



An
Bord
Pleanála

Inspector's Report ABP-321944-25

Development

Permission is sought for the demolition of an existing two-storey residential building and construction of a new four & six-storey residential apartment block consisting of 26 apartment units together with all associated site works.

Location

Oscar House, No. 309A Galtymore Road, Drimnagh, Dublin 12.

Planning Authority

Dublin City Council South.

Planning Authority Reg. Ref.

WEB2588/24.

Applicant(s)

B&BCOCO Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Refused.

Type of Appeal

First Party.

Appellant(s)

B&BCOCO Ltd.

Observer(s)

Patricia Ryan on behalf of Residents of Galtymore Road.

Date of Site Inspection

16th day of May, 2025.

Inspector

Patricia M. Young.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	8
3.4. Prescribed Bodies	11
3.5. Third Party Observations	11
4.0 Planning History	11
5.0 Policy Context	14
5.1. Local	14
5.4. National	19
5.5. Natural Heritage Designations	20
5.6. EIA Screening	20
6.0 The Appeal	20
6.1. Grounds of Appeal	20
6.2. Planning Authority Response	23
6.3. Observations	23
7.0 Assessment	26
7.2. Procedural	27
7.3. Principle of the Proposed Development	30
7.4. First Reason for Refusal: Amenity Impact	40
7.5. Amenity Impact: Other	47
7.6. Second Reason for Refusal: Parking & Access	59

7.7. Other Matters Arising	67
8.0 AA Screening.....	75
9.0 Water Framework Directive	77
10.0 Recommendation	78
11.0 Reasons and Considerations.....	79
12.0 Form 1 - EIA Pre-Screening	82
13.0 Form 2 - EIA Preliminary Examination.....	84

1.0 Site Location and Description

- 1.1. Oscar House (No. 309A Galtymore Road) is in the Dublin suburb of Drimnagh, Dublin 12, to the south of Davitt Road and the Grand Canal. It is also situated c2.5km to the south west of Dublin's city centre and forms part of Strategic Development Regeneration Area 9 – Emmet Road under the Dublin City Development Plan, 2022-2028. This irregular shaped 0.107ha backland site is served by a laneway that opens onto Galtymore Road to the immediate east of an entrance that serves a modest two storey end of terrace dwelling (Note: No. 309 Galtymore Road) and to the west of a pedestrian access that serves the Good Counsel Liffey Gaels GAA & Camogie Club grounds. This entrance is situated c180m to the west of Slievenamon Road and c250m to the south east of Benbulbin Road.
- 1.2. The main site area is located to the rear of the terrace properties of No.s 289 to 309 Galtymore Road. These modest two storey residential terrace form part of a larger once highly uniform in their design, appearance, building to space relationship formally designed residential scheme known as 'Galtymore'. This scheme is comprised of mainly terrace groups but also contains semi-detached pairs which mainly demarcate its road junctions/intersections. Several of these properties bounding the site have at some point in time been extended into their rear private amenity space by way of varying in design single storey additions. The rear boundary of No.s 289 to 309 Galtymore Road is not uniform in its alignment with the northernmost boundaries of No.s 291 and 293 extending further northwards in comparison to the properties to either side of them.
- 1.3. The main site area is predominantly covered in hardstand and has an irregular triangular shape. It contains a two-storey building that has a residential character in terms of its built form and design which is located towards its eastern end. On its western side it contains a flat roof modest in size single storey addition projecting from its rear (west) elevation. According to the documentation on file this building's recent established use was as office space though when the office use ceased that it may have been residentially used. The site also contains several container structures with the site area unkempt and evidence of dumping thereon.

- 1.4. The main boundaries of the site consist of concrete block walls, however, a metal railed boundary over solid plinth provides physical separation from the eastern boundary of this site and the adjoining GAA grounds.
- 1.5. The north and north west of the main site area is bound by light industrial and commercial properties, with frontage onto Davitt Road (R802).
- 1.6. It is of note that the while the site forms part of a predominantly two storey and residential in character area in recent times a number of former industrial/commercial sites have and are in the process of being redeveloped to accommodate taller higher density mainly residential in function buildings. This includes the former Heidelberg/Miller Building and S.C.R Garage site which is situated circa 59m to the west of the main site area at its nearest point. At this site permission was granted for part three and part nine storey apartment scheme of 188 Built to Rent units, a Medical Centre and a Gym or Restaurant / Café use (Note: ABP-309627-21 SHD). This site fronts onto Davitt Road. More recently the Board granted permission for a large-scale residential development comprising of the construction 3 to 8 storey mixed use development containing 113 apartment units at the corner of Davitt Road and Benbulbin Road. This site is located circa 145m to the north west of the main area of the site (Note: LRD6024/23-S3).
- 1.7. The entrance serving the site is situated c450m on foot to the south east of Goldenbridge Luas Stop and c450m on foot to the Suir Road Luas Stop which is located to the north east of the site.
- 1.8. Photographs taken during the inspection of the site and its setting are attached.

2.0 Proposed Development

2.1. Planning permission is sought for the following:

- Demolition of the existing 2-storey residential building.
- Construction of a proposed 4 & 6 storey residential apartment block containing 26 apartments.
- All with associated works and services including but not limited to the provision of private open space, communal open space, landscaping, bike storage and bin storage.

Table 1: Proposed Developments Key Statistics

Site Area	1,077m ² (0.265 acres/0.107ha)
Site Coverage	Proposed: 43% (533.15m ²)
Plot Ratio	1.97
Density	211 units per hectare
Demolition	153m ²
Total Gross Floor Area	2,423.38m ² (Note: 1,950.32m ² Net Floor Area – excluding communal circulation zones)
Maximum Height	19.5m
No. of Apartment Units & Breakdown	Total: 26 5 No. 3 bedroom (5-person) units (Note: 19.23%) 3 No. 2 bedroom (3-person) units (Note: 11.54%) 9 No. 2 bedroom (4-person) units (Note: 34.62%) 8 No. 1 bedroom (3-person) units (Note: 37.77%) 1 No. Studio (2-person) units (Note: 3.85%)
Dual Aspect	Ground: 2 out of 5 of the units are Dual Aspect First: 3 out of 5 of the units are Dual Aspect Second: 3 out of 5 of the units are Dual Aspect Third: 3 out of 5 of the units are Dual Aspect Fourth: Third: 2 out of 4 of the units are Dual Aspect Fifth: 2 out of 2 of the units are Dual Aspect Total: 16 of the proposed units are dual aspect equating to 60% of the total units proposed.
Public Open Space	108.7m ² (9%)
Communal Area/Terrace	105.95m ² (8.5%)
Car Parking Spaces	0
Bicycle Parking Spaces	Documentation notes a variable provision of bicycle parking spaces between 57no. to 60 in number.

2.2. This application is accompanied by the following documents:

- Cover Letter
- Design Statement
- Schedule of Units

- Housing Quality Assessment
- Shadow Analysis
- Daylight Analysis
- Mechanical & Electrical Report
- Part V Compliance

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 27th day of January, 2025, the Planning Authority issued a notification to **refuse** planning permission for the proposed development for the following stated reasons:

- “1. *Having regard to the height, scale, layout and the limited set back from the shared boundary with existing houses on Galtymore Road within this backland site, the proposed development would constitute as overdevelopment which would seriously injure the amenities of the area and of property in the vicinity through significant overbearing and overlooking impacts, on the existing houses. The proposed development would constitute a substandard form of development which would seriously injure the amenities of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The applicant has not demonstrated that a car-free development would be suitable for a development of this scale on this site. The proposed development would be detrimental to the residential amenities, public roads and footpaths of the area due to the likelihood of overspill car parking on the surrounding streets which are already provided with a low level of on-street car parking, and obstruction of footpaths arising from the same. The proposed development would be contrary to Appendix 5, Section 4 of the Dublin City Development Plan 2022-2028, and the 'Z1' land-use zoning objective of the site, and would, therefore not, accord with the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. **Planning Reports (29.01.2025):** This report is the basis of the Planning Authority's decision. It includes the following comments:

- Residential development is acceptable in principle.
- The site coverage and plot ratio the development accords with the Development Plan.
- The proposed density of 211 units per hectare in principle is acceptable.
- The site may not be conducive to achieving a density towards the maximum permissible or the default height permissible within SDRA lands due to its various site constraints.
- The design of the building would appear to be well considered without assessment of the development in proximity to its residential surroundings.
- There are no viewpoints provided from the rear gardens of Galtymore Road dwellings and from street level on Galtymore Road. These would be required to assess its full visual impact.
- The roof plan indicates location of roof plant/lift overrun; however, these are not indicated in the elevational drawings.
- In relation to the concern that the proposed apartment block could block the line of sight for an existing telecommunications mast.
- It is noted that the apartment development at the former Heidelberg / Miller Building and S.C.R. Garage Sites Davitt Road (Reg. Ref. SHD0006/21/ABP Ref. TA29S.309627) was permitted with 9 storey's reducing to 3-storeys to the south and maintained a set-back of c10m-11m from the boundaries of rear garden's to Galtymore Road and separation to rear walls of those dwellings of c. 18m – 26m. It is also noted that the Former G4S Site, Herberton Road (P.A. Ref. No. LRD6020/23-S3 was permitted with a height of 3-6 storeys whereby the lower elements (3/4 storeys) are positioned where the development was located within proximity to the rear boundaries of surrounding 2 storey Galtymore dwellings. In relation to this scheme, it is noted that Block B has a height of 3 storeys and a set-back of c9.5m–11.6m to the rear boundaries of

the dwellings on Herberton Road and c22m–24m to their rear wall. These examples demonstrate that a substantial transition in height in proximity to the rear boundaries of 2-storey housing in the Drimnagh area.

- Overbearing concerns are raised in relation to the proximity of the proposed 6-storey block to the rear of the two storey dwellings on Galtymore Road.
- No daylight analysis to assess the impacts of the proposed development on the daylight provision to dwellings on Galtymore Road provided.
- There are windows at 1st to 5th floor level within c. 4.5m of the rear boundary to No. 295 Galtymore Road which faces directly towards the rear garden. It would be preferential to avoid windows at such proximity to the boundary.
- Semi-mature trees should be specified as part of any landscaping scheme.
- While the terrace space at 5th floor level is considered to have a sufficient separation distance, the lower-level terrace spaces should be screened to a height of 1.8m-2m or alternatively omitted.
- Unit 3's (Studio) aggregate bedroom/living area does not meet the relevant standards.
- It is not clear throughout the proposed apartment units whether storage areas exclude kitchen presses and hot presses.
- It is not clear if the proposed scheme complies with the universal design requirements.
- No Building Life Cycle Report submitted.
- The applicant has not provided a daylight/sunlight analysis of the private amenity spaces serving the proposed apartment units and concern is raised that it is likely that the ground floor terraces will experience substantial overshadowing.
- Communal open space provision concerns are raised.
- The provision of roof terraces does not circumvent the need to provide an adequate accessible and qualitative ground floor residential amenity.

- The development is indicated to incorporate 9% of public open space; however, it is not considered that this space is conducive to meaningful public open space.
- Section 15.8.8 of the Development Plan and Section 4.13 of the 2023 Apartment Guidelines recommend for schemes of 25 or more units with two or more bedrooms that small play spaces (about 85 – 100m²) be provided. It is noted that the western communal space is indicated as play area; however, of concern no details of the play space has been provided.
- The applicant has not provided sufficient justification for a car free development.
- The proposed development constitutes overdevelopment.
- No AA or EIA concerns arise.
- Recommends refusal.

3.3. Other Technical Reports

3.3.1. **Drainage Division (19.12.2024):** No objection subject to safeguards.

3.3.2. **Transportation Planning Division (02.01.2024):** Recommends refusal. I note to the Board that its recommendation of refusal which reflects this Divisions concerns reads:

“Having regard to the location of the site and the low-provision (1no. accessible space) of car parking and car storage, it is considered that the proposed development would give rise to unacceptable levels of overspill and haphazard parking on adjacent heavily trafficked road, and would seriously injure the amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of pedestrians, bus services and other road users. The development is therefore considered contrary to Policy SMT27 and Appendix 5, Section 4.0 of the Dublin City Development Plan 2022-2028 and to Section 4.23 the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage in December 2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. During the Planning Authority's determination of the subject planning application, it received 19 No. Third Party Observations which collectively objected to the proposed development. The concerns raised in these submissions I consider are wide ranging in their scope and overlap with the Third-Party Observation received by the Board which I have summarised under Section 6 of this report. In my view the key issues raised can be summarised as follows:

- Overdevelopment.
- Questions the capacity of this area to absorb this development.
- Adverse impacts on established residential amenity.
- Over supply of Build to Rent units in this area.
- Road and traffic safety concerns, including an overspill of car parking in its vicinity.
- Question marks over the adequacy of the documentation provided.
- Lack of clarity on the management of the scheme when operational.
- Concerns raised in relation to potential subsidence arising from the proposed development if permitted.
- Concerns raised that there is lack of clarity in relation to access to the proposed development in an emergency situation.
- Potential interference with telecommunication signals from nearby mast.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. 4071/23:** Permission was **granted** to convert existing offices, one on ground floor and office on first floor to 2 no. 2 bedroom apartments, minor

alterations to house to allow for conversion and all associated site works. Decision date: 24.01.2024.

P.A. Ref. No. WEB1330/19: Retention permission was **refused** for the change of use permission of vacant office units at ground & first floor level to accommodate 4 no. residential apartments including all associated site works (Note: Decision date: 24.07.2019). The stated reasons for refusal are:

- “1. The proposed development, involving a change of use from existing employment use to entirely residential use is contrary to the zoning objective Z6 ‘To provide for the creation and protection of enterprise and facilitate opportunities for employment creation’. The proposed development, in itself and by the precedent a grant of planning permission would set for similar undesirable developments which contravene the zoning objective, is contrary to Section 14.8.6 of the Dublin City Development Plan 2016-2022, and contrary to the proper planning and sustainable development of the area.*
- 2. The units to be retained fail to provide for any private open space, do not meet the minimum apartment floor areas, ceiling height or internal storage areas, as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018. The proposal will therefore provide for poor internal amenity for occupiers and results in a substandard form of development, which would set an undesirable precedent for similar developments in the area. The retention of the change of use from office to residential use would therefore be contrary to the provisions of the City Development Plan 2016-2022, and to the proper planning and sustainable development of the area.”*

4.2. Setting

- **Address: Former Heidelberg/Miller Building and S.C.R Garage sites, Davitt Road, Dublin 12 (Note: c60m to the west of the site at its nearest point).**

ABP-309627-21 (Note: Strategic Housing Development (SHD)):

On appeal to the Board permission was **granted** for the demolition existing buildings on site and the construction of a Part 3 to Part 9 storey building in a u-shaped block layout, over basement level, including 2 no. commercial units (with a GFA of 101 sqm

and 193 sqm, for Class 1- Shop or Class 2- Office / Professional Services or Class 8- Medical Centre or Class 11 – Gym or Restaurant / Café use), 188 no. Build-to-Rent (BTR) apartments, resident support facilities, and resident services and amenities.

Decision date: 28.06.2021.

- **Address: Site of 0.295 hectares at Davitt Road (R812) and Benbulbin Road, Drimnagh, Dublin 12, including the site of the former 'Marble Arch' (public house), 1 Benbulbin Road, Dublin 12, D12 HC7F and an adjoining site at Davitt Road, Dublin 12 (Note: c147m to the west of the site at its nearest point).**

ABP-318989-24 (P.A. Ref. No. LRD6024/23-S3):

On appeal to the Board permission was **refused** for the demolition of Marble Arch public house and other structures and the construction of 113 apartments and restaurant/ café/ bar, gym, and retail unit in a three to eight storey over basement block for the following stated reasons:

- “1. *The proposed development as originally proposed, located within the Emmet Road Strategic Development Regeneration Area (SDRA) provides for 113 apartments on a site area of 0.295 hectares which results in a density of 383 units per hectare. This is contrary to the density range requirements of the Dublin City Development Plan, which provides for a density of between 100-250 units per hectare in the SDRA's and is contrary to Policy and Objective 3.1 of the Sustainable and Compact Settlement Guidelines, 2024. The proposed development would, therefore, provide for a significantly excessive density contrary to National and Local Policy Objectives.*
2. *It is considered that the proposed development, by reason of its lack of private amenity space for a significant number of the proposed apartments, would be an inappropriate form of development at this location. The proposed development would, therefore, provide for substandard residential amenity, would seriously injure the existing amenities of the area and would be contrary to the proper planning and sustainable development of the area.*
3. *It is considered that the development as originally proposed, by reason of its height, scale, massing and density at this prominent corner site, would constitute overdevelopment of the site and would seriously injure the amenities of the area and of property in the vicinity through significant overbearing and overlooking, especially of the existing houses on Galtymore Road. The*

proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

Decision date: 08.05.2024.

