation Officer is not satisfied that the applicant has given sufficient consideration to the significance of the historic building plots within their response to the further information request.
- Support the imposition of condition no. 3 in the decision made by Dublin City Council to require the omission of two storeys from the proposed six storey development.
- IDRA state that if permission is granted, the height should be reduced to three storeys similar to the height of the protected structures in order to limit the impact on these buildings.
- The conservation conditions in planning register reference 4044/15 were not sufficiently addressed in the current application.
- The proposed six and, as conditioned four, storey height, mass and scale of the proposed development is out of character with the Z2 Residential Conservation Area and would impact negatively on the heritage value of the protected structures.
- The proposal would set a precedent for overdevelopment in the rear gardens of protected structures. A masterplan for the backland should be undertaken to ensure the proper and coordinated approach to the redevelopment of the backland of these properties.
- The proposed development would diminish residential amenity, of properties along Drumcondra Road Lower and the two-storey residential hub adjoining Turnpike Lane operated by Cross Care Charity and have an overshadowing

impact on residents on Drumcondra Road Lower. The right to light report fails to consider properties 75, 77, and 79.

- A mews style development would be more appropriate and in line with good heritage practice. The proposed development would be a material contravention to the development plan, in particular 16.10.16 of Mews dwellings.
- The close proximity of the 2-3 storey element along the southern part of the site at Turnpike Lane prevent the retention/restoration of the circa 200 yr old boundary wall.
- No provision for family sized apartments.
- The lack of proposed parking will result in exacerbating parking demand on already congested surrounding streets in the area.
- No assessment of the traffic and services, including fire tender access, on the laneway. Turnpike Lane is narrow and has no footpaths or lighting.
- The immediate environ is proliferated with protected structures and fine Georgian dwellings which should be retained by encouraging family ownership and, therefore, long term maintenance/preservation. The proposed development jeopardises the future viability of the protected structures as family homes.
- Attached a built to sell condition.
- Issue raised with the position of the site notice and that the site notice was not yellow following resubmitting their application.
- The laneway is in private ownership and the applicant has failed to demonstrate consent for development outside its legal boundary.

7.4. Further Responses

None.

8.0 Assessment

- 8.1. The submitted Architectural Heritage Impact Assessment (AHIA) states that currently the relationship between the six houses (nos. 59-69) and gardens is damaged, “...*insofar as they have been cut off from their original rear gardens and the dividing walls have been largely demolished*”. It is unclear from the submitted information on file when the subdivision of the houses from their gardens occurred. I note that the rear garden space remaining to the protected structures is limited in nature when taking into account the scale of the three storey protected structures. Nevertheless, the planning authority in their grant of permission (April 2016) for 6 no. three storey mews terraced houses under planning register reference 4044/15 (not implemented) have previously indicated their acceptance of a reduction in the rear garden length for the protected structures and the subdivision of the houses from the gardens.
- 8.2. Dublin City Council’s Conservation Officer raises concerns with respect to the erosion of the urban plots in the subject application. As set out in section 4.0 of my report the subject lands have been subject to many unsuccessful planning applications since 2004 to amalgamate the plots and develop a residential scheme of scale. On balance, I consider that the amalgamation of the plots is acceptable in this instance taking into account the specific context of the subject site positioned along a laneway which is not a ‘traditional mews’ laneway (consistent with the previous inspectors assessment under 313679-22 which considered the subject site to be an infill, brownfield suitable for an appropriate level of development at para. 7.1.3), the significant separation distances available given the length of rear gardens and having regard to the development plan’s settlement strategy for urban consolidation and the subject site’s easily accessible outer city location, which has capacity to absorb a greater intensification of development due to its proximity to public transport corridors and urban infrastructure. I highlight to the Board that the applicant’s landscape proposals include structural and landscape elements to reflect the urban plots and identify the positions of the garden walls and a proposed plaque indicating the historic boundaries of the gardens.

