



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321964-25

<b>Development</b>	Demolition of derelict building and construction of a three-story apartment building, comprising six apartments, and associated works.
<b>Location</b>	No. 25 Lower Mount Pleasant Avenue and the corner of Richmond Hill, Dublin 6.
<b>Planning Authority</b>	Dublin City Council South.
<b>Planning Authority Reg. Ref.</b>	WEB2619/24.
<b>Applicant(s)</b>	Kevin Dooner.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refused.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Kevin Dooner.
<b>Observer(s)</b>	Tracey Quinn on behalf of The Rathmines Initiative. Sarah O'Herlihy.
<b>Date of Site Inspection</b>	16 <sup>th</sup> day of May, 2025.
<b>Inspector</b>	Patricia M. Young.

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## 1.0 Site Location and Description

- 1.1. No. 25 Lower Mount Pleasant Avenue, the appeal site occupies the corner of Mount Pleasant Avenue Lower and Richmond Hill and has a stated site area of 0.015ha. It is located in the Dublin suburb of Rathmines, circa 1km to the south of Dublin's city centre as the bird would fly. The site is also located c190m to the east of Rathmines Road Lower (R114) and c315m to the south east of the Canal Road (R111).
- 1.2. The site contains a two-storey end of terrace property and an attached single storey setback from the public domain of Lower Mount Pleasant Avenue garage structure. These structures address Mount Pleasant Avenue Lower with the two-storey building having a zero setback from its public domain. Whereas the single storey garage structure is setback from the public domain and accessed from via a railed gated vehicle entrance from Mount Pleasant Avenue Lower, with an area of hard stand in between. The existing building on site once contained a newsagent (Cullen's) at ground floor level addressing Mount Pleasant Avenue Lower with residential over.
- 1.3. To the immediate north of the site is No. 26 and 26A Lower Mount Pleasant Avenue, which are two storey period structures whose built form, architectural style through to materials harmonise with the No. 25 Lower Mount Pleasant Avenue. Adjoining the terrace group of No.s 25, 26 and 26A is the three-storey Victorian period brick building (Note: Corrigan's – Mountpleasant Inn). To the immediate north of it as well as positioned slightly setback from the public domain of Lower Mount Pleasant Avenue and occupying the southern corner of its junction with Bessborough Parade is the contemporary in design three storey building of No. 28A Lower Mount Pleasant Avenue.
- 1.4. Double yellow lines run alongside the public carriageway edge alongside the pedestrian footpath that bounds the eastern boundary of the site and extend northwards along Mount Pleasant Avenue Lower. Double yellow lines also run alongside the carriage edge on the opposite side of this road with the pedestrian footpaths at both sides of Mount Pleasant Avenue Lower being of a restricted width.

Additionally, I observed that the predominant land use of Mount Pleasant Avenue Lower is residential.

- 1.5. The site is adjoined on its western side by an off-street car parking provision that is adjoined by a modest three storey residential terrace. Double yellow lines run alongside either side of the carriage edge of Richmond Hill with a street ramp also present in proximity of its junction with Mount Pleasant Avenue Lower. The streetscape of Richmond Hill has a period character with residential being the predominant land use present.
- 1.6. The public domain of Mount Pleasant Avenue Lower and Richmond Hill junction is characterised by its restricted in width public carriageways which at the time of inspection accommodated a steady flow of vehicle traffic.
- 1.7. The site is in walking distance of Rathmines and Ranelagh Villages with the site being within 500m walk of Ranelagh's Luas stop as well as being in walking distance to several Dublin Bus stops.

## **2.0 Proposed Development**

### **2.1. Planning permission is sought for:**

- Demolition of an unused derelict building (Note: 144m<sup>2</sup>).
- Construction of a new three-story apartment building (Note: 404m<sup>2</sup>), with the attic converted into a habitable space, containing 6 apartment units with the ground floor level containing two studio apartments; the first-floor level containing two single-bedroom apartments; the second-floor level containing one three-bedroom apartment; the attic floor level containing one single-bedroom apartment with each apartment unit will having separate provisions for bicycle and refuse bin storage. The main entrance serving the proposed apartment building will be onto Lower Mount Pleasant Avenue via a landscaped courtyard.
- All associated site works and services.