- **Address: Former Dulux Factory Site, Davitt Road, Dublin 12 (Note: 245m to the west at its nearest point).**

P.A. Ref. No. 2747/20:

Planning permission was **granted** subject to conditions for modifications to development previously permitted under ABP-303435-19 (P.A. Ref. No. SHD0002/19).

Decision date: 10.09.2020.

** Note: ABP-303435-19 (SHD): Permission was granted by the Board for the construction of 265 Build to Let Apartments, with 119 car parking spaces, café, including range of communal space together with all associated site works and services.*

5.0 Policy Context

5.1. Local

- 5.1.1. The Dublin City Development Plan, 2022-2028, is applicable.
- 5.1.2. The appeal site is zoned ‘Sustainable Residential Neighbourhoods – Z1’. The land use zoning objective for such lands is *“to protect, provide and improve residential amenities”*. ‘Residential’ is a permissible use, subject to safeguards. The site is bound by ‘Amenity/Open Space Lands/Green Network – Zone Z9’ on its eastern side. The land use objective for these adjoining lands is: *“to preserve, provide and improve recreational amenity, open space and ecosystem services”*.
- 5.1.3. Under Section 14.6 of the Development Plan, in relation to transitional zone areas it states: *“while zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. 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”*.

- 5.1.4. The site falls inside Strategic Development Regeneration Area 9 (SDRA 9 – Emmet Road).
- 5.1.5. Section 13.11 sets out that SDRA 9 *“builds on the Kilmainham-Inchicore Development Strategy and identifies a number of industrial/former industrial sites, Dublin City Council housing sites and other potential regeneration sites that offer strategic regeneration opportunities for the area”* and that *“leveraging key pieces of public infrastructure such as the Grand Canal cycleway and the Luas Red Line, the SDRA seeks to provide a strategic vision for the redevelopment of these regeneration sites and to improve their connections to the villages of Inchicore and Kilmainham”*.
- 5.1.6. SDRA 9 is broken into four distinct areas with the site forming part of “4 - Davitt Road East”. In relation to this land parcel it recognises that this area falls under a number of different ownership parcels, and it indicates that: *“any redevelopment of the sites should follow the pattern identified in the Guiding Principles Map, with buildings appropriately spaced”*. It also indicates that a number of locally higher buildings located along the Davitt Road edge could deliver urban design benefits. Additionally, the site is indicated in Figure 13-9 as a ‘Potential Redevelopment Site’ and there is an indicative building footprint indicated. The latter is setback from the southern boundary and overlaps with lands outside of the site and extends to the north onto lands fronting Davitt Road which are indicated as an opportunity site.
- 5.1.7. Chapter 2 of the Development Plan sets out the Core Strategy . It includes Objective CSO10 which supports the development of brownfield, vacant and regeneration sites.
- 5.1.8. Chapter 3 of the Development Plan deals with the matter of Climate Action. Of note:
- Policy CA8 - Climate Mitigation Actions in the Built Environment.
 - Policy CA9 - Climate Adaptation Actions in the Built Environment.
 - Policy CA10 requires all new developments involving 30 residential units and more to submit a Climate Action Energy Statement.
- 5.1.9. Section 4.5.2 Chapter 4 of the Development Plan sets out the City Councils approach to the Inner Suburbs and Outer City as Part of the Metropolitan Area. It states that a: *“key objective will be to ensure that these large suburban areas are integrated into the structure of the city, both in relation to the city centre and the metropolitan area. Future development will be aligned with the strategic development areas and corridors set*

out under the Dublin MASP and further opportunities for intensification of infill, brownfield and underutilised land fully explored, particularly where it aligns with existing and future public transport infrastructure". It includes:

- Policy SC8 - Development of the Inner Suburbs: *"to support the development of the inner suburbs and outer city in accordance with the strategic development areas and corridors set out under the Dublin Metropolitan Area Strategic Plan and fully maximise opportunities for intensification of infill, brownfield and underutilised land where it aligns with existing and pipeline public transport services and enhanced walking and cycling infrastructure".*

5.1.10. Section 4.5.3 'Urban Density' of Chapter 4 of the Development Plan indicates that the environmental and sustainability benefits of increasing urban densities are now well accepted principles and enshrined in higher level planning policy provisions as well as guidance. It states: *"it is acknowledged that good quality, higher density developments can make a positive contribution to the evolving urban form and structure of the city and can help to achieve sustainable land use and movement patterns. Increasing density can however, bring challenges in terms of ensuring appropriate levels of amenity for existing and future residents and integrating higher density schemes successfully with the existing built fabric".* Of note are the following policies:

- SC10 - Urban Density: This policy seeks to ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in higher level planning provisions on this matter.
- SC11 - Compact Growth: This policy aligns with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:
 - Enhance the urban form and spatial structure of the city.
 - Be appropriate to their context and respect the established character of the area.
 - Include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents.
 - Be supported by a full range of social and community infrastructure such as schools, shops and recreational areas.

- Have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.

5.1.11. Section 4.5.4 'Increased Height as Part of the Urban Form and Spatial Structure of Dublin' of Chapter 4 of the Development Plan states that: *"aligned with the principle of greater densification, will be the requirement to consider greater height in appropriate locations"*. Of note policies:

- SC14 - Building Height Strategy states: *"to ensure a strategic approach to building height in the city that accords with The Urban Development and Building Height Guidelines for Planning Authorities (2018) and in particular, SPPR 1 to 4"*.
- SC16 - Building Height Locations states: *"to recognise the predominantly low rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including" ... "Strategic Development Zones" ... "as identified in Appendix 3, provided that proposals ensure a balance with the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area"*.

5.1.12. Section 4.5.5 'Urban Design and Architecture' of Chapter 4 of the Development Plan states: *"well-considered urban design and architecture, including use of high-quality materials and finishes, and well-designed buildings, spaces and landscapes make a positive contribution to the urban environment and improve the environmental performance, competitiveness and attractiveness of the city. The quality of urban design and architecture improves economic value and is a key element in regeneration proposals"*.

5.1.13. Chapter 5 of the Development Plan deals with the matter of Quality Housing and Sustainable Neighbourhoods including policies and objectives for residential development, making good neighbourhoods and standards, respectively, should be consulted to inform any proposed residential development and Chapter 15 sets out in detail the development standards for residential developments.

5.1.14. Section 9.5.2 of the Development Plan deals with the matter of urban watercourses and water quality. It highlights the role of the Water Framework Directive (WFD) in protecting and improving water quality in support of ecology and the attainment of good status in our rivers, lakes, groundwater and transitional coastal waters by 2027.

5.1.15. Appendix 3 and 5 of the Development Plan provides additional residential standards that are relevant to the nature of the proposed development.

5.1.16. Volume 6 of the Development Plan deals with Appropriate Assessment and Natura Impact Reporting.

5.2. **Local – Other**

5.2.1. Reference is made by the Appellant in this appeal case to a document titled: ‘Dynamic Drimnagh Development Plan, 2030’. I note to the Board that according to the Dublin City website that this is a ten-year project that supports the development of a strategic community plan for Drimnagh and that it seeks to address community deficits and enhance its positive assets.

5.3. **Regional**

5.3.1. **Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031:** This strategy provides a framework for development at regional level. The RSES promotes the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint. It also supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region. The following regional policy objectives (RPOs) are considered relevant to this application:

RPO 3.2 – Promotes compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city.

RPO 4.3 - Supports 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.

Additionally, the site lies in the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP), including brownfield and infill development, to achieve a target to 50% of all new homes within the built-up area of Dublin City and its suburbs.

5.4. National

- **Project Ireland 2040 - National Planning Framework (NPF)**, 2018-2040, is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040 and within this framework Dublin is identified as one of five cities to support significant population and employment growth.

National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF and include the following:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 11 presumption in favour of development in existing settlements subject to safeguards.
- NPO 32 targets the delivery of 550,000 additional households by 2040.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- Housing for All – A New Housing Plan for Ireland, 2021.
- Rebuilding Ireland – Action Plan for Housing and Homelessness, 2016.
- Climate Action Plan, 2025.
- National Sustainable Mobility Policy, 2022.
- Cycle Design Manual, NTA, 2023.
- National Biodiversity Action Plan, (NBPA), 2023-2030.
- Places for People – the National Policy on Architecture, 2022.
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024).
- Design Manual for Urban Roads and Streets (DMURS), 2019.
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.

- The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009.
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- Appropriate Assessment Guidelines for Planning Authorities.
- Development Management Guidelines for Planning Authorities, 2007.

5.5. Natural Heritage Designations

- 5.5.1. The site is outside the zone of influence for any Natura 2000 sites. The nearest such site is South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located c5.9km to the north east of the site at its nearest point.
- 5.5.2. The site is located c114m to the south of proposed Natural Heritage Areas: Grand Canal (Site Code: 002104)

5.6. EIA Screening

- 5.6.1. See completed Forms 1 and 2 attached.
- 5.6.2. Having regard to the limited nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to any sensitive location, I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of this First Party Appeal seek that the Board overturn the decision of the Planning Authority on the basis that the proposed development accords with the

proper planning and sustainable development of the area. It can be summarised as follows:

Planning History

- The site has extensive planning history.

Site and Setting

- The site forms part of SDRA 9 and lies within the Dynamic Drimnagh Development Plan.
- These SDRA lands have capacity for 1,050 units and heights of between 6 to 8 storeys.
- Given the connectivity of the site's location, it has the capacity to accommodate a building of height and enhance the local area in a manner appropriate to City Council guidelines.
- The existing building on site dates to c1930 to 1939 and was originally a retail shop at ground floor level with residential over. It was in residential use up until early 1970s, with its former use being office related, and it is now vacant.
- There is an emerging pattern of taller and denser buildings permitted in the locality.

Procedural

- The Planning Authority did not give the applicant the opportunity to address their concerns by requesting additional information.

Compliance with Planning Provisions

- This proposal aligns with local through to national planning provisions, including in terms of its density.

Visual Amenity

- The visual impact of the proposed development would be neutral to positive.
- The finalised scheme will include a varied array of high-quality materials.
- The design is modern but seeks to integrate with its surroundings.

- Additional visuals are submitted which seek to show this developments integration with its setting.

Building Height

- This proposal reaches a height of 18.36m with its height ranging from three to six storey providing for a transition with its setting.
- The proposed height is appropriate to its evolving context.

Residential Amenity

- This proposal has been designed with consideration given to Galtymore Road.
- The design seeks to limit any undue overlooking.
- The upper floor levels have been setback from the neighbouring residential properties to reduce the potential of being visually overbearing.
- No undue overshadowing would arise on properties in its vicinity.
- A blank wall directly faces onto the rear of houses and balconies have been provided with appropriate setbacks to ensure no undue diminishment of established residential amenities.
- The shadow analysis provided with this appeal shows that the impacts would be within acceptable limits.

Car Free Development

- The Development Plan provides for the relaxation of parking in Zone 1 and 2 of the city for any site.
- This site is within a highly accessible location with a bus stop within 8m, Goldenbridge Luas Stop within 350m and Suir Luas Stop within 450m.
- The site is highly permeable on foot and by bicycle.
- There are a range of services as well as sources of employment available within walking distance of the site.
- The designated disabled space would act as a provision for drop offs, service for visitors and car sharing.

- There are other transport services such as car club/shared cares being widely used and communal cars are available throughout Dublin city.
- A Residential Travel Plan can be implemented upon agreement.

Communal Open Space

- Proposal offers reasonable levels of communal open space.
- The communal open space on the fourth and fifth floor levels have been designed with a setback of 1.2m on fourth floor and 0.8m on fifth floor. Additionally, a 1.5m high glass protection barrier to prevent overlooking is proposed with this ensuring privacy.

Observers

- An overview of the Third-Party observations is provided.

Outdoor Play Space

- A dedicated play area within the communal open space is proposed.

Other

- This submission is accompanied by a revised Site Layout Plan with Roof Plan.

6.2. Planning Authority Response

- 6.2.1. The Board is requested to uphold their decision; however, if permission is granted it is requested that conditions are imposed in relation to the following: Section 48; Payment of a Bond; Contribution in lieu of Open Space; Social Housing; Naming & Numbering; and a Management.

6.3. Observations

- 6.3.1. On the 24th day of March, 2024, the Board received a Third-Party Observation from Patricia Ryan on behalf of the Residents of Galtymore Road which seeks that the Board uphold the Planning Authority's decision. It can be summarised as follows:

Procedural

- Concerns raised in relation to the time for making an appeal to the Board.

- The Planning Authority were under no obligation to request further information.
- The Planning Authority's Planning Officer's report adhered to due process and fair procedure in their assessment of the proposed development as well as had regard to all relevant matters.
- The Appellant lodged their appeal with the Board on the last day and this limited Third Parties from lodging Third Party Appeals.
- The absence of visual viewpoints and other information with an application can compromise fair procedure.
- The absence of relevant information from this application breaches public consultation obligations.

Planning history

- An overview of the planning history of the site and its setting is provided.

Compliance with Planning Provisions

- The Planning Authority considered this proposal against relevant local through to national planning provisions and guidance.

Impact on Neighbouring Properties

- This proposal fails to have sufficient regard to the impact on neighbouring properties.
- The daylight/shadow analysis provided is illegible.
- This proposal has the potential to give rise to overlooking, visual overbearance, overshadowing, additional road safety issues through to various nuisances to neighbouring properties with the Galtymore Road properties being particular sensitive to change.

Traffic

- The Planning Authority's Transportation Division does not support a car free development for a scheme of this site at this location and recommended refusal or alternatively the number of units be reduced.
- Insufficient justification for a car free development provided.

- Other larger schemes permitted in the area, including at the Heidelberg/Miller Building and SCR Garage site on Davitt Road as well as the former Dulux site provided a level of parking.
- Concerns were raised in terms of servicing this proposed development and the traffic it would generate.
- There is a strong possibility that future occupants may have a car.
- Lack of adequate turning space for vehicles on site.
- Concerns are raised in terms of access for emergency service vehicles. There are already difficulties for emergency services to access and navigate Galtymore Road.
- Access and egress concerns are raised in relation to the lane and its entrance onto the public domain of Galtymore Road.
- Cycle lanes proposed under the Drimnagh Smarter Travel were not implemented.
- There is a significant overspill of parking on the roads in this locality.
- The local roads suffer from severe congestion.

Transitional Zonal Area

- Reference is made to the transitional zonal character of the site setting.
- This site does not have frontage onto Davitt Road unlike the other larger scale residential developments permitted in this locality.
- The design for any redevelopment of this site must consider its context.
- The other larger scale permitted residential schemes in this locality provided greater setbacks and stepdown in building heights than proposed under this application.

Visual Impact

- The visualisations provided are limited in their scope and lack context, including in relation to Galtymore Road properties. They are insufficient for assessing visual impact of this development on its setting.

Community Facilities

- There is no capacity for this locality's community facilities to absorb this development.
- Community Audits carried out as part of SHD and LRD applications do not identify Drimnagh as a sustainable community.

Standard of Future Amenity for Occupants

- This development provides substandard communal open space, car parking through to fails to provide a charging point for on site for vehicles.

Other

- The submission lacks a Demolition Plan, Traffic Management Plan and Mobility Plan which are important in providing noise, dust, traffic and pollution measures.
- This development could adversely impact on signal from a mast that was permitted to improve coverage for this locality.
- The appellants appeal submission to the Board fails to address all the concerns raised by the Planning Authority's Planning Officer in their assessment of the proposed development.
- The recent constructions along Davitt Road have resulted in the canal being overshadowed which has impacted on wildlife.