- 8.3. The planning authority in their assessment of and decision to grant permission has addressed many of the points reiterated in the observations made to the appeal. I do not intend to revisit the assessment of the scheme in terms of the residential quality standards, proposed mix of units¹, provision of parking, private and communal amenity space and impacts in terms of loss of access to sky and overshadowing on adjoining properties and amenity spaces. I note that the planner's report confirms that the proposed scheme demonstrates compliance in respect to these criteria and having undertaken my own review of the submitted drawings I agree with their conclusions in this regard.
- 8.4. Separately I highlight to the Board other matters raised in the observations received relating to legal and procedural issues and in one observation reference is made to the proposed development being a material contravention of the development plan. I shall address these matters directly.

Legal issues

In respect to legal issues raised in an observation relating to the private ownership of Turnpike Lane I am satisfied that the applicants have provided sufficient evidence of intended change to the status of Turnpike Lane and of Dublin City Council's initiation of the process to make the laneway a public road. From the planner's report it would appear that an agreement of works between the applicant and Dublin City Council is outstanding and as a result the taking in charge of the laneway has not been completed. I highlight to the Board that Condition No. 6 relates to a number of requirements from the Transportation Planning Division specific to Turnpike Lane, which confirms that the laneway is not yet a public road. Notwithstanding the status of the laneway, I note that there is no evidence on file of any other party asserting ownership of the laneway and lack of consent to make the application. Therefore, having regard to the provisions of the 2000 Planning and Development Act (as amended), if the Board is minded to grant permission I would recommend that express reference to section 34 (13) should be provided to the parties in any cover letter enclosing the Board's decision.

¹ The subject site is outside of the sub-city 'North Inner City' geographic area in which there is a requirement for a residential mix to include a minimum of 15% three or more bedroom units.

Procedural matters

In terms of procedural matters and the alleged irregularities in respect of the nature and location of the erection of the site notices, I note that both matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations.

Material Contravention

One of the observers to the appeal have raised in their submission that the proposed development would be a material contravention to the development plan, in particular with respect to 16.10.16 of Mews dwellings. For clarity the current development plan policy and objectives that relate to Mews dwellings are as noted in section 5.0 of my report. Section 15.13.5 relates to Mews not 16.10.16 (as appended to the observer's submission). In my opinion, Turnpike Lane is not an established mews laneway location with traditional mews dwellings. Given the rear garden length of approximately between 45-50metres from rear return of the protected structures to the eastern boundary of the subject site and having regard to the wider environs including the former Mater Dei Institute building (now Crosscare hub) and the Holy Cross College (Clonliffe College) to the east, the proposed development of the residential apartment block can be considered reasonably as backland housing and is acceptable in principle in terms of the policy and objectives for urban consolidation (QHSN6) subject to a sensitive design approach that protects and/ or improves the residential conservation area (Z2). As already noted above this approach is consistent with the inspector in their assessment of the lands as an infill site (see 8.2 of my report). As such, I do not consider the issue of material contravention arises.

- 8.5. I, therefore, consider that the factors of the appeal are such that a de novo assessment is not justified, and I intend to limit consideration to the matters raised in relation to the terms of condition no. 3 and the other observations received on the appeal in this regard.
- 8.6. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and having inspected the site and having regard to the

relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Condition no. 3 - Height and scale (impact on protected structures and Z2 residential conservation area).

8.7. *Height and scale (impact on protected structures and Z2 residential conservation area).*