### **2.2. According to the accompanying planning application the proposed development would result in a Plot Ratio of 2.4 and a Site Coverage of 82%. This application is accompanied by the following documentation:**

- Demolition Justification Report
- Drainage & Flood Risk Assessment
- Building Lifecycle Report
- Construction Management Plan
- Daylight & Sunlight Assessment
- Quality Housing Assessment

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.2. On the 30<sup>th</sup> day of January, 2025, the Dublin City Council (Planning Authority) **refused** planning permission for the proposed development for the following stated reasons:

- “1. Having regard to Z1 zoning objective, the density, scale, mass and layout of the development, it is considered that the proposal represents overdevelopment of the site, would result in a substandard residential amenity for future occupants particularly the ground floor and attic level units and is contrary to the development standards as set out in the Dublin City Development Plan 2022-2028 and the Ministerial Guidelines Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoHLGH, July 2023. The proposed scheme would create an undesirable precedent of similar type development and would be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the prominence of the corner site and the design of the proposal, it is considered that the proposed development is overly dominant and would create an insensitive imbalance within the streetscape, failing to relate to or integrate with the existing character of the area. The development would appear visually incongruous and would have a negative visual impact on the character of the area. The development would therefore create an undesirable precedent for similar type development, would devalue property in the vicinity and would be contrary to the proper planning and sustainable development of the area.”*

### **3.3. Planning Authority Reports**

**3.3.1. Planning Report (31.01.2025):** This report is the basis of the Planning Authority's decision and includes the following comments:

- This is a prominent corner site.
- The applicant has not fully addressed the reasons for refusal for P.A. Ref. No. WEB2060/23.
- The applicant has not demonstrated an exceptional architectural and urban design rationale to justify the proposed density.
- Concerns are raised regarding the overall design of the proposed building in terms of its built form, façade articulation, roof profile and palette of materials.
- In general, the proposed units meet the minimum requirements of Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, July 2023.
- Concerns are raised in relation to the lack of a defensible space to the ground floor units.
- The communal open space does not comply with relevant standards.
- Concerns are raised that Apartment No. 4 is served solely by roof lights and one balcony door. It is noted that whilst this unit accords with the BRE guidelines in terms of daylight, however, it is considered that its outlook is poor.
- This proposal would not give rise to any undue overlooking of adjoining properties.
- The provision of a balcony for Apartment No. 4 which aligns with the western boundary of the site and would negatively impact upon the development potential of the adjoining property.
- This development is out of character and out of scale with its context.
- No AA or EIA issues arise.
- Concludes with a recommendation of refusal.

### **3.3.2. Other Technical Reports**

**Air Quality Monitoring & Noise Control Unit:** No objection, subject to safeguards. These safeguards relate to noise control and air quality control during the construction phase as well as general noise controls for the proposed development, if permitted.

**Drainage (19.12.2024):** This report concludes with no objection subject to safeguards. I note however to the Board that this report sought compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 and the Blue Green Roof policy 2021. It also sought that the developer shall submit a surface water management plan for written approval. Additionally, I note to the Board that this report raised concern was raised that the “Drainage and Flood Risk Report” submitted with this application proposes the use of combining both green and blue roof systems; however, the drawing “Layouts” indicates the use of Green roofs only. Further concern is raised that the areas do not match on the report and drawings.

**Roads (02.01.2025):** No objection subject to the following requirements:

- 10 no. cycle parking spaces shall be provided.
- Agreement of a Construction Management Plan required.
- The footpath and kerb dishing to the front of the site on Mountpleasant Avenue Lower shall be removed and the footpath/kerb shall be raised to the requirements of the Area Engineer, Roads Maintenance Department.
- All costs incurred by Dublin City Council, including any repairs to the public road, shall be at the expense of the developer.