7.0 Assessment

7.1. Preliminary Comment

- 7.1.1. Having carried out an inspection of the site and its setting, examined the application details and all other documentation on file, including all of the submissions and responses received by the Board, having regard to the planning history of the site and its setting together with having regard to the relevant local through to national policies and guidance, I consider that the key issues in this appeal case relate to the Planning Authority's two given reasons for refusal of permission and also the matters raised by the Third Party Observers in their submissions to the Board. I therefore propose to assess this case under the following broad headings:

- Procedural
- Principle of the Proposed Development
- First Reason for Refusal: Amenity Impact
- Amenity Impact: Other
- Second Reason for Refusal: Parking & Access
- Other Matters Arising

7.1.2. The matter of 'Appropriate Assessment' also requires examination. This matter I propose to address at the end of my assessment below.

7.1.3. I am satisfied that outside of the issues arising in the broad headings set out above that the proposed development gives rise to no other substantive planning concerns that cannot be addressed by way of standard conditions that would be normally imposed on such a proposed development were it to be permitted, with this including but not limited to the standard conditions which the Planning Authority's Drainage Division and those indicated by the Planning Authority in their response to the grounds of appeal. I also consider that the proposed development due to the lateral separation distance between it and the Grand Canal which is located between c67m to 115m to the north of the site and with buildings as well as their associated urban spaces in between would not give rise to any additional overshadowing of this waterbody which is raised as a concern by the Third Party given this lateral separation distance.

7.1.4. I also note to the Board that the Appellants appeal submission is accompanied by a modestly amended Site Layout Plan/Roof Plan and that an analysis of the daylight/overshadowing impact. In my view there are no significant changes arising from the Appellants submission. The assessment below is based on the proposed development as lodged with the Planning Authority.

7.2. **Procedural**

7.2.1. I first note to the Board that the Appellant in their grounds of appeal raise concerns that the Planning Authority did not request further information which would have provided them with an opportunity to address and in their view overcome its concerns. They contend that if this opportunity had been provided to them that a positive decision

would have been reached by the Planning Authority in their determination of this proposed development.

- 7.2.2. In relation to this concern, I am cognisant that the Planning Regulations provide for the making of further information requests. I note that Section 5.7. of the Development Management Guidelines indicate that such requests may only be sought where it is necessary for the determination of the application and that they may not be used to seek changes to aspects of the proposed development. The guidelines clearly set out that: *“where there is a fundamental objection to the proposed development on other grounds; applicants should not have to suffer unnecessary delay or expense if a refusal is likely”*.
- 7.2.3. It is of note in my view that the Planning Authority’s Planning Officer in their report’s conclusion considered that the proposed development requires substantial amendments in terms of its layout and height. On this point they refer to the approach taken on other higher in density and height developments permitted in this locality where the considered that more careful regard was had in their overall design and layout of buildings to space in terms of the potential impacts on the prevailing 2-storey context of existing two storey residential development bounding their sites. The Planning Authority’s Planning Officer indicated that this included but was not limited to providing more sufficient setbacks from boundaries of buildings of height through to graduation of built form through to other design measures to mitigate undue impacts.
- 7.2.4. Additionally, the Planning Authority’s Planning Officer concurred with the concerns raised by the Planning Authority’s Transportation Division which concluded with a refusal of permission on matters including the potential for this development to overspill onto already congested streets within the site vicinity and the inappropriateness of what is effectively a car free development on this site.
- 7.2.5. In my view it is clear from the assessment provided by the Planning Authority’s Planning Officer as well as their conclusions that they were of the view that their various planning related concerns were of a substantive nature that the proposed development warranted a refusal of permission and that they could not be overcome by a further information request. Given the substantive scope of their conclusions in relation to a variety of planning matters I consider that a further information would have been contrary to proper planning practices to have requested further information. On

this point I concur that the level of change cumulatively required to overcome their concerns would have resulted in a significant revisiting of the overall design, nature, scale, extent, through to layout of the proposed development. Such level of change would also have had the potential to prejudice third party rights as the proposed development would be fundamentally and materially different from the nature of the development proposed including that set out in its public notices.

- 7.2.6. To this I also note for clarity that the Planning Authority has the discretion as provided for under planning legislation to ensure the efficient operation of the development management system and avoid unnecessary delays while ensuring that public participation rights are safeguarded. Further, the Board does not have an ombudsman's role on such matters and their remit in this appeal case is the assessment of the proposed development on an entirely de novo basis from which it will base its final decision on the appropriateness of this development at this location is made.
- 7.2.7. In addition to the above procedural concern I note that the Third-Party Observers also raise several procedural concerns that also fall outside of the scope of the Boards remit. These concerns include the timeframe for which a Third Party can make an appeal where a First Party has lodged an appeal on the last day for doing so. I note that notification of this appeal was provided for all Third Parties who submitted observations to the Planning Authority during its determination of this application through to there are provisions made within the appeal process for public participation. To this I note they also raise concerns in relation to the adequacy of the documentation provided with the planning application through to that information provided with the appellants appeal submission.
- 7.2.8. For example, in relation to this concern, they raise concerns regarding the adequacy of daylight and shadow analysis of the existing site and the proposed site circumstances. I would share their concerns in relation to this. Notwithstanding, like the Planning Authority in their determination of this application given the substantive issues arising in the assessment below from the proposed developments overall design and layout I am of the view that unless the Board was minded to grant permission that it would not be appropriate for the reasons set out above to seek that applicant provide additional more adequate information.

7.2.9. Further I have considered the information available on file, I have carried out an inspection of the site as well as its setting and I also note that the Appellant in their submission has included a modestly revised Site Layout Plan with proposed roof plan. They have also clarified in their submission the treatment of the proposed play area to serve future occupants. When taken altogether there is in general adequate information available to consider this appeal case. In saying this I accept that a daylight and shadow analysis provided with this appeal does not appear to have been carried out in accordance with best practices and is not highly legible. I also consider that the viewpoints provided for the assessment of visual impact of the proposed development still lacks adequacy particular in terms of Galtymore Road and the neighbouring Galtymore Road properties. The provision of such information to a more qualitative and robust standard would in my view not overcome the concerns raised in my assessment of the overall proposed development and its lack of appropriateness for this site as well as for this context having regards to the proper planning and sustainable as well as climate resilient development of the area.

7.3. Principle of the Proposed Development

7.3.1. The proposed development relates to a brownfield site that is zoned 'Sustainable Residential Neighbourhoods - Z1' under the Dublin City Development Plan, 2022-2028 (Note: Section 14.7.1). The land use zoning objective for such land seeks '*to protect, provide and improve residential amenities*' and the Development Plan indicates under Section 14.7.1 that its vision within this land use zone for residential development: "*is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services. The objective is to ensure that adequate public transport, in conjunction with enhanced pedestrian and cycling infrastructure, provides such residential communities good access to employment, the city centre and the key urban villages in order to align with the principles of the 15-minute city*". It also indicates that permissible land uses on 'Z1' zoned land includes residential which the proposed development would be consistency with.

7.3.2. The site is also located immediately inside the easternmost boundary of Strategic Development Regeneration Area 9 – Emmet Road (SDRA) under Chapter 13 of the

Development Plan where it is indicated under Figure 13-9 as a potential development site, with also a potential built form indicated as overlapping with the land to the immediate north of the site and extending in proximity to where the adjoining lands meet Davitt Road (Note: PJ Hegarty & Sons).

- 7.3.3. To the immediate east the site is bound by 'Amenity/Open Space Lands/Green Network - Z9' zoned lands. The land use zoning objective for such lands is 'to preserve, provide and improve recreational amenity, open space and ecosystem services'. This type of zoned lands is considered under Section 14.7.9 of the Development Plan as being: "*multi-functional and central to healthy place-making, providing for amenity open space together with a range of ecosystem services*". The Development Plan also states that they: "*include all amenity, open space and park lands, which can be divided into three broad categories of green infrastructure as follows: public open space; private open space; and, sports facilities*". I also note having regard to the National Biodiversity Plan that the role of such lands is important in terms of improved biodiversity and ecological connectivity, nature-based surface water management, flood attenuation, river corridor restoration and climatic resilience within the context of Dublin city and its predominantly built over urban landscape.
- 7.3.4. Against this context I note to the Board that Section 14.6 of the Development Plan provides that for lands that are transitional zonal area that it is important to avoid abrupt transitions in scale and land-use between zones. It goes on to state 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*".
- 7.3.5. The proposed development sought under this application includes the demolition of an existing two storey residential building that is located in the main area of the site which lies to the rear of the residential dwellings of No.s 289 to 309 Galtymore Road private amenity space. It also lies to the south of buildings and spaces occupied by PJ Hegarty & Sons, a construction company. To the immediate west it is bound by land that appears to be in use by the City Council for the storage of its service vehicles and associated structures.
- 7.3.6. It would appear that the most recent use of the existing building on site is as two residential units. At the time of inspection, it appeared to be in a poor state of repair

and vacant with the surrounding mainly impermeable hardstand showing evidence of dumping and a few container containers located towards its western site.

- 7.3.7. While I am cognisant that the Development Plan under Chapter 3 seeks to retrofit and repurpose existing buildings as opposed to their demolition as one of its climate resilience measures with this approach further supported by Development Plan policies and provisions including but not limited to Policy CA6; notwithstanding, this building is not afforded any specific local through to other type of protection. In this regard it is not of any particular architectural merit and though it is in its built form through to aesthetic character consistent with the wider Galtymore residential scheme; its backland character and general state of poor condition as well as upkeep where visible from the public domain poorly contributes to visual and functional amenities of its setting.
- 7.3.8. Additionally, I consider that the metal container structures are also out of character with built structures within its setting and the main site area's hardstand through to lack of greening poorly transitions with the adjoining Good Counsel GAA & Camogie Club to the east of the site. Its campus grounds are comprised mainly of large areas of maintained grass pitches. Additionally, its perimeters despite the presence of mature standalone mature trees in proximity to them are visually porous. This results in the site and its buildings thereon being highly visible from the adjoining public domain when viewed from the east and north west.
- 7.3.9. Moreover, I consider that the poor built quality of the existing building on site would not be feasible for qualitative repurposing as part of a development that untapped this site's latent potential.
- 7.3.10. I note that Section 4.4 of the Development Plan sets out the vision for the urban form and structure of the Dublin city. In this regard it states: *"to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors"* and it sets out key strategic approaches to achieving this vision underpinning the development plan as including the *"creation of a consolidated city whereby infill and brownfield sites are sustainably developed, regenerated and new urban environments are created, and where underutilised sites and buildings are actively repurposed and intensified"*.

- 7.3.11. Further Section 4.5.2 of the Development Plan indicates that there are further opportunities for intensification of infill, brownfield and underutilised land fully to be explored within the city, including where it aligns with existing public transport infrastructure.
- 7.3.12. On this point I note that this approach is supported under Policy SC8 of the Development Plan, with Chapter 4 of the Development Plan also seeking to align with RSES and Dublin MASP as part of promoting greater densification and more intensive forms of development particularly on infill, brownfield and underutilised lands along key strategic public transport corridors.
- 7.3.13. To this I note as set out in Section 1 of this report this sites proximity to Goldenbridge Luas Stop and Suir Road Luas Stop. The site is also located in proximity to Dublin Bus Stops not just on Galtymore Road but within close walking distance of the site with these serving several different bus routes. Together providing a high frequency of service to Dublin city centre where additional connectivity to a variety of locations within the city and beyond can be achieved by way of a variety of public transport as well as other transportation modes.
- 7.3.14. In this case I am satisfied that the demolition of the existing building on site together with associated site clearance as part of reversing this site's vacant state, subject to safeguards is acceptable. Such safeguards I note including standard demolition, construction, traffic, nuisance through to waste management plans and controls which can be achieved by way of conditions should the Board be minded to grant permission.
- 7.3.15. In relation to the proposed development that would be facilitated by the above works I note that in summary these relate to the construction of what is described as a four and six storey residential apartment block which would contain a total of twenty-six apartment units. I also note that the description of the nature of the residential development does not indicate that its end use would be as a build to rent apartment scheme. This is raised as a concern by Third Parties observations received by the Planning Authority on the basis that there is an oversupply of this type of residential development in this area and with further concerns raised to the lack of communal as well as other supporting amenities within this proposed scheme for future occupants as proposed.

- 7.3.16. In relation to the nature of the land use proposed as said the principal of residential development is acceptable on land zoned 'Z1'. I also note that the adjoining lands to the north and north west are also zoned 'Z1' but also overlapped by a Red Hatched Conservation Area as shown in Map E of the Development Plan with this following the alignment of the Grand Canal and extending to the north and south of this waterbody.
- 7.3.17. Also, while there is a transitional land use zonal sensitivity arising from the adjoining 'Z9' lands and also the fact that the adjoining Galtymore Road properties are located outside of SDRA 9, the site itself would appear to have originally functioned as a whole or in part as a dwelling unit with part retail element at ground floor level. It is located where there is a transitional zonal character with the lands to the north being highly coherent in their modest two storey built forms.
- 7.3.18. In relation to SDRA 9 lands that the site forms part of I note that the Development Plan indicates that they: *"will play a key role in meeting the National Strategic Objectives, and particularly those of compact growth (NSO 1), sustainable mobility (NSO 4) and the transition to a low carbon and climate resilient society (NSO 8)"* as provided for under the National Planning Framework (NPF). The Development Plan also considers that these lands align with National Policy Objective 3b of the NPF and are critical to the delivery of the core strategy set out in Chapter 2 of the Development Plan.
- 7.3.19. On this point I note that the core strategy in a manner consistent with the NPF seeks to achieve a target of 50% of new homes within the existing built-up footprint of the city. This figure is also consistent with the provisions of Regional Spatial and Economic Strategy within the context of the metropolitan area of Dublin City. With Table 5 of Appendix 10 of the Development Plan indicating an estimated housing capacity of 1,050 dwelling units for SDRA 9 zoned lands during its lifetime.
- 7.3.20. In this context the recent pattern of redevelopment of land within the SDRA 9 lands which is reflected in an examination of its planning history is characterised by significantly taller denser schemes. This pattern of recent development is consistent also with the National Planning Framework (NPF) promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures including, amongst others, increased building heights and apartment type units. The NPF, as

recently revised, reinforces Government policy towards securing more compact and sustainable forms of urban development within existing urban landscapes in serviced, zoned, accessible and appropriate locations. In this context the NPF recognises that a significant and sustained increase including apartment type development is necessary.

7.3.21. At a regional level RSES, further supports consolidated growth and higher densities within the metropolitan area of Dublin. It promotes the compact urban growth by making better use of under-used land within the existing built-up urban landscape and supports the delivery of quality housing.

7.3.22. To this I note that the Building Heights Guidelines, the Compact Settlements Guidelines and the most recent adopted Apartment Guidelines in a consistent manner all provide further guidance that support compact and consolidated developments with increased densities and build height at appropriate locations as part of ensuring the efficient use of zoned and serviced land.

7.3.23. This however is in the context of the adjoining highly coherent modest in built form and height two storey terraces and semi-detached dwellings that characterise the Galtymore residential scheme alongside the open green nature of the lands associated with the adjoining GAA pitches.

7.3.24. In addition to the above considerations, I also note the following:

7.3.24.1 Site Coverage & Plot Ratio

The proposed developments site coverage of 43% and plot ratio of 1.97, are consistent with the indicative ranges set out under Development Plan, 2022-2028.

7.3.24.2 Density

The proposed density of this residential scheme is 211 units per hectare. I consider that the proposed density is not inconsistent with that provided for under the Development Plan for SDRA lands. On this point I refer the Board to Table 1 of Appendix 3 of the Development Plan which provides a density range of between 100 to 250 units per hectare for SDRA lands.

I further consider that the proposed density sought under this application is not consistent with the residential densities provided for such a location under the Sustainable and Compact Settlements guidelines.