- 8.7.1. The subject site is located within the designated residential conservation area (Z2) and sits on lands formally garden plots for the protected structures 59-69 Drumcondra Road Lower. As noted above the relationship between the houses and the gardens has been severed. Notwithstanding the severance I am of the view that the proposed development remains within the curtilage of the protected structures even though the site is in a separate ownership.
- 8.7.2. On review of the development plan I consider that the subject site is located within the 'outer city' (beyond the canal ring) as defined in the Glossary as "*Those areas generally between the 19th century urban areas/villages and the city boundary*", also referred to as Inner Suburbs as defined in the Glossary as "*Those areas beyond the inner city which comprise the 19th century built-up areas, including Drumcondra, north Phibsborough, Rathmines and Ballsbridge*".
- 8.7.3. Table 1 of the Height Strategy contained in Appendix 3 of the development plan sets out density ranges supported in the city in six bands, as copied below:

| Table 1: Density Ranges (As taken from Height Strategy Appendix 3 of the Dublin City Development Plan 2022-2028) | |
|------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Location | Net Density Range (units per ha) |
| City Centre and Canal Belt | 100-250 |
| SDRA | 100-250 |
| SDZ/LAP | As per SDZ Planning Scheme/LAP |
| Key Urban Village | 60-150 |
| Former Z6 | 100-150 |
| Outer Suburbs | 60-120 |

- 8.7.4. There is no density range specified for the relevant definition for the site as either 'Outer City' or 'Inner Suburbs' in Table 1: Density Ranges (Appendix 3). Drumcondra is not one of the 12 identified Key Urban Villages (KUV). I highlight for the Board that 'Canal Belt' is not defined in the Glossary of the development plan but consider that it would be reasonable to apply the density range of 100-250 given the proximity of the subject site to the Royal Canal (c. 350m). The current proposal for 46 apartments has a density of 268 dph which is in excess of the supported range for City Centre and Canal Belt.
- 8.7.5. I note the observers concerns with respect to the proposed height and their suggestion for a further reduction of height to three storeys similar to the height of the protected structures which they consider would be more appropriate in the context. The Height Strategy contained in Appendix 3 of the development plan sets out that in general heights of 4-6 storeys is supported on sites within the 'Outer City' however, it requires an appropriate transition of scale and separation distances in order to protect existing amenities.
- 8.7.6. Condition no. 3 of the planning authority's decision requires a reduction in height of the proposed six storey block by two storeys (middle floors) to provide a maximum of four storeys only, and a total of 32 no. apartments instead of 46 no. apartments. Such a reduction will result in a density of 187dph.
- 8.7.7. Having regard to Appendix 3 (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City) of the Dublin City Development Plan 2022-2028 (the development plan) which states that there is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance (section 3.1) I am of the view that the proposed six storey structure would deviate from the prevailing height and density context.
- 8.7.8. As such the proposed residential height and density significantly exceeds the existing prevailing pattern of development and density range supported in the development plan for the Canal Belt area and is denser than the existing prevailing pattern of development. The development plan outlines in Appendix 3 that where a scheme proposes buildings and density that are significantly higher and denser than

the prevailing context, the performance criteria set out in Table 3 shall apply. Please refer to Table 8.1 for my assessment of the scheme against the 10 performance criteria.

Performance Criteria

- 8.7.9. Table 3 Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale sets out ten key objectives. As already assessed above I am of the view that the six-storey building and proposed density is higher than the prevailing context and I shall focus on these factors in my assessment for the proposed scheme against the performance criteria.

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

| No. | Objective | Assessment/commentary |
|-----|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | To promote development with a sense of place and character. | <p>I am of the view that the proposed development would complement the existing and established urban structure by reason of its distinctive design, the proposed transitional buildings would provide a rhythm to the laneway, the proposed high-quality finishes and the retention and reconstruction of the existing stone wall along the eastern boundary and for a large part of the southern boundary (as included for in condition no. 4 of the planning authority's decision).</p> <p>The applicants have provided a new view of the proposed development from St. Alphonsus Road in their appeal submission, and I am of the opinion that the revisions proposed at the upper levels (third, fourth and fifth floors)</p> |