### 3.4. **Prescribed Bodies**

- 3.4.1. Irish Water were notified; however, no comments were received.

### 3.5. **Third Party Observations**

- 3.5.1. During the Planning Authority’s determination of this planning application, they received 4 No. Third Party Observations which raise overlapping concerns to those raised by the Third-Party Observers in their submission to the Board in this appeal case. Concern is also raised in relation to flooding, surface water/foul drainage through to planning history of the site.

## 4.0 Planning History

### 4.1. Site

- **P.A. Ref. No. WEB2060/23:** Permission **refused** for the demolition of a derelict 2 storey end of terrace building and the construction of a new three-story apartment building with a mansard type roof which contains attic accommodation containing a total 7 no. apartments over four floors with a courtyard area to the front of the proposed building at the corner of Mount Pleasant Avenue and Richmond Hill (Note: Decision date – 31.01.2024). The given reasons for refusal read:

- “1. *Having regard to Z1 zoning objective, the scale, mass and layout of the development, it is considered proposal represents overdevelopment of the site, would result in a substandard level of accommodation and residential amenity for future occupants and is contrary to the development standards as set out in the Dublin City Development Plan 2022-2028 and the Ministerial Guidelines Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoHLGH, July 2023.*
2. *Having regard to the prominence of the corner site and the design of the proposal, it is considered that the proposed development is overly dominant and would create an insensitive imbalance within the streetscape, failing to relate to or integrate with the existing character of the area and would harm the setting of adjacent protected structures. The development would appear visually incongruous and would have a negative visual impact on the character of the area. The development would therefore set an undesirable precedent for future development and would be contrary to the proper planning and sustainable development of the area.”*

**ABP-PL29S.304594 (P.A. Ref. No. 4501/18):** On appeal to the Board permission was **granted** for amendments to previously permitted development P.A. Ref. No. 2382/18 to include demolition and construction of 2 apartment building. Decision date: 30.08.2019.

**P.A. Ref. No. 2382/18:** Permission was **granted** for material alterations to the ground floor providing for change of use and incorporation of the ground floor retail space and

storage space into the residential use of the existing house along with a screened first floor level garden at the rear. Decision date: 19.04.2018.

**ABP-PL29S.246213 (P.A. Ref. No. 3645/15):** On appeal to the Board planning permission was **refused** for a development consisting of retention of building and construct a new 4 storey apartment building with roof top garden at 25 Lower Mount Pleasant Avenue/Corner of Richmond Hill, Dublin 6. The single stated reason and consideration reads:

*“Notwithstanding the residential zoning of the subject site, it is considered that having regard to the design, height, scale and proximity of the proposed development relative to site boundaries and to the established pattern of development in the area, the proposed development would be visually obtrusive and have an overbearing visual impact on existing properties in Richmond Hill and Mount Pleasant Avenue including the proximate landmark 1910 building. The proposed development would, therefore, seriously injure the amenities and character of the area and would be contrary to Section 17.9.7 of the Dublin City Development Plan 2011-2017 and Section 5.9 relative to infill development and impact on the character of the area in the Planning Guidelines, Sustainable Residential Development in Urban Areas 2009”.*

Decision date: 27.07.2016.