In this regard, Section 3.3 Table 3.1 of the said Guidelines indicate a range of between 50 to 250 units per hectare (net) shall generally be applied in urban neighbourhoods of Dublin, including Strategic Development and Regeneration Areas. With as said the site forming part of SDRA 9 as provided for under Chapter 13 though located at its outermost boundary.

In a consistent manner I acknowledge that local through to national planning policy provisions indicate that increased densities are required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.

In relation to achieving high qualitative standards as part of the considerations of what is an appropriate density for a particular site, I note that Section 3.4 of the Compact Settlement Guidelines provides clarity for the consideration of individual planning applications.

It indicates that it will be subject to local determination by the planning authority, or by An Bord Pleanála, in the case of an appeal stating that: *“the density ranges set out in Section 3.3 should be considered and refined, generally within the ranges set out, based on consideration of centrality and accessibility to services and public transport; and considerations of character, amenity and the natural environment”*.

These Guidelines also includes steps for refining density with Step 1 relating to the capacity and wider network accessibility. Step 2 which I consider is of particular relevance to development sought under this application relates to considerations of character, amenity and the natural environment.

I note that Step 2 states that it: *“is also necessary to ensure that the quantum and scale of development at all locations can integrate successfully into the receiving environment”* and that they should not result in a significant negative impact on character, amenity or the natural environment.

It further provides that: *“the evaluation of impact on local character should focus on the defining characteristics of an area, including for example, the prevailing scale and mass of buildings, urban grain and architectural language, any particular sensitivities and the capacity of the area for change”* and *“while it is not necessary to replicate the scale and mass of existing buildings, as most urban areas have significant capacity to accommodate change, it will be necessary to respond in a positive and proportionate way to the receiving context through site responsive design”*.

The density proposed under this development relative to these considerations are assessed in more detail in the assessment below however they give rise to the concerns that 211 units per hectare is of a scale that cannot be positively absorbed or successfully integrated into this receiving environment. Particularly when consideration is given to its potential impact on the adjoining Galtymore Road properties through to the access and capacity concerns arising from the proposed development on its neighbourhood setting.

In relation to the residential amenity concerns I note that the impact on residential amenities is provided for in Step 2 (d) states that: *“it will be necessary to consider the impact of a proposed development on the amenities of residential properties that are in close proximity to a development site. The key considerations should include privacy, daylight and sunlight, and microclimate”*.

7.3.24.3 Building Height

In relation to building height I note that the proposed apartment building is described in the accompanying documentation as being four to six storeys in its height. The drawings indicate that the proposed building would have a maximum height of 18.4m and at its lowest point a height of 8.7m. The latter height appears to relate to the southernmost projection of the proposed L-shaped built form. The maximum height indicated in the elevational drawings does not appear to take account of any roof over overruns and the elevational drawings do not clarify how such features would be visually integrated into the overall design of the proposed building.

In relation to the Development Plan provisions it indicates that outside the canal ring in the suburban areas of the city, heights of between 3 to 4 storeys will be promoted and that heights greater than these will be considered on a case-by-case basis having regard to the prevailing site context.

The site is however located on the south eastern boundary of SDRA 9 Emmet Road with the Development Plan indicating under its guiding principles heights of between 6 to 8 storeys for new developments supported where design considerations permit.

Though the principle of a building with a six-storey height is not inconsistent with the building heights considered under the guiding principles for this SDRA land; notwithstanding, I raise the following concerns.

I consider that the site occupies a modest 0.107ha area with the main site area situated on lands located to the rear of modest in height two storey terrace dwellings that front onto Galtymore Road.

These properties have a given height of 7.17m which I note is less than the maximum 9.48m ridge height of the existing building on site for which demolition is sought.

In relation to the existing buildings to the immediate north, north west and north east of the site and separating the site from Davitt Road these I observed are two storey in their overall height, with the contextual drawings indicating that they range in their height from 9.6m to 11.9m in their maximum height.

There are no permitted or concurrent plans for redevelopment of these adjoining lands. It is highly unlikely that the GAA lands to the east will substantially change from providing recreational open space in the future or that significant additional buildings will be permitted thereon given the importance of these lands within the neighbourhood through to wider city context as discussed above.

These adjoining lands to the east are also outside of the SDRA 9 lands and as discussed above that the Development Plan requires in the context of transitional zonal area that it is important to avoid abrupt transitions in scale and land-use at this type of locational land use context. Alongside it indicates that it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones which I consider these 'Z9' and the 'Z1' lands outside of SDRA 13 to be.

Having regard to the assessment below, in particular the concerns raised in terms of achieving an appropriate and reasonable balance between the proposed development sought under this application and impacts arising to the adjoining Galtymore Road properties to the north and north west I am not satisfied that this has been demonstrated. Nor am I satisfied that the overall design has had appropriate regard to the potential synergy of greening within this redevelopment scheme and the adjoining 'Z9' lands.

There are examples of taller buildings to the north west of the site which relate to larger parcels of land with frontage onto Davitt Road, these however are setback from the adjoining residential properties, with the separation distances complying with the more generous traditional lateral separation distances of 22m.

Such lateral separation distances I note have now been reduced to 16m by SPPR 1 of the Compact Settlement Guidelines.

Of further note the examples of taller and denser buildings, in particular that at the former Heidleberg/Miller & SCR Garage Site which is located c60m to the west of the site and the former Dulux site which is located c245m to the west these sites have more extensive road frontage and are not backland sites.

In both cases the development permitted on these former industrial/commercial lands have generous road frontage onto Davitt Road. This is a heavily trafficked wide regional road that is bound on its northern side by Luas line.

Additionally, Davitt Road together with the Grand Canal and the setback of development on the opposite side of the Grand Canal offers more opportunity for positive containment to arise from taller buildings.

In the case of this site, it has limited public domain/road frontage of 3.87m in width that opens onto the restricted in width Galtymore Road, with a bus stop located in proximity on the opposite side of the restricted width road to the south west and a pedestrian access that serves the adjoining GAA lands in proximity to the east.

This entrance provides access onto the public domain by way of a limited in width driveway which at its widest point is indicated to measure 4.812m where the site opens into an irregular triangular shape where the existing two storey building is sited.

Access to this entrance is via an irregular and substandard in width lane that runs along the staggered in alignment eastern boundary of No. 309 Galtymore Road. This lane extends over 15m in its length, and it is bound by the mainly metal railed boundary of the adjoining GAA grounds.

While the subject site is within generally acceptable site coverage, plot ratio, density range, I consider that a more nuanced approach is necessary to determine whether collectively this constrained backland site that is poorly served in terms of access onto the public domain, is bound by the rear private amenity space of modest in built form to 2-storey terrace dwellings can assimilate the building height through to building form proposed under this application. Particularly given that it is a backland site being developed in isolation from a coherent design approach for the adjoining lands to the north which bound the southern side of Davitt Road.

Given the indicative spatial arrangement of buildings as well as spaces (Note: Figure 13-9) and guiding principles for this SDRA the proposed design and layout of buildings as well as spaces proposed under this application gives rise to a concern of piecemeal and fragmented development of these lands.

This concern further added to by the fact that Figure 13-9 indicates that the adjoining lands to the north together with the indicative building on this subject site would be set back but also provide a uniform degree of containment with the GAA lands to the east.

Also, at the north eastern most corner it indicates that there is capacity to accommodate a locally taller building.

Therefore, against this context I am not satisfied that the building height proposed is appropriate and can be assimilated in a manner consistent with local through to national planning provisions as well as guidance on this site.

- 7.3.25. Conclusion: While I consider that the general principal of residential development accords with the land use zoning objective and is synergistic with the prevailing pattern of land uses in its setting, including the emerging denser redevelopments occurring on Davitt Road, it is my consideration that given the constraints of this site that this proposed development should be considered on its own merits and on a site-specific basis, having regard to local through to national planning policy and other relevant planning considerations.

7.4. First Reason for Refusal: Amenity Impact

- 7.4.1. The Planning Authority's first given reason for refusal considers that the height, scale, layout and the limited set back from the shared boundary with existing houses on Galtymore Road of the proposed development would constitute overdevelopment of the site in a manner that would seriously injure the amenities of the area as well as properties in its vicinity by way of its significant overbearing and overlooking impacts. For these reasons the Planning Authority concluded that this development would constitute a substandard form of development which would seriously injure the amenities of the area, and would, be contrary to the proper planning and sustainable development of the area.
- 7.4.2. In terms of amenity impact, the existing two storey 9.485m building on this 0.107ha site has a modest floor area of 153m². It is positioned in the main irregular triangular

shaped portion of the site with its south western corner having the least lateral separation distance to a Third-Party boundary. At this point I note that the existing building is within 4.771m from the rear boundary of No. 299 Galtymore Road, with it and its neighbouring two storey terrace properties having a lower ridge height of 7.17m in comparison to the existing building on site.

- 7.4.3. In relation to boundaries with other adjoining properties it is of note that the existing building on site is positioned c31.74m to the east of its western site boundary with No. 289 Galtymore Road; it has a lateral separation distance of 11.77m from the rear boundary of P.J. Hegarty & Sons as well as its northern boundary is just over 45m from the main building on this adjoining site; and, in relation to the Good Counsel Liffey Gaels GAA & Camogie grounds at its nearest point the eastern elevation of the existing building is located 5.66m to the west of this property's boundary. Alongside with the north easternmost corner of the site located c7.173m from a single storey structure and 22.483m from the main two storey GAA building on this adjoining land. There are a few metal container structures located in the western corner of the site and as described in the report above access to the main area of this backland site is via a modest in width lane that provides access onto Galtymore Road to the south.
- 7.4.4. In comparison the proposed 2,423.38m² apartment building whose main built form is L-shaped and is six storeys in its maximum height (Note: 18.4m) would be located with more limited lateral separation distances and setback from the boundaries of adjoining properties on all sides.
- 7.4.5. In relation to the Galtymore Road properties at its closest point the proposed building would be within 1.57m from No. 293 Galtymore Road. In relation to the other site boundaries the proposed building would be 1.28m from the northern boundary; 10.16m from the western boundary; and, 2.48m from the eastern boundary.
- 7.4.6. In relation to existing height context of the site and its setting in addition to the previous comments set out in my assessment above, I note that the existing building on site has a circa 2.3m taller ridge height than the Galtymore Road properties to the south of it. In relation to the nearest building to the north (Note: P.J. Hegarty & Sons) it is 0.72m taller, with there being circa 34m lateral separation distance in between. In relation to the two storey Good Counsel Liffey Gaels GAA & Camogie building the existing building is and a lateral separation of just over 22m in between. In relation to

the buildings on the plot to the north west these buildings are modestly taller than the existing building on this site with the drawings showing height variation between 10.90m and 11.98m.

- 7.4.7. I therefore consider that the immediate context is one that has a graduated and more sympathetic two storey height with buildings in the adjoining properties to the south, west, north and north east.
- 7.4.8. Additionally, I consider that they also have a more robust lateral separation distance in between where their two-storey built forms are not out of character with one another.
- 7.4.9. Moreover, the site and these existing buildings provide a sympathetic in height building edge alongside the adjoining 'Z9' lands to the east of it, with this building edge being visible from the surrounding public domain of Galtymore Road and also from Davitt Road as a result of the adjoining 'Z9' lands being mainly comprised by maintained grass pitches with a high degree of visual porosity as a result of its built and natural features.
- 7.4.10. The proposed residential apartment building has a staggered building height and though mainly six storeys in its overall height it also includes a more modest in height three storey level projection that extends out from its main envelope at its south eastern corner. As said the difference is the 18.4m height of the proposed buildings main envelope and it's reduced in height south easternmost projection which has a more modest height of 8.7m.
- 7.4.11. It is of note that at its nearest point to the side boundary the six-storey portion of the building is within 1.57m of the boundary with Galtymore Road properties on its south westernmost corner. Whereas the three-storey portion is at its closest point within 3.4m of the Galtymore Road boundary.
- 7.4.12. To this I note that the southern elevation above ground floor level contain window openings above ground floor level within c3.3m from the Galtymore Road boundary.
- 7.4.13. In this context the southern elevation because of its proximity to the rear boundaries of the adjoining Galtymore Road properties, the placement of clear glazed window openings above ground floor level through to the lack of any robust screening to visually soften the proposed building would in my view give rise to a significant change in context for existing Galtymore dwellings bounding it. The proposed buildings height

and lack of robust setbacks would result in it being visually out of character but also overbearing relative to these properties, their rear elevations and rear private open space amenity which would also suffer from significant additional overlooking and perception of being overlooked beyond their existing context. A context which I acknowledge does have a level of established overlooking but in terms of where buildings of greater height, scale and mass have been permitted including for example the redevelopment of the Heidleberg/Miller & SCR Garage Site it is positioned with a setback of c60m to the west rear boundaries of Galtymore Road properties.

7.4.14. Also, in relation to the limited separation distance between the proposed building and the northern boundary I raise a concern that despite there being a significant lateral separation distance between the nearest building to the north and the fact that this property is not in residential use; notwithstanding, this adjoining property forms part of the SDRA 9 lands. In this regard and as previously discussed above Figure 13-9 of the Development Plan indicates that they have latent redevelopment potential including on its north eastern corner the potential to accommodate a locally taller building than the proposed building. It is also of further note that the suggested built form for this site and these adjoining lands immediately to the north under Figure 13-9 of the Development Plan that a stronger edge to the 'Z9' and a greater setback from the adjoining Galtymore Road properties to the south of the site, with these adjoining properties falling outside of the SDRA 9 boundaries, is shown.

7.4.15. I also note to the Board that many of the modest Galtymore Road properties have been extended behind their original rear elevation. Though not appearing to include the provision of first floor levels I note that they do reduce the depth of their modest in width rear private amenity spaces.

7.4.16. Additionally, I consider that the Development Plan has considered the provisions of the Building Height Guidelines in their Development Management Criteria. In particular, I note that Section 3.2 of the said guidelines indicate that in assessing a planning application a proposed development must satisfy the criteria (i) at the scale of the relevant city/town, (ii) at the scale of the district/neighbourhood/street and (iii) at the scale of the site/building. Additionally, SPPR 3 of the said Guidelines indicate that where it is clearly demonstrated that the proposed development complies with these criteria, and where the Planning Authority concurs, taking account of the wider

strategic and national policy parameters, permission may be granted even if it contravenes the Development Plan.

- 7.4.17. Against this context I note that Section 13.11 of the Development Plan sets out under its guiding principles a default 6-8 storeys for new developments in the SDRA area alongside the general presumption in favour of increased building height in urban areas with good public transport accessibility this is subject to design considerations safeguards. Further, the site is located between c67m to 114m to the south of the Grand Canal. At a strategic level the Development Plan indicates a default position of 6 storeys in height for such locations subject to site specific characteristics as well as including considerations against the performance criteria set out in Table 3 of Appendix 3 of the Development Plan.
- 7.4.18. The Development Plan's building height strategy indicates that where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided to protect existing amenities.
- 7.4.19. I also note that the Development Plan's Height Strategy which is provided for under Appendix 3 sets out how to achieve appropriate as well as sustainable compact growth as part of ensuring consistency with the Building Height Guidelines.
- 7.4.20. In this regard Table 3 of Appendix 3 of the Development Plan sets out a set of performance criteria which must be met in circumstances where significant increased height and density over the prevailing context is being proposed. The purpose of these criteria is to ensure that a form and intensity of urban development is achieved that contributes to the overarching objectives of the Plan to create sustainable communities and high-quality places through to protecting existing amenities. Overall, I consider that the Development Plan is consistent with the Building Height Guidelines but provides for a more nuanced assessment of height relative to its evolving context as part of SDRA 9 lands.
- 7.4.21. It is my view that the proposed building whose main built form is six storeys in height in a site context where it occupies a backland site which is bound by mainly two storey in height built forms and forming part of a transitional zone edge with 'Z9' and 'Z1' lands that are outside of the SDRA 9 would fail to provide for an appropriate transition of building height, scale and positioning.