| | | |
|---|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <p>reduces the bulk and mass of the block and ameliorates its visual impact in this view.</p> <p>Notwithstanding, acknowledging the importance of the established set piece of terraced streetscape, consistent ridge lines and attractive London Lime trees along Drumcondra Road Lower I have concerns with respect to bulk and massing of the pop up of the fourth and fifth floor above the ridge line of 45-55 (all odd) Drumcondra Road Lower (all protected structures) adjacent to the detached No. 57 'Blessington Cottage' Drumcondra Road Lower. This shall be further addressed under Item 9 and section 8.7.10-8.7.12 of my report.</p> |
| 2 | To promote appropriate legibility. | <p>The subject site is a corner location along a narrow laneway. I consider that the design approach incorporating a transition block would successfully enable the new structures to integrate into the existing environs. The proposed use of brick with a simple regular fenestration would echo that of adjoining and would positively contribute to the legibility of the area.</p> |
| 3 | To provide appropriate continuity and enclosure of streets and spaces. | <p>The proposed scheme includes a building ranging in height from two to six storeys. I have concerns that the six-storey element would not provide appropriate continuity and by reason of the pop up over the established ridgeline on Drumcondra Road Lower would not provide for appropriate enclosure of the</p> |

| | | |
|---|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | streets and spaces. Please see sections 8.7.10-8.7.12 in respect to height and scale. |
| 4 | To provide well connected, high quality and active public and communal spaces. | <p>The proposed scheme comprises the redevelopment of rear gardens of existing protected structures, with a total site area of 0.1715ha. No public open space is provided within the scheme. The response from the planning authority as noted in section 7.2 of my report refers to a condition requiring the payment of a contribution in lieu of the open space requirements not being met. I note that the planning authority decision did not include for such a contribution.</p> <p>The Landscape Rationale submitted by RMDA Landscape Architects & Consultants with the application demonstrates a high-quality communal space setting out how the original garden boundaries and historic plots would be included/referenced in the scheme. A natural play space is proposed within the central portion of the communal area which would allow for good passive surveillance.</p> |
| 5 | To provide high quality, attractive and useable private spaces. | Each apartment has dedicated private amenity space in the form of terraces at ground level and balconies at the upper levels. |
| 6 | To promote a mix of use and diversity of activities. | The proposed development comprises a residential apartment and no mix of uses are proposed. Given, the small-scale nature of the subject site and its prevailing context I consider that a sole residential use is appropriate. |

| | | |
|---|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7 | To ensure high quality and environmentally sustainable buildings. | <p>The architectural design is a contemporary building with a legible urban form.</p> <p>The submitted Energy & Sustainability Statement states that the most suitable renewable technology which would assist the building to meet Part L and offer compliance with NZEB standards is Air to Water heat pump for heating and hot water use in the apartments. The key sustainable design elements of the building include:</p> <ul style="list-style-type: none"> • High performance glazing in the windows • U values to match or exceed current minimum Part L requirements • Low energy lighting throughout the development • High levels of airtightness of the apartments. • Low temperature air source heat pump system. • Demand control ventilation system. <p>The Landscape Masterplan includes a rain garden and permeable paving, in the communal area to address SUDS across the site.</p> |
| 8 | To secure sustainable density, intensity at locations of high accessibility. | <p>The subject site is well served by high-capacity public transport, within walking distance of Drumcondra village and well served by a range of services including local shops and</p> |

| | | |
|----|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | services within easy walking distance of the subject site. |
| 9 | To protect historic environments from insensitive development. | As per performance criterion Item 3 I have concerns that the six-storey structure would not contribute positively to the setting of the historic and protected structures no. 59-69 Drumcondra Road Lower and would impact negatively on the streetscape including those protected structures in the adjoining terrace (Nos. 45-55 (all odd) Drumcondra Road Lower (all protected structures) adjacent to the detached No. 57 'Blessington Cottage' Drumcondra Road Lower. Please see section 8.7.10-8.7.12 of my report for further assessment. |
| 10 | To ensure appropriate management and maintenance. | The submitted supporting documentation includes a Mobility Management Plan, Preliminary Waste Management Plan, |

Having undertaken an assessment of the proposed scheme against the performance criteria contained in the development plan, and the key criteria, I am of the view that the scheme can demonstrate substantial compliance with the criterion with exception to the density and height's impact on the historic environment. These matters are further assessed further below.