#### 4.2. **Setting**

**No.s 27 and 28 Mount Pleasant Avenue Lower (Note: Neighbouring property to the north of the appeal site).**

**ABP 307928-20 (P.A. Ref. No. 2799/20).**

On appeal to the Board permission was granted for a two-storey rear extension at back of main pub at back or permitted development under P.A. Reg. Ref. 4690/18 with ground floor being retained. Decision date: 16.12.2020.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The appeal site is zoned 'Sustainable Residential Neighbourhoods – Z1' in the Dublin City Development Plan, 2022-2028. The given objective for 'Z1' zoned lands is: *“to protect, provide and improve residential amenities”*. Residential development is permissible subject to safeguards.
- 5.1.2. 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.
- 5.1.3. Chapter 3 of the Development Plan deals with climate action. It includes the following policies:
- CA6: *“Retrofitting and Reuse of Existing Buildings - To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible”*.
  - CA7: *“Energy Efficiency in Existing Buildings - To support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retro-fitting of appropriate energy efficiency measures in the existing building stock, and to actively retrofit Dublin Council housing stock to a B2 Building Energy Rating (BER) in line with the Government’s Housing for All Plan retrofit targets for 2030”*.
  - Policy CA8 - Climate Mitigation Actions in the Built Environment.
  - Policy CA9 - Climate Adaptation Actions in the Built Environment.
- 5.1.4. 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.
- 5.1.5. Chapter 11 of the Development Plan sets out the policies and provisions relating to built heritage including but not limited to Conservation Areas and Archaeology.
- 5.1.6. Chapter 15 sets out the applicable development management standards.

- 5.1.7. Appendix 3 and 5 of the Development Plan provides additional residential standards that are relevant to the nature of the proposed development.
- 5.1.8. Volume 6 of the Development Plan deals with Appropriate Assessment and Natura Impact Reporting.
- 5.1.9. Of note are the requirements of the following Development Plan policies:
- Policy SC11: Compact Growth - In alignment 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 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.
  - Policy SC12: Housing Mix – seeks to promote a variety of housing/apartment types.
  - QHSN2: Regard will be had to the DEHLG Guidelines including but not limited to - 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) and 'Sustainable Residential Development in Urban Areas'.
  - QHSN6: Deals with the matter of 'Urban Consolidation' and sets out that the City Council will seek to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

- QHSN22: Seeks to ensure that new housing is adaptable and flexible to the changing needs of the homeowner as set out under Section 5.2 of 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities', 2007.

## 5.2. Regional

### 5.2.1. 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.

## 5.3. National

- **Project Ireland 2040 - National Planning Framework (NPF)**, 2018-2040, as revised 2025, 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.
  - Places for People – the National Policy on Architecture, 2022.
  - Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024).
  - Urban Development and Building Height, Guidelines for Planning Authorities (2018).
  - 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.
  - Appropriate Assessment Guidelines for Planning Authorities.
  - Development Management Guidelines for Planning Authorities, 2007.
  - The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009.

## **5.4. Natural Heritage Designations**

- 5.4.1. None within the zone of influence. The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), South Dublin Bay SAC (Site Code: 000210) which are located c3.3km to the north east of the site as the bird would fly.
- 5.4.2. The site is located c0.3km to the south of proposed Natural Heritage Areas: Grand Canal (Site Code: 002104).

## **5.5. EIA Screening**

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

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The grounds of this First Party Appeal can be summarised as follows:

#### **Planning Authority's (PA) decision**

- The Board is requested to overturn the PA's decision.
- The PA's refusal failed to acknowledge the improvements made to the design in comparison to previous schemes.

#### **Proposal**

- This proposal seeks to address previous shortcomings in planning application P.A. Ref. No. 2382/18 alongside providing enhanced usability, safety, and aesthetics of the site.

- This proposal represents a carefully considered and well-integrated design that respects the character of the surrounding built environment while making efficient use of an underutilised site in a prime urban location.

### **Planning History**

- The permitted scheme P.A. Ref. No. 4501/18 was unfeasible due to a design flaw that required a section of the new structure to be built over the adjacent property at No. 26 Mount Pleasant Avenue, which is described as an occupied and lived in building.
- The initial redesign was submitted under P.A. Ref. No. WEB2060/23 which sought to eliminate the overhanging issue. It is contended that this was refused primarily based on the incorrect zoning classification applied by the Planner. In this regard it is submitted that the site was zoned 'Z2' rather than 'Z1'.

### **Procedural**

- It is contended that the PA failed to provide signed decision to the applicant of their decision and therefore the validity of the decision is questioned. The Board is requested to investigate this matter and seek clarification from the City Council. It is also requested that the refusal be deemed procedurally flawed.

### **Pre-planning**

- On foot of the pre-planning the number of units were reduced from 7 to 6 which reduced its density to below 400 units per hectare. Despite these amendments permission was refused.
- Concern is raised that the Planners Report makes no reference to their pre-planning. This is considered a serious omission in the assessment process.