- 7.4.22. Furthermore, based on the concerns already noted above the proposed design and layout would have insufficient regard to the amenities of the established Galtymore Road properties. Through to it would give rise to design and layout constraints for the adjoining lands to the immediate north of it were they to be developed in future. Also, as the proposed building is significantly higher than the prevailing height in its immediate vicinity, I am not satisfied that it demonstrates full compliance with Table 3 of Appendix 3 of the Development Plan which sets out 10 performance criteria, against which such proposed development should be assessed.
- 7.4.23. On this point I note the first criteria which relates to promoting a sense of place and character. In relation to this criteria, I consider that the above outcomes which essentially considers that the proposed mainly six storey in built form building would not respect or complement its local context as it would result in an abrupt transition between two storey built forms and six storeys with limited lateral separation distance in between to reduce its visual incongruity.
- 7.4.24. This concern is also carried through against the second and third performance criteria of Table 3 of Appendix 3 of the Development Plan. That is to say to provide appropriate legibility and providing an appropriate continuity as well as enclosure of streets and space. Through to in terms of the fourth criteria which seeks that such developments provide well connected, high quality and active public and communal spaces I raise a concern that the positioning of this building relative to the adjoining 'Z9' has the potential to give rise to undue overshadowing of the adjoining GAA playing pitches.
- 7.4.25. To this I also note in relation to the eight performance criteria which I note relates to securing sustainable density, intensity at locations of high accessibility. In relation to this criteria while I am cognisant that the site is accessible to public transport notwithstanding the site is served by restricted access through to there are also a number of issues arising from what is effectively a residential scheme with no car parking for future occupants through to a lack of information on how the quantum of the proposed development sought for this site would be served if permitted. Such matters of concern are considered in more detail in the assessment below.
- 7.4.26. Having regard to the above concerns I consider that the proposed development is compliant with the performance criteria set out under Table 3 of Appendix 3 of the

Development Plan. These criteria I consider are reasonable in that they seek to ensure an appropriate balance is reached for its local context including in terms of visual and residential amenity as part of achieving quality placemaking from proposed development sought under this lifetime of the Development Plan where buildings of height are sought.

7.4.27. To this I note that Section 15.13.4 of the Development Plan which deals with the matter for 'backland' housing sets out that provision is made for adequate separation distances to ensure privacy is maintained and overlooking is minimised.

7.4.28. Moreover, Section 15.5.2 of the Development Plan, which I note deals with the matter of 'infill' development, indicates that proposed developments should respect/enhance their context and be well integrated with their surroundings to ensure a more coherent cityscape. Specifically, it sets out that new development should respect as well as complement the prevailing scale and mass of its surrounding urban landscape.

7.4.29. In this context the proposed development, by reason of its height, scale, mass, design, layout and relationship with adjoining properties would in my view if permitted give rise to visually poor built relationship with the established as well as changing character of its setting. On this point I raise particular concern in terms of the proposed developments visual incongruity in the context of the adjoining Galtymore Road properties to the south alongside it would diminish the latent potential of the adjoining lands to the north to be developed in a consistent manner with SDRA 9 as provided for under Chapter 13 of the Development Plan.

7.4.30. Conclusion: For clarity I note that I raise no particular issue with the use of a contemporary design resolution for any replacement building on this site, subject to safeguards. To this I consider that such an approach would not be inconsistent with architectural approach permitted for the former Heidleberg/Millet & SCR Garage which forms part of the urban block the site forms part of. Notwithstanding, as set out in the above considerations I share the Planning Authority's concerns that the proposed development sought under this application would, if permitted, give rise to a visually obtrusive and overly dominant built insertion on this constrained and relatively modest in area as well as poorly accessible from the public domain backland site. It would in my view, if permitted as proposed, result in a type of development that would fail to visually respect or enhance the character of its setting. It would also seriously injure

the residential amenities of the Galtymore Road properties to the south and south west of it through to it would potentially compromise the future coherent redevelopment of SDRA 9 lands in manner that at this location would be piecemeal and fragmented. To this I consider that the proposed contextual visualisations provided with the appeal submission does not robustly allay these particular concerns particularly in terms of Galtymore Road and its bounding residential properties. For the above reasons I am not satisfied that the proposed development would accord with the proper planning and sustainable development of the area.

7.5. Amenity Impact: Other

7.5.1. *Daylight and Sunlight Impacts – Properties in the Vicinity:*

Concerns are raised by Third Parties that the proposed development, if permitted, has the potential to give rise undue diminishment of their established residential amenities by way of reduced daylight, sunlight through to increased overshadowing.

Of concern the documentation provided with this application and on appeal provides a comparative shadow analysis of existing and resulting circumstances.

I note that such an analysis basically studies how sunlight interacts with buildings and urban environments by evaluating the movement of sun across a site and understanding how shadows cast on nearby structures and thereby providing a demonstration on how in this case the proposed apartment building will impact upon their solar access and natural daylight. Of concern it is unclear how the analysis provided is derived and whether it accords with best practices for the examination of impacts.

On this point I note that the Sustainable and Compact Settlements make reference to such technical assessments should have regard to the quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context.

This is not demonstrated to be the case in the information provided either with the application or the appeal and the information that is provided is poorly legible for both the existing and proposed circumstance.

From what is legible in the documentation provided with this application and on appeal the analysis in my view appears to show that the proposed building would have an impact on the rear private amenity spaces of Galtymore Road properties to the west of the proposed building, particularly in June and September.

They also show a more significant level of impact to the adjoining property to the north, during March and September, as well as to a lesser extent in June.

I again note that whilst the adjoining lands to the north do not have a current residential function; however, as provided for under Chapter 13 – SDRA 9 and under Figure 13-9 of the Development Plan I consider it is not unreasonable to have regard to their latent redevelopment potential through to the pattern of permitted developments on such lands in recent years which has included substantial additional apartment units.

In relation to providing an informed analysis of the proposed developments impact on properties in its setting I consider that the daylight, sunlight through to shadow analysis does not demonstrate in a clear and legible manner that no undue impacts would arise on the established amenities of properties in its vicinity in terms of their private amenity open space or their interior spaces.

Alongside it further adds to the concerns that the proposed development is one that would not result in a reasonable balance in terms of its impacts on existing properties in its vicinity, including that the latent redevelopment potential of the adjoining land to the north is not unduly compromised.

I note that Table 15.1 of the Development Plan requires all apartment schemes to provide a Daylight and Sunlight Assessment. Alongside that this assessment should accord with Appendix 16 of the Development Plan.

In this regard I note that under Section 3.5 of Appendix 16 of the Development Plan it sets out that appropriate and reasonable regard should be taken of government policies in the completion of sunlight and daylight assessments. In turn I am of the view that it is unclear from the information provided on this matter that the height, the massing, the orientation through to separation distance of the proposed apartment building are appropriate for this context in terms of resulting impacts.

Conclusion: I am not satisfied based on the information that the proposed development would not give rise to undue diminishment of daylight, sunlight or that it would not give

rise to a significant increase in overshadowing of properties in its immediate vicinity. Such an outcome would be contrary to the 'Z1' land use zoning of this site and its setting.

7.5.2. Daylight and Sunlight Impacts – Future Occupants:

On the matter of daylight Section 5.3.7 of the Compact Settlement Guidelines indicates that an acceptable level of daylight in new residential developments is an important planning consideration as part of ensuring a high-quality living environment for future residents. It also indicates that it is important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties.

The documentation accompanying this planning application and the appeal seek to show that the proposed apartment units would achieve the minimum average daylight factor for each of the proposed apartment units sought.

The information provided is in the format of a table with no supporting information based indicating how it was derived. It also fails to demonstrate that the proposed private amenity spaces or the open space amenity proposed in the north western most corner of this scheme would achieve adequate levels of daylight penetration or that it would not be unduly overshadowed.

To this I note that this particular open space is indicated as being a public open space but also that it includes a 108.61m² dedicated play space.

I also note the concerns raised by the Planning Authority's Planning Officer in relation to privacy concerns arising from the placement of private amenity spaces in the form of balconies on the western elevation and the lack of vertical screening to provide adequate levels of privacy for them. This concern however is a separate matter that could be dealt with by way of an appropriately worded condition requiring light weight screening should the Board be minded to grant permission.

I also again refer the proximity of the ground floor units to site boundaries. In particular for the units in proximity to the tall solid boundaries to the immediate south, south west and north given the limited separation distance in between and the actual potential level of overshadowing that may arise into the interior spaces of these units.

I also note that the shadow analysis provided indicates impacts on the adjoining GAA playing pitches located to the east of the site, with lesser impact arising from the three-storey component of the proposed L-shaped mainly six storey building.

Further, the indicative-built form relates to the main building envelope.

However, the design includes projecting balconies which extend from it and not internal balconies. It is therefore also unclear what impact these balconies would have on the level of overshadowing that would arise to the private and communal open spaces proposed. Alongside I consider it is unclear whether the analysis of the Average Daylight Factor has had regard to this in examination of the actual level of average indoor illuminance from daylight on the working plane within the rooms examined.

Moreover, of concern the most recent BRE revisions amended the guidance on access to daylight and sunlight. In this regard, the use of average daylight factor is no longer used as a measure of daylight for dwelling units and has been replaced by a choice of two methods. The first method is the use of a target illuminance which is a measure of the amount of light incident on a surface that should be achieved over a proportion of an assessment area for at least half of daylight hours, referred to as spatial daylight autonomy.

Of note this involves climate-based daylight modelling, which uses the weather data closest to the site's location to determine average natural lighting conditions throughout the year on at least an hourly basis.

The second method uses a daylight factor target based on a value also to be achieved over a proportion of an assessment area. This is calculated using a standard overcast sky, so unlike the illuminance method the results do not vary by site location or orientation. However, site location is still accounted for different target values by latitude.

I therefore consider that the use of average daylight factor together with the overall lack of up-to-date analysis of the actual daylighting does not satisfactorily demonstrate that the proposed development would achieve an acceptable levels of daylight for future residents in terms of the interior and external amenity spaces.

Conclusion: On the basis of the information provided with this application and on appeal I am not satisfied that it clearly demonstrates based on best practice for examining such matters that the proposed dwelling units would be provided with high quality internal space and external open space amenities for future occupants.

7.5.3. Open Space/ Landscaping:

7.5.3.1 Private Open Space:

I have previously noted concerns in relation to the quality of private open space amenity proposed for future occupants, particularly in relation to the projecting balconies provided on the northern elevation of the apartment building which are likely to be qualitatively diminished in terms of use by overshadowing as well as would give rise to overshadowing for windows and balconies on this elevation below them.

To this I consider that the shadow analysis would indicate that this is also a concern for the western and eastern balconies as well as any private amenity provision at ground floor level of the proposed apartment building.

Additionally, I also raise concerns that in general the width of these spaces as indicated in the submitted drawings for most private amenity space balconies just meet the minimum 1.5m depth. There are also concerns that there is a need for further consideration of privacy screening for some private open space provisions given their proximity to such spaces serving other units within this scheme. Quantitatively the proposed spaces generally meet the standards set out under the most recent Apartment Guidelines.

Further, there is also the concern that the private amenity open spaces on the western elevation of the proposed apartment building in the absence of screening measures would also give rise to undue overlooking of Galtymore Road properties to the south and west of them.

In relation to the land bounding the northern portion of the site as previously noted the main envelope of the proposed building is within 2.7m and 2.9m of this boundary with the balconies on the northern elevation projecting 1.5m from it. Thus, reducing the actual built separation to 1.2m and 1.4m. Both the northern elevation and the balconies projecting from it have the potential to impact achieving a balanced outcome

of these lands in future should these lands be subject to redevelopment in manner that accords with the guiding principles of SDRA 9 lands.

Further, several of the balconies on the western and eastern elevation of the proposed building also have modest lateral separation distances from this boundary.

Conclusion: I am not satisfied based on the information provided with this application and on appeal that all of the apartment units are provided with qualitative private amenity open space in a manner that is consistent with proper planning and sustainable development through to that the overall design of the private open space amenity is one that achieves a reasonable balance of protecting the established amenities of existing Galtymore Road properties.

7.5.3.2 *Public Open Space:*

I concur with the Planning Authority's Planning Officer that the 108.7m² area that is located on the north westernmost side of the site is not a space that is suitable to provide high quality accessible public open space amenity. In my view it would also not tangibly link in a respectful and coordinated manner with the private green space that lies immediately to the east of the site. Nor would it be perceived as qualitative public open space given its remoteness and lack of visibility from the public domain through to its likely diminishment by overshadowing.

In this regard I note that Section 15.6.12 of the Development Plan, which I note deals with the matter of Public Open Space and Recreation, states: "*public open space should be of high-quality landscaped design to provide for an amenity value. Public open space should utilise a combination of hard and soft landscaping to cater for a wide range of needs such as children's play, passive recreation and sporting facilities*".

It also requires all residential scheme above 5,000m² in floor area to provide public open space amenity. I note however that the proposed apartment building has a given floor area of 2,423.38m² and therefore falls below this threshold where public open space should be provided.

I note that Section 15.6.12 of the Development Plan includes a number of criteria for their delivery of public open space including but not limited to: the design and layout of the open space should complement the layout of the surrounding built environment and complement the site layout; that these spaces should be visible from and

accessible to the maximum number of users; inaccessible spaces will not be accepted; the level of daylight and sunlight received within the space shall be in accordance with the BRE Guidelines or any other supplementary guidance document; through to they should be contiguous to existing open space to encourage visual continuity and optimise value of ecological networks.

This public open space provision proposed under this development does not accord in a generally consistent with these criteria.

In particular, it is not accessible to the maximum number of users; it is not positioned where it can integrate with existing green spaces in its immediate setting; and, it is not demonstrated that it would accord with BRE Guidelines. Of further concern it is also indicated by the appellant in their appeal submission as having a functional end use as a dedicated play area.

On this point I note that there is a requirement under the Development Plan for schemes containing more than 25 units which this scheme does to include between 85-100m² of play spaces that is suitable for toddlers and children up to the age of six with this space including suitable play equipment, seating for parents/ guardians, and within sight of the apartment building (Note: Section 15.8.8).

I also note that Table 15-4 of the Development Plan sets out the public open space requirement for this proposed development is 10%. This figure is because the site forms part of 'Z1' zoned lands.

Given the modest 0.107ha area of this backland site I consider it would be appropriate and reasonable to consider the flexibility set out under Section 15.8.7 of the Development Plan in terms of the provision of public open space for apartment schemes with more than 9 apartment units. It indicates that in some instances it may be more appropriate to seek a financial contribution towards the provision of public open space elsewhere in the vicinity. It would be reasonable and appropriate to deal with the public open space requirement by way of such a condition given the above considerations and in particular the constrained in area as well as irregular shape of this site.

Conclusion: In conclusion, should the Board be minded to grant permission I consider that the public open space is of a poor standard, and it overlaps with the provision of a dedicated play space which is a requirement of Section 15.8.8 of the Development

Plan. It would therefore be appropriate to deal with the public open space requirement of this proposed development by way of a financial contribution *in lieu*.

7.5.3.3 Communal Open Space:

Section 15.9.8 of the Development Plan requires all new apartment developments to provide for communal amenity space externally within a scheme for the use by residents only. It clarifies that communal open space provision is in addition to any private or public open space requirements and that it may comprise of courtyard spaces and linear open spaces adjacent to the development. It also sets out that they must be clearly defined and distinguished within a scheme as well as clearly identified as part of any planning application.

Additionally, the Apartment Guidelines, under Appendix 1 sets out standards for this provision based on unit types from studio through to three-bedroom units. Applying the standard set out under Appendix 1 of these guidelines the minimum provision of communal open space for this proposed development based on the unit types is 170m².

The documentation provided with this application and the appeal submission would appear to suggest that the open space provision at grade in the western corner of the site would be dedicated play space with communal open space provided at fourth floor level by way of a terrace totalling 75.25m² in area and at fifth floor level by a terrace totalling 30.7m² in area. Together these would have a combined area of 105.95m². Without factoring in the revised site layout plan and roof plan provided with this appeal submission which would appear to suggest that parts of the proposed communal spaces would be of limited passive or active recreational amenity value. Notwithstanding this there is a minimum shortfall of just over 64m² of communal open space provision for future residents of this proposed scheme.