8.7.10. The applicant in the appeal submission puts forward the view that the proposed development does in no way alter or interfere with the existing set-piece streetscape character, although they do acknowledge the importance of the overall presentation of the buildings towards the set piece of terraced streetscape, consistent ridge lines and attractive London Lime trees along Drumcondra Road Lower. Having reviewed the visual impact analysis and the additional submitted view from St. Alphonsus Road I note that the proposed development does not breach the height of the ridgeline of the protected structures (59-69) on Drumcondra Road Lower. As such, I

would concur with the applicant that the mitigating circumstances, including the separation distances of the six-storey element from the terrace of protected structures and the height of the existing structures do assist with the assimilation of the new structures into the site context from this view.

- 8.7.11. Nevertheless, the proposed six storey structure will be visible, as demonstrated in 'Views of amended design proposal from Drumcondra Road' (received by the planning authority on the 25 November 2024). I have concerns with respect to bulk and massing of the pop up of the fourth and fifth floor above the ridge line of 45-55 (all odd) Drumcondra Road Lower (all protected structures) adjacent to the detached No. 57 'Blessington Cottage' Drumcondra Road Lower as viewed from the southwest. This view of the proposed six storey block does not have the benefit of the London Lime trees providing screening at this point and I consider the interruption at roof level of both these floors would be a visually jarring element, obscuring the vertical break of the chimneys' along the ridgeline of 45-55 Drumcondra Road Lower and that of Blessington Cottage No. 59 Drumcondra Road Lower and would adversely impact on the character of the architectural and landscaped set piece within the designated Z2 residential conservation area. As such, the proposed development would fail to protect the visual amenities, character and special interest of this principal route leading north from the city.
- 8.7.12. In conclusion on this point, I am of the opinion having regard to the proposed design and the zinc panel finish of the fifth (top floor) that a reduction of the six-storey block by one floor (removal of the fourth floor), by way of an amended condition, would sufficiently reduce the visibility of the structure from Drumcondra Road Lower. I consider that the proposed top floor finish in zinc panels would allow that floor to be read as roofscape mitigating its visual impact. Furthermore, the reduction by one floor (7 no. apartments) would provide a more sensitive transition between the existing three storey protected structures and the proposed apartment block, in accordance with the height strategy for the Outer City (Appendix 3). Furthermore, the reduction of one floor (7 no. apartments) would reduce the overall proposed density to 227 dph which is within the supported density range for City Centre and Canal Belt in Table 1: Density Ranges (Height Strategy Appendix 3 of the Dublin City Development Plan 2022-2028).

9.0 AA Screening

Screening Determination (Please refer also to Appendix 3 Screening for Appropriate Assessment of my report)

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 South Dublin Bay SAC or the South Dublin Bay and River Tolka Estuary SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of direct connections

10.0 Recommendation

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to

(a) AMEND condition number 3 and the reason therefor as follows:

Amended Condition No. 3:

The proposed development shall be amended as follows:

- (a) The height of the six-storey block shall be reduced by one no. storey (removal of the proposed fourth floor and omitting 7 no. units). For clarity this permission is for 39 no. units in total.

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

Reason: To protect the visual amenities of the established character of the Z2 Residential Conservation Area and the special architectural interest of the protected structures as viewed from Drumcondra Road Lower.

11.0 Reasons and Considerations

Having regard to the specific context of the subject site's easily accessible outer city location, the site has capacity to absorb a greater intensification of development due to its proximity to public transport corridors and urban infrastructure. Taking into account the site comprises an infill backland site along a laneway which is not a 'traditional mews' laneway, with significant separation distances available given the length of rear gardens, it is considered that the proposed development would not, subject to an amended condition to reduce the height by one storey, adversely impact on the special character of the protected structures or seriously injure the special interest and visual amenities of the (Z2) residential conservation area along Drumcondra Road Lower.