In relation to this deficit I note that Section 4.1 of the Apartment Guidelines sets out that the: *“provision and proper future maintenance of well-designed communal amenity space will contribute to meeting the amenity needs of residents”* and that: *“in particular, accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people”*. It sets out that the area specified under Appendix 1 of the Guidelines is the minimum required areas for public communal amenity space for a residential scheme. It further sets out that roof gardens

may also be provided but must be accessible to residents, subject to requirements such as safe access by children. This I note contrasts with the Development Plan which states under Section 15.9.9 that: *“roof terraces will not be permitted as the primary form of communal amenity space but may contribute to a combination of courtyard and or linear green space”*.

As previously discussed, the documentation provided with this application indicates a public open space provision in the western corner and the appeal documentation indicates that this space would function as a dedicated play space. This space is the only actual open space provision at grade within this scheme and as a space it is not demonstrated that it would accord with current BRE guidelines through to that it would accord with the document titled ‘Principles for Designing Successful Play Spaces’.

The local and national planning standards with regards to communal open space requires that proposed residential schemes have regard to the future maintenance of these areas to ensure that they are commensurate with the scale of the development and that they do not become a burden on residents. This I consider has not been demonstrated in the documentation provided with this subject planning application or with the First Party’s appeal submission.

To this I note that there is a level of flexibility in terms of the provision of communal open space for residential schemes relating to sites of less than 0.25ha under relevant local and national planning provisions for considering this matter. The site area is 0.107ha it would not be unreasonable as part of a design scheme that demonstrates that it is of qualitative merit as well as accords with proper planning and sustainable development that a level of flexibility is afforded in terms of the provision of communal open space.

Conclusion: In conclusion, local and national planning provisions flexibility in the provision of communal open space is subject to overall design quality of the proposed scheme which as considered in the main assessment above I am not satisfied that this has been demonstrated for this constrained backland site or that the site and its setting has the capacity to absorb the quantum of development sought.

7.5.3.4: *Children’s Play:*

Section 4.13 of the Apartment Guidelines sets out that the recreational needs of children must be considered as part of communal amenity space within apartment

scheme and as said the Appellant seeks to clarify in their appeal submission that this provision would be provided in the western portion of the site at grade with this space covering just over 108m².

It is contended that this space would be designed to provide a safe and engaging environment incorporating impact absorbing surfaces, non-toxic play equipment, seating and shading areas through to it would be integrated with landscaping elements.

It is also indicated that final details can be agreed prior to the commencement of development.

As discussed above it is requirement given the number of units within this scheme to provide between 85 – 100m² of children's play space.

As raised as a concern in the assessment above this amenity space provision is one that is likely to be significantly overshadowed. To this I also raise a concern that as a space it would significantly be physically enclosed and contained relative to the proposed building as well as site boundaries.

In relation to these concerns I note that Section 4.14 of the Apartment Guidelines indicates that the orientation of play areas can contribute significantly to their amenity value. It also indicates that noise from courtyard play areas can diminish residential amenity, particularly in smaller schemes. It therefore recommends that designers must find solutions which balance these factors.

While I accept that a condition could achieve a level of qualitative outcome for the finalised design of the proposed play space within this scheme in my view it would not overcome the overshadowing concerns as well as the concerns arising from the positioning of this space within what would effectively be a modest highly contained courtyard that would have the potential to exacerbate noise nuisance for proposed apartment units addressing this space and existing adjoining residential properties.

Conclusion: In conclusion, this further adds to the concerns raised in relation to the overall hierarchy of open spaces within this proposed scheme for what is a constrained backland site.

7.5.3.5 *SDRA 9:*

I raise a concern to the Board that Figure 13-9 which provides a visual representation of the urban structure for SDRA 9 includes this site having a building setback from the adjoining 'Z9' zoned lands. The layout of the envisaged building block for this site and the adjoining lands to the north appear to support that a level of separation be provided between these two transitional in zonal character lands, with the adjoining lands to the east located outside of the SDRA 9 lands and having a long-established use as recreational amenity space.

This proposed development places the proposed apartment building within minimal separation distance between it and these adjoining 'Z9' lands alongside provides limited greening in between.

Additionally, the main open space amenity to be provided within this proposed scheme is in the north western portion of the site and is visually, functionally as well as physically remote from the 'Z9' zoned lands.

This placement of open space within the scheme is in my view a missed opportunity to forge a natural feature through to biodiversity synergy between the adjoining 'Z9' zoned lands. Also, arguably if the proposed open space was provided in proximity to these 'Z9' lands and alongside the eastern boundary of the site they would in my view give rise to less nuisance for the adjoining Galtymore Road properties through to would be qualitatively improved by way of more significant light penetration through to more enhanced levels of passive surveillance.

Conclusion: In conclusion, the treatment of open spaces within this proposed development fail to correspond with the envisaged urban structure of SDRA 9 and would result in a missed opportunity to achieve a more qualitative provision of open space for future occupants of this scheme through to a more visually appropriate transition as well as buffering between buildings edging the adjoining 'Z9' zoned lands in a manner that also would give rise to improved residential amenity outcomes for future occupants and existing properties in its vicinity.

7.5.3.6 *Landscaping*

I raise a concern that the proposed building's footprint extends in close proximity to the northern, eastern and part of the southern boundaries of the site with minimal

natural features provided at these points to soften the insertion of this mainly six storey in height building.

The provision of adequate separation distance between any proposed building of height and scale on this site would given the context of its setting require in my view appropriate buffering and screening particularly alongside the most sensitive to change boundaries.

I consider that the most effective means of doing so would be through tree planting and evergreen pleached tree hedges. With such natural features not only softening views into the site but also as appreciated from within the site from its internal and external spaces by future occupants.

I also raise concerns that the tree planting that is indicated in the accompanying drawings appears to include most of the proposed individual trees placed where their trunks would be immediately alongside perimeter boundaries of the site. These I note consist of tall solid walls where this tree planting is proposed and with this planting as indicated is minimal in terms of the type of natural features proposed in particular tree and hedge planting.

At the locations proposed I question whether this tree planting would thrive in the medium to long term.

Their placement also gives rise to a concern that they could give rise to structural integrity issues with the existing perimeter boundary walls which are indicated to be retained through to their canopies are shown as oversailing into the rear of adjoining properties.

Further there is also a lack of natural features provided along the eastern boundary and northern boundaries of the site. Through to limited space and adequate deep soil to provide as well as sustain any robust natural features. The landscaping scheme also lacks greening along its eastern boundary adjoining GAA pitches. Planting along this boundary would in my view also provide some visual buffering that would improve privacy for occupants of dwelling units with an easterly aspect.

I also consider that the provision of natural features along the northern perimeter of the site would also provide visual buffering of the proposed development from the adjoining lands. Additionally, they would provide privacy screening in future should

these lands be developed as one of the potential development sites indicated in Figure 13-9 of the Development Plan.

Moreover, I raise concern that the actual spaces indicated as communal open space particularly in terms of the provision at fourth floor level is indicated as lawn and shrub planting. The way these spaces are designed provided further diminishes the actual quantitative area of usable communal space to meet open space functional amenity needs of future residents.

Conclusion: In conclusion, I am not satisfied that the overall landscaping scheme is of an adequate quality and robustness to visually soften as well as buffer the proposed apartment building in its setting.

7.6. Second Reason for Refusal: Parking & Access

- 7.6.1. The Planning Authority's second given reason for refusal raises concerns that the applicant has not demonstrated that a car free development would be suitable for a development of this scale on this site and that the proposed development would be detrimental to the residential amenities, public roads and footpaths of the area due to the likelihood of car parking overspilling onto the surrounding roads. With this giving rise to potential obstructions of the footpaths. The Planning Authority concluded that the proposed development would be contrary to Appendix 5 of the Development Plan as well as the 'Z1' land use zoning objective of the site. For these reasons it considered that the proposed development would be contrary to the proper planning and development of the area.
- 7.6.2. I note that these concerns are also shared by the Third-Party Observer in this appeal case. They contend that the existing situation is one where the function of Galtymore Road is diminished by the overspill of car parking on it and they raise concerns that other recent developments in the vicinity have added to pressure on these local roads particular given the high density of development and the low provision of car parking to serve future occupants.
- 7.6.3. The Appellant on the other hand consider that the site being located within Parking Zone 2 as indicated on Map J of the Development Plan allows for a relaxation of maximum car parking standards on sites, which I note is a provision of one space per dwelling unit. They contend that this site is suitable for the provision of no car parking

outside of the one disabled space proposed to meet the needs of the quantum and type of dwelling units proposed at a location that is highly accessible.

- 7.6.4. On this point I note is in proximity to a number of Dublin bus stops including there are bus stops on Galtymore Road. The site is in proximity to Goldenbridge Luas Stop and Suir Road Luas Stop as noted in Section 1 of this report above.
- 7.6.5. I also note that the appellant contends that the site is walking and cycling accessible through to locationally there is a range of services as well as sources of employment within walking distance of the proposed development. To this they indicate that there are other options that could be considered for this scheme which includes a disabled car space and bicycle parking including car clubs, shared cars, prioritising pedestrian and cycling through to the provision of a residential travel plan. Altogether they consider that these measures align with planning provision requirements and will be adequate to meet this development's needs as well as would reduce their dependency on private car use.
- 7.6.6. On these points I note that pedestrian permeability is generally good in proximity to the site but there is a fragmented provision within the wider setting of bicycle infrastructure.
- 7.6.7. In relation to the Development Plan provisions as set indicated above it sets out a maximum parking provision of one car parking space per apartment unit and the provision of an accessible car parking space. The proposed scheme includes one car parking space that is indicated in the drawings as a disabled car parking space but as further clarified by the Appellant in their appeal submission would also function as a drop off, service for visitors and car sharing space.
- 7.6.8. I consider that it is unclear from the documentation provided on file how this single car parking space would effectively and sustainably function in the provision of such a wide range of potential future parking scenarios/uses could.
- 7.6.9. This concern is based on the constrained nature of the site with this car parking space provided where it is unclear that it is positioned where it can be safely accessed and egressed from. This latter concern also includes its potential to result in safety issues for movement of pedestrians and cyclists accessing and egressing from the proposed apartment building, with this space located to the immediate west of the northern end of the restricted in width lane serving this development. At this point given that there

are high boundary walls in place there is restricted views towards the northern end of the laneway with no separation of vehicle access from pedestrian and cyclist movements from the entrance of this lane onto Galtymore Road, the laneway serving the proposed development and the southern portion of the main site area where this space is proposed.

- 7.6.10. I also raise a concern that the documentation provided with this application and on appeal does not demonstrate that this proposed space is one that can be safely accessed and egressed from given the confined nature of the access serving it and its relationship with natural and built features. This concern would be further added to in the circumstance where another vehicle accessed the main site area when a vehicle is parked in this space. In such a situation there would be no safe turning circle, and the vehicle would have to reverse out the circa 15m long and restricted in width laneway serving the site and onto the public road. The auto track analysis appears to suggest that it would take several manoeuvres for vehicles to for example exit this space. With the associated movements occurring at the northern end of the lane where sight lines are restricted and where sole access for all access as well as egress to the main apartment building is dependent upon.
- 7.6.11. This lane is at its widest at its northernmost end where it has a given measurement of 4.812m and it reduces in its width along its southern end to c3.78m and where it meets Galtymore Road it is marginally wider with a given width of 3.87m.
- 7.6.12. The design and layout of the proposed scheme does not include any separation of bicycle and cycle movements with the main access serving the site to the southern end of the building being a shared use access provision with no measures that would reduce speed such as ramps or safety measures to increase potential sightlines for its users to avoid potential conflict between its users.
- 7.6.13. Where it meets Galtymore Road the sightlines are restricted due to the presence of visual obstructions on both sides. There is a speed bump in place to reduce speed of traffic using this stretch of Galtymore Road in close proximity to the west of the entrance. Views to the east and west of this entrance are also obstructed by *ad hoc* parking along this restricted in width road. Where this occurs the width of the road is only suitable for a single vehicle to pass safely, thus there is obstructions to the movement of traffic flow in opposite directions.

- 7.6.14. Within the wider public road of the Galtymore residential scheme there appears to be a prevalence of *ad hoc* parking of cars. I observed that due to the limited road carriage width to accommodate vehicles passing in opposite directions there is a prevalence of where this occurs vehicles have mounted and obstructed the pedestrian footpaths.
- 7.6.15. I consider that the formal design and layout of this residential area which dates to circa 1930s was not designed for high volumes of private car ownership. I observed that in the interim decades that many of the front gardens have been modified to accommodate on-site car parking. This includes the adjoining property to the immediate west of the entrance serving the site.
- 7.6.16. To the immediate south west and west of the entrance serving this adjoining property there is a bus stop on either side of Galtymore Road. I also note that both bus stops are demarcated on the road surface, they serve Dublin Bus Route No. 123 and that the entrance serving the site lies c35m to the west of a roundabout serving Galtymore Road and Galtymore Drive.
- 7.6.17. In my view it is unclear from the drawings provided with this application that the proposed apartment building can be safely reached in an emergency situation which would likely result in larger vehicles depending on the circumstance when completed and in occupation. In particular, I note that it is unclear what arrangements would be made for waste management and with any provision of *ad hoc* waste management could give rise to further conflicts with road users in the vicinity of the entrance as well as within the site itself.
- 7.6.18. While I am cognisant that the site is within close walking distance of a number of public transport options and that this location does include a number of services through to other amenities that would be accessible by active travel means I am not convinced that the quantum of 26 apartment number units and the unit mix sought under this proposed development would not generate an overspill of car parking onto the surrounding road network that would in turn further adversely impact upon its already impaired safety and functional efficiency.
- 7.6.19. Additionally, the measures indicated in the appeal submission in my view lacks detail and robustness in how effective they would be.
- 7.6.20. I also consider that the provision of one multi-function car parking space, which is a parking ratio of circa 0.04 for this proposed apartment scheme is effectively equivalent

to a car free development and this approach I consider is it odds with higher density residential development permitted within this particular SDRA.

- 7.6.21. For example, the former Heidleberg/Miller & SCR Garage site redevelopment permitted by the Board under ABP-309627-21 contained 58 car parking spaces at basement level and 1 on street parking space for its 188 build to rent apartments.
- 7.6.22. Moreover, the parent permission for the former Dulux site permitted a scheme included 119 car parking spaces serving 265 units (Note: ABP-303435-19).
- 7.6.23. The Third Parties in relation to this proposed development raise concerns that such provisions still gave rise during construction traffic overspilling. As well as they contend that the now completed Dulux scheme has given rise to increased overspilling of car parking on the surrounding public roads with this causing increased obstructions through to additional road safety issues.
- 7.6.24. During my inspection of the site and its surrounding road network I did observe that the public road network of residential streets like Galtymore Road, Benbulbin Road and Galtymore Drive, are under significant pressure from *ad hoc* car parking with this giving rise to road safety and traffic hazards for other road users as well as reducing the functional efficiency of these roads.
- 7.6.25. I am not satisfied that the applicant has demonstrated that the proposed development would not give rise to significant additional diminishment of the surrounding road network from vehicles generated by it parking on the public road, with this in turn giving rise to potential for additional obstructions to arise, road safety and traffic hazards to arise for its existing road users.
- 7.6.26. Moreover, I am not satisfied that the applicant has demonstrated that volume as well as types of traffic generated during the demolition, construction and operational phases can be safely accommodated from the entrance serving this site.
- 7.6.27. In relation to this concern, I consider that the design, layout, width and sightlines of this entrance are substandard.
- 7.6.28. I also consider that the laneway serving this site is substandard in its width along the entirety of its length.
- 7.6.29. Additionally, where it meets the main area of the site sightlines are also deficient at this point for the safe movements of vehicles, pedestrians and cyclists.

- 7.6.30. Moreover, along its length there are no measures proposed to slow traffic movements, to aid visibility through to there is no provision for a safe waiting/or movement zone for vehicles, pedestrians and/or cyclists where the lane increases its width from 3.78m to 4.81m.
- 7.6.31. To this I note that there was a steady stream of traffic movements in the vicinity of the entrance of this site during my inspection and I observed that the wider surrounding road network was also busy.
- 7.6.32. I also concur with the Planning Authority's Transportation Division that there is an inadequate supply of bicycle parking spaces proposed to meet the future needs of this quantum of apartment units and unit mix.
- 7.6.33. Having regard to the standards set out under the Apartment Guidelines the minimum provision of bicycle spaces for future occupants and visitors to this scheme is 61. However, the submitted documentation indicates a provision ranging from 54 no. parking spaces with 3 no. disabled parking spaces to 52 no. parking spaces with 3 no. disabled parking spaces.
- 7.6.34. In either scenario the proposed provision falls short of the minimum standards set out under Section 4.17 of the Apartment Guidelines.
- 7.6.35. To this I note that the guidelines also require a management plan to ensure the effective operation and maintenance of cycle parking. I note that this is not provided with the documentations submitted with this application and on appeal.
- 7.6.36. Of further concern there is no provision of individual cycle lockers with the cycle space parking provision and given that this scheme is in effective a scheme that provides zero car parking for future occupants, visitors through to maintenance/service vehicles the provision of substandard bicycle spaces does not support the lack of car parking provision within this scheme.
- 7.6.37. On this point I note that Section 4.16 of the Apartment Guidelines indicate that planning authorities must ensure that new development proposals which propose reductions in car parking provision are at the same time comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors. I am not convinced that this is the case in this proposed development with its under supply of bicycle spaces and general supporting bicycle infrastructure.

- 7.6.38. To this I raise a concern that the scheme provides no motorcycle parking provision. With I note Section 6 of Appendix 5 of the Development Plan that new developments shall include provision for motorcycle parking in designated, signposted areas at a rate of 5% of the number of car parking spaces provided.
- 7.6.39. While I note that this scheme provides for one car parking space within this scheme there is as said I maximise provision of 1 car parking space per unit and there is a shortfall below the minimum standard of bicycle parking space provision.
- 7.6.40. It is therefore an additional concern that there is no provision of safe and secure motorcycle parking provision to meet the potential travel of future residents and visitors of this proposed residential scheme.
- 7.6.41. Of further concern there is no Shared Mobility/Mobility Management Plan or Travel Plan for future occupants of the proposed scheme in support of the deficient parking provisions proposed. With information in relation to the same being aspirational and not locational through to development specific to provide any form of reassurance.
- 7.6.42. Additionally, the proposed individual space does not appear to be equipped with EV infrastructure with this not indicated in the submitted drawings lodged with this application or the revised site layout plan and roof plan provided with the Appellants appeal submission.
- 7.6.43. In my view these concerns further add to the concerns that the proposed development is one that has not demonstrated that the parking provision is sustainable and that, if permitted, it would accord with Policy SMT24 of the Development Plan.
- 7.6.44. This Development Plan policy indicates that the City Council will seek to provide sustainable levels of car parking and car storage in residential schemes in accordance with Development Plan and as part of reducing the requirement for car parking encourage new ways of addressing the transport needs of residents (such as car clubs and mobility hubs) to reduce the requirement for car parking. This proposal does not accord with this Development Plan policy.
- 7.6.45. Additionally, it would add to concerns that the proposed development would be contrary to Policy SMT27(i) which I note seeks to provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards. These are set out under Appendix 5 of the Development Plan.

Additionally, subsection (ii) of the said policy seeks to encourage new ways of addressing the transport needs of residents (such as car clubs and mobility hubs) to reduce the requirement for car parking.

7.6.46. I also note that whilst the Development Plan in a manner that accords with higher policy documents support reducing reliance on private car use and promotes more sustainable forms of mobility. With for example Section 8.5.7 of the Development Plan stating that there is a need to cater for people's transport needs and facilitate people of all ages as well as abilities. It further states that this will require a range of measures including: *"some residential parking, shared mobility and safe bike parking, including for larger scale bikes. How streets and demand for on street parking are managed has to be balanced with other necessary strategic improvements such as street greening initiatives, secure bicycle parking and improvements to footpaths and cycle lanes"*.

7.6.47. In this case I am not satisfied that the applicant has demonstrated that the proposed development is one that would provide a suitable and sustainable level of parking through to shared mobility for its future residential occupants and visitors. This in my view adds to the concerns that there is inadequate assurance that this site can provide safe access and egress for all stages of the proposed development sought from demolition to operational in terms of their potential traffic generation through to active travel demands. With I note this planning application, and the documentation provided with this appeal providing no outline demolition and construction management plan that provides any assurance during these phases that the traffic generated would be appropriately managed.

7.6.48. Alongside it further adds to the previous concerns raised that the proposed development has the potential to give rise to significant overspilling of parking, particularly once occupational, on a surrounding road network that does not have the capacity to absorb any such additional overspill it.

7.6.49. To this I note that the Planning Authority's Transportation Division recommended refusal of permission for the proposed development on the basis that the proposed development would give rise to unacceptable levels of overspill and haphazard parking on adjacent heavily trafficked road. They further considered that the proposed development would seriously injure the amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of pedestrians; bus services;

and, other road users. Moreover, they considered that the proposed development is contrary to local and national planning provisions on this matter including Policy SMT27 of the Development Plan indicated above.

7.6.50. **Conclusion:** I am not convinced that this site's accessibility in particular to public transport including Luas stations and bus stops noted above are sufficient to overcome and justifies the lack of parking provision for the quantum of development sought on this site. Further, I am not satisfied that the proposed development would not generate additional *ad hoc* overspilling of car parking on the surrounding road network which if occurs it does not have the capacity to safely absorb. Moreover, I am not convinced that the quantum of traffic the proposed development would generate could be safely served by the substandard entrance onto Galtymore Road and the substandard laneway serving the main area of the site. To this there is also a lack of demonstration that the proposed development accords with Policy SMT24 and SMT27 of the Development Plan and that the proposed development is one that would not give rise to any undue road safety or traffic hazard for road users.

7.7. Other Matters Arising

7.7.1. **Demolition Plan:** I accept that the existing building on site is of no particular merit and that it would be unfeasible for its repurposing as part of a untapping the latent potential of this zoned, serviced, brownfield site in proximity to public transport. Notwithstanding, Section 15.7.1 of the Development Plan, which deals with the matter of re-use of existing buildings, sets out that where demolition is proposed the applicant must submit a demolition justification report to set out the rational for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible. This requirement aligns with Policies CA6 and CA7 of the Development Plan. Of concern, the documentation accompanying this application and on appeal does not include such a plan though does include a sustainability plan which seeks to demonstrate how the proposed building would accord with nZEB standards.

7.7.2. **Compliance with Apartment Guidelines:** Outside of the concerns raised specifically in the main assessment above I consider that the proposed apartment building generally accords with the internal qualitative and quantitative standards set out in the

Apartment Guidelines, including in relation to dual aspect; internal habitable space spatial standards; the floor to ceiling heights; apartment unit number to lift to stair core; through to private amenity space amenity provision. However, despite this general compliance I share the Planning Authority's Planning Officers concerns Unit 3, which I note is the only studio unit within this scheme, has an aggregate bedroom/living area that does not meet the relevant standards set out in the Apartment Guidelines. Further, I share the Planning Authority's Planning Officers concerns that it is not clear whether storage areas indicate exclude kitchen presses as well as hot presses and in turn accords with the relevant standards.

I note that the Appellants appeal submission does not provide any further clarity on these matters.

7.7.3. **Unit Mix:** I concur with the Planning Authority that the proposed apartment building which is proposed to contain a total of 26 no. apartment units, i.e. one number studio (3.85%); eight number one bedroom units (30.77%); twelve number two bedroom units (consisting of three number three person and nine number four person 46.16%); and five number three bedrooms (19.23%) is compliant with SPPR 1 of the Apartment Guidelines alongside they provide flexibility in terms of apartment mix under SPPR 2 for sites whose area is less than 0.25ha. I therefore raise no substantive concern in relation to the unit mix outside of the concern raised in the main assessment in terms of the capacity of this backland constrained site to accommodate the quantum of residential development proposed under this application.

7.7.4. **Lifecycle Reports:** Section 15.9.14 of the Development Plan requires all residential developments include a building lifecycle report that sets out the long-term management and maintenance strategy of a scheme. The various requirements of this report are set out under this section of this report and includes an assessment of the materials and finishes proposed, the ongoing management strategy, the protocol for maintenance and repair, the long-term maintenance costs for residents and the specific measures that have been taken to effectively manage and reduce the costs for the benefit of residents. It also requires compliance and acknowledgement of the provisions set out in the Multi-Unit Developments Act, 2011, for the ownership and management of multi- unit developments. This report and these various details have not been provided with the planning application or the information provided with this

appeal. I therefore recommend that the Board should it be minded to grant permission deal with these particular concerns by way of appropriately worded conditions.

- 7.7.5. **Universal Access:** I share the Planning Authority's Planning Officer's concerns that it is unclear whether the proposed apartment building would accord with the seven principles of universal design which is provided for under Policy QHSN16 of the Development Plan.

Additionally, objective QHSNO11 of the Development Plan seeks to ensure that 50% of apartments in any development that are required to be in excess of minimum sizes should be designed to be suitable for older people/mobility impaired people, people living with dementia and people with disabilities in accordance with current accepted national standards.

The Board should it be minded to grant permission may wish to impose a condition that ensures that the proposed development accord with these standards.

- 7.7.6. **Interference with Telecommunication Signals:** Third Parties raise concerns that the proposed development because of its height, mass, scale and placement to a telecommunication mast permitted under P.A. Ref. No. 4087/23 has the potential to interfere with a line of sight to it and in turn impact on the telecommunications infrastructure serving this area.

In relation to this concern while I note that the site boundaries would be within 8m of this permitted infrastructure I do not have any suitable expert analysis of this particular concern that would demonstrate that this impact would be unlikely.

Though I am cognisant that the site forms part of a portion of land indicated in Figure 13-9 as a potential development site. Alongside the default height of buildings in SDRA 9 as set out under its guiding principles is between 6 to 8 storeys in height. There is also a general default six storey height provided for in the Development Plan in Dublin city's urbanscape. In both cases the height is subject to safeguards.

Based on information before me I am unable to make any informed determination on whether there is any merit to this concern. Should the Board be minded to grant permission for the proposed development it may consider it first prudent to seek further information on this matter.

7.7.7. **Subsidence:** I note that Third Party submissions to the Planning Authority raised concerns that as this site was formerly used as a cement mill that any development thereon has the potential to give rise to subsidence issues for the site and properties in its setting.

In relation to this concern, I note that outside of the concerns raised with the placement of the individual trees indicated in the submitted drawings with their proximity to the site boundaries and Third Party properties a concern, it is my opinion that any instances of damage to, or interference with, the appellants' property attributable to the proposed development would essentially be a civil matter for resolution between the parties concerned.

In this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended. It states that '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

Therefore, should the Board be minded to grant permission for the proposed development I recommend that it includes the provisions of Section 34(13) of the 2000 Act as an advisory note as a precaution.

7.7.8. **Servicing:** I note that Section 15.5.1 of the Development Plan, which deals specifically with brownfield and regeneration sites, indicates that consideration will be had to ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts on users of surrounding roads and surrounding neighbourhood.

However, as discussed in the main assessment above I am not satisfied that it has been demonstrated that this is the case with this proposed development. In particular, the general information provided in terms of how this site would be managed is unclear. It is also a concern that this site is poorly accessible from and to the public domain during development through to when operational. There is little that can be done to overcome this outside of its amalgamation as part of a coordinated redevelopment with the site to the north of it.

Also, I note that the area of storage within the building envelope for waste storage for future occupants appears to be acceptable there is no assurance that its removal

would not give rise to traffic hazard, road safety issues and other nuisances either within the site or on the surrounding road network.

Furthermore, there is also no space to provide a safe collection area for bin collection at the entrance or along the laneway serving this site. It is also unclear how any future maintenance and operational management would be carried out in the absence of any details on such matters with there being no visitor parking for example available on site that could accommodate any vehicles generated by such activities.

Moreover, as discussed above there is no Management/Lifecycle Report accompanying this application and appeal to provide any further clarity on such matters.

Therefore, should the Board be minded to grant permission I recommend that it include appropriate conditions that would seek to overcome these design related concerns.

7.7.9. Community and Social Audit: For clarity I note that there is no requirement for a residential scheme of this unit number to provide a community and social infrastructure. It is below the thresholds set out under Section 15.8.2 of the Development Plan for this provision. Further there is no requirement for schemes of less than 50 units to provide an audit of school places in the vicinity and identify whether there is capacity in the existing schools in the vicinity to cater for any demand for school places likely to be generated by the proposed development. Moreover, there is no requirement for a scheme with less than 75 units to provide a dedicated childcare facility.

7.7.10. Naming of Residential Estates: Should the Board be minded to grant permission I recommend that it include a condition requiring the agreement for the naming and numbering of this residential scheme. Such a condition would accord with Section 15.8.9 of the Development Plan.

7.7.11. Flood Risk: I again note that the site is located between circa 67m to 114m to the south of the Grand Canal. It is located within Flood Zone 'C' lands and there is no record of any past flooding event on it. The Engineering report accompanying this planning application show that the site is remote from the lands in proximity of the Camac River as being at risk of flooding. It indicates that the site is located approximately 892m from this waterbody. It did not find any indicators of that the site, or the proposed development thereon would be at risk from fluvial, pluvial or

groundwater flooding or that the proposed development will not give rise to flood risk elsewhere. I am satisfied that the proposed development is one that would not be at risk from future flooding events subject to standard safeguards or that it would give rise to any undue flood risk to properties in its vicinity.

7.7.12. **Services:** Surface water management is proposed to connect into the existing surface water network on Galtymore Road. I note that the existing site is served by a 450mm concrete surface water sewer, with it flowing south-eastwards on Galtymore Road.

The Engineering Report accompanying this application indicates that it is proposed to discharge surface water run-off from the site (after interception and attenuation) to the existing 450mm surface water sewer on Galtymore Road. It indicates that a run-off from the 247.5m² roof will be attenuated at roof level in the Bauder sedum green blue roof proposed with this in turn discharging down the rainwater pipes and also discharging into the specifically design garden planters.

Additionally, the Engineering report indicates that runoff from most of the footpath within this development shall be attenuated in an 8m x 4m x 0.5m deep attenuation tank prior to leaving the site. It also indicates that the gravity outfall from the site will flow to the final manhole and be controlled by a Hydro brake prior to discharge to the existing surface water sewer on Galtymore Road.

Moreover, there are several Sustainable Urban Drainage Measures proposed within this scheme.

It is indicated that interception storage will be provided, and a 20% climate change factor will be applied to the allowable discharge for the 100-year event.

In relation to foul drainage, the Engineering Report indicates that the existing circumstance of the site is that it is served by an existing 300mm diameter concrete foul sewer that runs along Galtymore Road.

Additionally, it indicates that the foul stacks serving the apartments will feed into the foul drain system discharging to the final foul manhole and then to the 300mm diameter concrete foul sewer at Galtymore Road subject to the finalisation of details by experts in these matters.

In relation to the surface and foul water drainage no objection is raised by the Planning Authority's Drainage Division, subject to safeguards.

In relation to potable water supply it is indicated that the existing situation is that the site is served by an existing 4-inch cast-iron watermain which is located along the site frontage on Galtymore Road. It is proposed to serve the proposed apartment scheme by way of a new 100mm diameter connection with valve controlled metered boundary box to the existing supply at Galtymore Road.

It is also indicated that there are existing hydrants in close proximity to the site on Galtymore Road and that an additional hydrant shall be located within the site so that no part of the building is further than 46m from a fire hydrant.

It is further indicated that the water demand for the entire fully occupied development is 11,583m³ (11,583 l/day) equivalent to the calculated total foul effluent discharge which is set out under Section 3.2 of the Engineering report accompanying this planning application.

There are no comments from Irish Water in relation to the proposed development and their capacity to serve it.

In conclusion I concur with the Planning Authority that subject to standard safeguards that the proposed development would give rise to no substantive infrastructural servicing concerns.