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

Claire McVeigh
Planning Inspector

3 April 2025

Appendix 1: Form 1

EIA Pre-Screening

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|----------------|
| An Bord Pleanála Case Reference | 321745-25 | | |
| Proposed Development Summary | Construction of 46 no. apartments and all associated site works. | | |
| Development Address | Turnpike Lane at the rear of no. 59-69 Drumcondra Road Lower (Protected Structures), Dublin 9. | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | √ |
| | | No | |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | √ | Class/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units. | Proceed to Q3. |
| No | | | |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | | |
| No | √ | | Proceed to Q4 |

| | | | |
|------------------------------------------------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| | | | |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | √ | Class/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units. The proposal, as revised following further information request, is for 46 no. units. | Preliminary examination required (Form 2) |

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

Inspector: _____

Date: _____

Appendix 2: Form 2

EIA Preliminary Examination

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| An Bord Pleanála Case Reference | ABP-321745-25 |
| Proposed Development Summary | Construction of 46 no. apartments and all associated siteworks. |
| Development Address | Turnpike Lane at the rear of No. 59-59 Drumcondra Road Lower (Protected Structures), Dublin 9. |
| <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 proposed development is for the amalgamation of 6 no. rear gardens of protected structures nos. 59-69 Drumcondra Road Lower and to construct a 2-6 storey apartment block comprising 46 no. apartments.</p> <p>The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.</p> |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p> |
| <p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>The subject site is located within a designated Z2 residential conservation area and to the rear of 6 no. protected structures (nos. 59-69 Drumcondra Road Lower). The site is outside the historic city, however, it is within lands known to have formed part of a medieval grange and a review of the historic mapping suggests that there may be remains of pre-existing structures at the subject site, including an 18th century windmill. Given the site has been subject to development since it is considered that there is no real likelihood of a significant effect, archaeological conditions are recommended.</p> <p>The subject site is not located in or immediately adjacent to ecologically sensitive sites.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p> |

| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | | The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conclusion | | |
| Likelihood of Significant Effects | Conclusion in respect of EIA | Yes or No |
| There is no real likelihood of significant effects on the environment. | EIA is not required. | Yes |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | Schedule 7A Information required to enable a Screening Determination to be carried out. | No |
| There is a real likelihood of significant effects on the environment. | EIAR required. | No |

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3:

| Screening for Appropriate Assessment Test for likely significant effects | |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Step 1: Description of the project and local site characteristics | |
| Brief description of project | <p>The construction of 46 no. apartments in a single block ranging in height from 2 to 6 storeys with 408 sq. m landscaped communal open space at ground floor. See section 2.0 of my report for further project description.</p> <p>Works will include site preparation work, site clearance construction of a new building (sub-structure and superstructure construction) and connection to the wastewater networks and new surface water infrastructure.</p> <p>An Outline Construction & Waste Management (C&WM) Plan prepared by GK Consulting Engineers Ltd accompanies the application. Good practice construction site management measures are integrated into the outline C&WM plan.</p> |
| Brief description of development site characteristics and potential impact mechanisms | <p>The subject site comprises the rear gardens of six protected structures (59-69 Drumcondra Road Lower). The gardens had been divided and separated by a cut stone limestone wall which had partially collapsed in sections and now exists as low walls, collapsed rubble or stone foundations. Each garden is separated from the houses by stone walls.</p> <p>The submitted AA Screening Report confirms that a field inspection was undertaken on 19th April 2024, noting that the timing has certain limitations and certain flora and fauna may be missed due to the time of year.</p> <p>Habitats identified: Cultivated and Built Land: BC4 Flower beds and borders, BL3 Buildings and artificial surfaces. Disturbed Ground: ED3 Recolonising bare ground.</p> <p>There is no alien species as listed under schedule 3 of SI no. 477 of 2011 present on the site.</p> <p>The site is not located within or directly adjacent to any Natura 2000 sites.</p> |

| | |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Screening report | Y – an Appropriate Assessment (AA) Screening Report prepared by J M McConville & Associates Chartered Environmentalist has been submitted with the application documentation. |
| Natura Impact Statement | N |
| Relevant submissions | No |

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The submitted Appropriate Assessment Screening report identifies 10 Special Areas of Conservation (SAC) and eight Special Protection Areas (SPA) as being within 15km from the site.

Having reviewed the submitted AA screening report and the assessment of likely effects I highlight those potential impacts on Natura 2000 sites from the proposed development, as set out in the AA screening report, is restricted to discharge of surface and foul water from the site. As such I am satisfied that the other identified sites can be excluded from further consideration. I shall focus on those sites with a hydrological connection to Dublin Bay in the table below.

| European Site (code) | Qualifying interests ¹ Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections ² | Consider further in screening ³ Y/N |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------------------|---------------------------------------------------|
| South Dublin Bay SAC (Site Code: 000210) | Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] South Dublin Bay SAC National Parks & Wildlife Service (As viewed on 1/4/25). | 4.5km | Discharge to surface and foul water. | Y |
| South Dublin Bay and River Tolka Estuary | Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] | 4.5km | Discharge to surface and foul water. | Y |

| | | | | |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| SPA (Site Code: 004024) | Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999] https://www.npws.ie/protected-sites/spa/004024 | | | |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposal includes for the foul drainage to discharge by gravity to the existing combined public sewer on Drumcondra Road which is treated in the Ringsend treatment plant before being discharged into Dublin Bay.

The surface water is to be attenuated on site, using Blue/Green roof systems and tree pits with SUDS systems to provide surface water attenuation. The outfall of the overflow from these systems will be discharged into an existing combined sewer on Drumcondra Road, via a new manhole on Turnpike Lane. A dead leg is to be installed for future connection to a separate surface water public network.

AA Screening matrix

| Site name Qualifying interests | Possibility of significant effects (alone) in view of the conservation objectives of the site* | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Impacts | Effects |
| Site 1: South Dublin Bay SAC (Site Code: 000210) Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] | <p>Direct: No direct impacts and no risk of reduction in habitat area or fragmentation or any other direct impact.</p> <p>Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>At operational stage surface water will be attenuated by integrated SUDs systems.</p> <p>There will be a slight increase in the quantity of foul water discharged.</p> | <p>None anticipated.</p> <p>Low risk of surface water/foul water borne pollutants reaching the Bay. The site is significantly removed and of such a minor scale within an existing serviced urban area that it will there would be no likely significant effect on habitat quality function undermine conservation objectives related to water quality.</p> |
| | Likelihood of significant effects from proposed development (alone) in view of the conservation objectives of the site: N | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | |
| | | |
| | Impacts | Effects |
| Site 2: South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) Light-bellied Brent Goose (Branta bernicla hrota) [A046] | <p>Direct: No direct impacts and no risk of reduction in habitat area or fragmentation or any other direct impact. No reduction in species density and no disturbance of key species.</p> | <p>None anticipated.</p> |

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999] | Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Surface water will be attenuated by integrated SUDs systems. There will be a slight increase in the quantity of foul water discharged. | Low risk of surface water/foul water borne pollutants reaching the Bay. The site is significantly removed and of such a minor scale within an existing serviced urban area that it will there would be no likely significant effect on habitat quality function undermine conservation objectives related to water quality. |
| | Likelihood of significant effects from proposed development (alone): N | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | |
| | | |
| Step 4 Conclude if the proposed development could result in likely significant effects on a European site | | |
| I conclude that the proposed development alone would not result in likely significant effects on South Dublin Bay SAC or the South Dublin Bay and River Tolka Estuary SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions. | | |

Screening Determination

Finding of no likely significant effects

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 South Dublin Bay SAC or the South Dublin Bay and River Tolka Estuary SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of direct connections