7.7.13. General Nuisances & Potential Impacts on Amenity: I consider that the main impact that would arise to the amenities of this area would result from the demolition and construction phase of the proposed development. During these phases the works would inevitably result in noise, dust, building debris and so forth.

There is also potential for obstruction of traffic movements along this busy Galtymore Road, Benbulbin through to Galtymore's roundabout with Galtymore Drive during deliveries, removal of waste and the like. Notwithstanding, such nuisances would be of a temporary nature and would be required to be carried out in compliance with standard codes of practice. It is also standard planning practice to include conditions that seek to minimise such impacts on sensitive to change receptors in the vicinity of the site in the event of a grant of permission.

It would be standard practice if permission were to be granted for the proposed development that a demolition and construction environmental management plan be submitted for agreement with the Planning Authority prior to any commencement of

works. Such plan and the measures it would contain should ensure any short-term impacts on existing residential amenities are minimised and controlled, including noise, dust, vibrations and so forth.

A construction and demolition waste management plan would also be required given the nature of the proposed development sought and this should deal with the removal of any contaminants if present on this site.

A traffic management plan would also be required thus ensuring the appropriate management of traffic to and from the site as well as minimising any overspilling of parking arising during the demolition through to construction phases.

Additionally, such a plan should also include measures to keep public roads clean from debris through to repair any damage arising from this development on the surrounding public roads.

Moreover, it is standard practice to include a condition that restricts hours and days where demolition and construction activities can be carried out.

Such plans would assist in ensuring minimal disruption and ensure appropriate site practices during constructions phases of the proposed development, if permitted.

In relation to nuisances arising from the operational phase I consider that it would be appropriate that an appropriate condition be imposed to deal with likely nuisances arising, including traffic controls, waste management through to lighting.

I also consider that noise nuisances arising during this phase would not be exceptional despite the proposed development being of a much higher density to that of the existing lower in density residential development that characterises Galtymore Road. This is because of the site's land use zoning objective and forming part of SDRA 9 lands where recent permitted developments have included taller buildings containing multiple apartment units at high density including on the Heidleberg/Miller & SCR Garage site to the west of this site.

In conclusion, while I accept that the proposed development, if permitted, would give rise to disamenity particularly during the demolition and construction phases for properties in its vicinity, as said these, subject to compliance with appropriate conditions, would not be exceptional and would be of a limited duration. Further, the residential future use of the site is a type of land use that is permissible with the land

use zoning of the site and its setting. It is also the predominant land use in this urban neighbourhood and outside of the traffic, servicing, visual overbearance, potential for overshadowing as well as overlooking the nuisances arising from the proposed development would not be exceptional in their nature having regard to this site's urban context.

- 7.7.14. **Contributions:** I refer to the Dublin City Development Contribution Scheme, 2023-2026. The development is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000. Additionally, as noted in the assessment above given the size constraints of this site it is appropriate that a contribution in lieu of the provision of public open space condition be imposed as part of any grant of permission.
- 7.7.15. **Part V Compliance:** Should the Board be minded to grant permission a condition requiring details to be agreed with the planning authority should be imposed.
- 7.7.16. **Bond:** Should the Board be minded to grant permission I note that the Planning Authority seek that the payment of a bond condition be imposed. I consider such a condition reasonable and appropriate as part of ensuring the appropriate completion of the proposed development.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 (as amended). As set out under Section 5 of this report above the subject site is not located within or adjacent to any Natura 2000 site and is not considered to be within the zone of influence of any Natura 2000 sites. The closest Natura 2000 sites is the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located c5.9km to the north east of the site at its nearest point.
- 8.2. The proposed development is set out under Section 2 of this report and in summary consist of the demolition of a mainly two storey building and the construction of a proposed four and six storey residential apartment block containing a total of twenty-six apartment units together with all associated works and services.

- 8.3. The site is backland site of 0.107ha and is mainly landlocked bound by a mixture of residential, commercial and open space land uses. As said the proposed development relates to an existing building and is located within the urban neighbourhood of Drimnagh with the neighbouring residential neighbourhood likely dating back to c1930s. It is a mature built-up serviced location that is located c2.5km to the south west of Dublin's city centre.
- 8.4. Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment. This is on the basis that it would not give rise to any appreciable effect on any Natura 2000 site or sites. The reason for reaching this conclusion is based on the following factors:
- The modest nature, scale, and extent of the proposed development.
 - The location of the proposed development on brownfield serviced zoned lands.
 - The lateral separation distance from the nearest Natura 2000 sites and the urban nature, function, and physical character of intervening urbanscape with the site having no connection to the habitats and biodiversity that are present in between.
 - The absence of any ecological pathways to any Natura 2000 site(s).
 - In the unlikely event of any adverse pollution event occurring on the site contaminants would be diluted and dispersed to level where they would have negligible, if any, impacts on any Natura 2000 site.
- 8.5. In conclusion, I have had due regard to the details available on the NPWS website in respect of the Natura 2000 sites, including the nature of the receiving environment and proximity to the nearest Natura 2000 site. I consider that it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a Natura 2000 site or sites in view of their specific conservation objectives. I therefore consider that Stage 2 Appropriate Assessment (and submission of a NIS) is not required in this case.

9.0 Water Framework Directive

9.1. Screening the need for Water Framework Directive Assessment Determination.

- 9.1.1. Oscar House (No. 309A Galtymore Road) the appeal site relates to a modest plot of land (Note: 0.107ha) located to the immediate north of No.s 289 to 309 Galtymore Road and to the south of the plots associated with PJ Hegarty & Sons and Good Counsel Liffey Gaels GAA & Camogie Club in the city suburb of Drimnagh, c2.5km to the south west of Dublin's city and at its nearest point located c114m to the south of proposed Natural Heritage Areas: Grand Canal (Site Code: 002104). The site is located within WFD Catchments 09 - Liffey and Dublin Bay as identified by the EPA (Note: www.catchments.ie). The site is also c892m at its nearest point to Camac River which is indicated as being of poor status. This water body is indicated as being WFD 'at risk', with significant issues for this water body indicated as morphological, nutrient and organic through to it being under significant pressure.
- 9.1.2. The proposed development comprises of the demolition of an existing two-storey residential building and construction of a new four & six-storey residential apartment block consisting of 26 apartment units together with all associated site works.
- 9.1.3. No water deterioration concerns were raised in the planning appeal.
- 9.1.4. I have assessed this residential scheme for a site referred to as 'Oscar House' and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively given the lateral separation distances involved. Additionally, this conclusion is further supported by the serviced and established brownfield nature of the lands in between as well as the use of standard measures that accord with best practice during demolition, site clearance, excavation, general construction works through to operation.
- 9.1.5. Conclusion: I conclude that based on objective information, that the proposed development will not result in a risk of deterioration on any water body including but

not limited to the Grand Canal and Camac River either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

I raise no substantive drainage concerns in relation to the proposed development subject to the safeguards recommended by the Planning Authority's Drainage Division being imposed as part of any grant of permission.

10.0 Recommendation

- 10.1. As set out in the assessment above I raise no objection to the principle of demolition of the existing building on this site as part of facilitating an appropriate to its context residential development. In this case I am not satisfied that the proposed apartment building as a result of the quantum of units proposed, its height, scale, massing, limited lateral separation distance to boundaries, overall design and layout is a development that can be positively absorbed in this backland, constrained in area and poorly accessible backland site without giving rise to serious residential, visual through to adverse traffic and road safety issues.
- 10.2. I am also of the view that the proposed development represents a shortfall in residential amenity by way of its poor provision of parking solutions through to open space amenity provisions and that the level of development sought has the potential to give rise to an undue impact on the latent potential of the adjoining site to the north to be redeveloped in a manner consistent with the guiding principles of the SDRA 9 which the site and this adjoining site form part of.
- 10.3. In this case I consider that the design approach appears to have been chosen to maximise density and unit numbers on the site at the expensive of residential amenity of existing properties, at the expense of visual amenity, and at the expense of the future amenities of occupants of the proposed development in a manner that would be contrary to the proper planning and sustainable development of the area as provided for under local through to national planning provisions as well as guidance. These concerns are such that they can not in my view be overcome by way of condition(s) or by a request of further information.

10.4. In conclusion, I recommend that permission be REFUSED.

11.0 Reasons and Considerations

1. Having regard to the quantum of development sought on this constrained backland site, a site that is also poorly accessible to the public domain, together with having regard to the height, massing, bulk, separation distances of the proposed mainly six storeys residential apartment building to the main site areas perimeter boundaries, it is considered that while the site forms part of a larger parcel of 'Sustainable Residential Neighbourhoods - Z1' zoned lands under the Dublin City Development Plan, 2022-2028, which includes the adjoining modest terrace properties of Galtymore Road to the south, the site also forms part of the Strategic Development Regeneration Area 9 – Emmet Road (SDRA) lands, notwithstanding it occupies the south easternmost corner of these lands with the adjoining Galtymore Road properties to the south and south west as well as the adjoining 'Amenity/Open Space Lands/Green Network - Z9' on the eastern side of the site falls outside of the SDRA lands.

In such circumstances the Development Plan provisions set out under Section 14.6 that it is necessary to avoid abrupt transitions in scale and to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.

Additionally, the guiding principles of this SDRA as provided for under the Development Plan includes but it is not limited to ensuring that new buildings respond to the scale and grain of the prevailing character.

Moreover, the site and the adjoining lands to the immediate north of the site are identified as a potential development site where the future buildings are setback from the southern boundary of this site as well as from the adjoining 'Z9' lands. The development of this backland site in isolation or with consideration for not unduly impacting on the latent potential of these lands would give rise to piecemeal, uncoordinated and fragmented development in manner that would be contrary to achieving the urban structure envisaged for SDRA 9 lands as illustrated in Figure 13-9 of the Development Plan.

It is considered that the proposal does not represent a site and setting appropriate design solution that responds to the established character of the area, including the established two storey Galtymore Road properties to the south and south west of the site, the adjoining SDRA 9 lands to the north and 'Z9' adjoining lands to the east. The proposed development would by reason of its scale, form and design constitute overdevelopment of a limited site area, it would be visually obtrusive and out of character with development in the vicinity, it would result in a substandard residential amenity for its future occupants, and it would seriously injure the amenities of adjoining residential properties.

For these reasons the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature, scale and extent of the residential sought, alongside having regard to the location of this backland site that is served by a substandard entrance and laneway onto the public domain of Galtymore Road, it is considered that the provision of one parking space which is to have a multiple of functions from disabled parking, car share through to drop off, and the absence of adequate proposals to address the proposed under provision of car parking including the under provision of bicycle parking, would result in a development that would contravene the 'Sustainable Residential Neighbourhoods - Z1' land use zoning objective of the site and its setting, with this land use zoning seeking to protect, provide and residential amenities as provided for under the Dublin City Development Plan, 2022-2028.

The Board also considers that the overall parking provision, which also includes a shortfall of bicycle parking, bicycle storage through to a lack of a Mobility Management Plan for the proposed residential scheme would contravene Policies SMT24 and SMT27 of the Development Plan.

In this regard, it is noted that Policy SMT24 seeks to promote the use and expansion of shared mobility to all areas of the city and facilitate adaptive infrastructure for the changing modal transport environment. Alongside, Policy SMT27 (i) and (ii) seeks to provide for sustainable levels of car parking and to encourage new ways of addressing the transport needs of residents. These

policies are reasonable and align with higher level planning provisions and guidance on such matters. It is considered that the proposed development has not had sufficient regard to these policies in the design of this residential scheme.

The Board considers that the absence of adequate on-site car parking provision for occupants, visitors through to other traffic likely to be generated by the quantum of residential development sought on this constrained backland site would result in substandard residential amenity for future occupants and it would be likely result in a significant overspill of car parking in the vicinity of the subject site, which having regard to the existing levels of on-street parking does not have spare capacity to absorb such overspill. Additionally, any overspilling of car parking would result in increased congestion, conflict and obstruction for existing road users which would in turn endanger public safety by reason of traffic hazard. This is in addition to the hazards arising from the substandard sightlines serving the proposed entrance serving this scheme and the poor quality internal layout for vehicles, pedestrians and cyclist movements.

For these reasons the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

Patricia M. Young
Planning Inspector - 9th day of June, 2025.

12.0 Form 1 - EIA Pre-Screening

Case Reference	ABP-321944-25
Proposed Development Summary	Permission is sought for the demolition of an existing two-storey residential building and construction of a new four & six-storey residential apartment block consisting of 26 apartment units together with all associated site works.
Development Address	Oscar House, No. 309A Galtymore Road, Drimnagh, Dublin 12.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	N/A
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	N/A
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<i>Subthreshold for Class 10(b)(i); Class 10(b)(iv); Class 14 & Class 15(b) of the Planning Regulations, 2001, as amended.</i> <i>Preliminary examination required. (Form 2)</i>

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

Inspector: _____ **Date:** _____

13.0 Form 2 - EIA Preliminary Examination

Case Reference	ABP-321944-25
Proposed Development Summary	Permission is sought for the demolition of an existing two-storey residential building and construction of a new four & six-storey residential apartment block consisting of 26 apartment units together with all associated site works.
Development Address	Oscar House, No. 309A Galtymore Road, Drimnagh, Dublin 12.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposed development consists of the demolition of an existing mainly two-storey built structure totalling 153m ² , site clearance which would include the removal of existing metal containers as part of facilitating the construction of 26 apartment unit development totalling 2,423.38m ² in floor area on this subject 0.107ha site in the established city neighbourhood of Drimnagh, Dublin 12. The proposed development is modest relative to the nature, scale, and extent. The existing building on site dates to circa 1930s and is not exceptional outside of its detached backland position in its urban context as part of the larger Galtymore residential development. The site forms part of an urban neighbourhood located circa 2.5km to the south west of Dublin's city centre and the nature, scale as well as extent of residential development sought under this application is not out of context with its wider setting as part of the SDRA 9 lands for brownfield serviced zoned lands. The additional waste the proposed development would generate during construction and operation phase, I do not consider would be of a level that would be exceptional or significant in the local, regional, or national context. Additionally, the implementation of the proposed development would not require the use of substantial resources with the main works relating to the construction of a 26-unit apartment building with high

	<p>density taller residential/mixed development permitted to the north west of the site on larger sites with frontages onto Davitt Road.</p> <p>I am satisfied that the development, does not pose a risk of major accident and/or disaster, and due to its location would not be vulnerable to climate change.</p> <p>It would not present a risk to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site is comprised of mainly hardstand, a two storey with modest single storey addition and a number of metal container structures and forms part of a developed urbanscape in Drimnagh.</p> <p>The site is not designated for the protection of the environment or are any of lands within its vicinity but whilst located c114m to the south of the Grand Canal is separated by Luas line, Davitt Road and mixed in use land in between.</p> <p>The site itself and the adjoining properties are not of any other built sensitivity including the site and its setting do not contain Protected Structures, adjoin Protected Structures nor does it form part of an Architectural Conservation Area. There are also no NIAH listings in the vicinity of the site.</p> <p>The site is unlikely to contain any surviving archaeology of merit and is remote from the zone of archaeological constraint of a Recorded Monument & Place.</p> <p>The Development Plans Core Strategy and accompanying provisions supports compact, dense through to consolidated residential development at service accessible locations subject to safeguards. This aligns with regional and national planning provisions.</p> <p>The development would not have the potential to significantly impact on any ecologically sensitive site or locations, with the nearest Natura 2000 sites are located nearly 6km from the site at its nearest point.</p> <p>The proposed development would not generated significant additional demands on water supply, foul drainage, or public road network. With the existing services having the capacity to absorb the additional 26 apartment unit's additional demands.</p> <p>I therefore do not consider that the proposed development would have significant cumulative effects</p>

	on the environment together with any other projects in the vicinity.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature, scale and extent of the proposed development, the size of the site and its location removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects together with the absence of any potential for significant cumulative effects, I am satisfied that there is no potential for significant effects on the environmental factors set out in Section 171A of the Planning and Development Act 2000 (as amended) having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended).
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)