### **Density**

- The proposed density is compliance with local and national planning provisions.

### **Standard for Future Occupants**

- This development complies with the Sustainable Urban Housing: Design Standards for New Apartments, 2023.

- Each unit has been designed to optimise functionality, spatial efficiency, and natural light, ensuring a high quality of living spaces for future occupants.
- The site size is below 0.25ha and that provides a level of flexibility in open space provision.
- The communal courtyard coupled with the sites proximity to public open spaces compensates for any perceived shortfall in private open space.
- Apartment 4 which is the attic unit fully meets daylight and ventilation requirements through a combination of integrated dormer style roof windows and a balcony door, ensuring bright, well-ventilated, and comfortable living environment.
- The City Councils Planners report incorrectly states that Apartment 1 does not meet minimum storage requirements when it contains two storage areas which collectively meet the required standards.
- Each apartment meets provide the required storage space for residents.

### **Visual Amenity**

- It is not accepted that the proposed development is unsympathetic to its visual setting.
- The L-shaped building mirrors the previously approved design and aligns with its corner position.
- The height is in keeping with the surrounding built environment which includes a three-storey Victorian redbrick building on the adjacent site.
- The palette of materials echoes is harmonious to its setting.
- The updated design integrates with neighbouring properties.

### **Communal and Private Open Space**

- The 12m<sup>2</sup> communal courtyard is a suitable provision for a small infill site and secures a welcoming entrance and provides passive surveillance.
- The provision of additional open space is unnecessary given the proximity to public open space.

### **Amenity Impact on Properties in its Setting**

- The balcony serving Apartment 4 has been setback from the boundary which effectively eliminates any potential overlooking.

### **Transport, Parking and Access**

- PA's Transportation has no objection to the proposal.
- This development eliminates unsafe carports and instead prioritise use of sustainable transport with the site providing secure cycle parking facilities.
- The car free design is in line with best practice in a location well-served by public transport.

### **Other**

- The design has been refined to ensure compliance with modern building regulations, including fire safety, accessibility and sustainable urban housing standards making it a future proof solution that aligning with contemporary planning principles.

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority requested that the Board uphold its decision; however, if permission is granted it is requested that Section 48; payment of a bond; contribution in lieu of open space; and a naming/numbering condition is imposed.

## **6.3. Observations**

- 6.3.1. On the 28<sup>th</sup> day of March, 2024, the Board received a Third-Party Observation from Tracey Quinn on behalf of the Rathmines Initiative which can be summarised as follows:
  - The proposed development is of poor-quality design which would be visually obtrusive and have an overbearing negative visual impact on existing properties in proximity to a landmark 1910s building.
  - The proposed development offers a poorly layout apartment units with inadequate external amenity spaces for future occupants.

- Concerns are raised about the apartment mix which because of the 5 studios and single bedroom would foster a more transient tenancy mix in a manner contrary to the Development Plan.
- A better mix of larger apartment would be preferable.
- Undesirable precedent for future development.
- The Board is requested to uphold the Planning Authority's decision.

6.3.2. On the 19<sup>th</sup> day of March, 2024, the Board received a Third-Party Observation from Sarah O Herlihy which can be summarised as follows:

- Concern is raised in relation to the long history of planning applications on this site.
- The site is a visually prominent corner site in an area of Georgian and Victorian Architectural Heritage.
- Reference is made to the planning permission previously granted for two three-bedroom apartments on this site.
- Reference is made to what are considered to be precedent applications.
- This development represents overdevelopment of a small infill site.
- The proposed design is not sympathetic to the period character of its setting.
- This proposal includes only modest changes to a previous refused scheme (Note: P.A. Ref. No. 2060/23).
- This development is excessive in its scale, height, and massing.
- This development would result in overlooking of the observer's property.
- Mountpleasant Avenue and Richmond Hill are streets with permit parking which is already at capacity and this development would result in overspilling of car parking in its vicinity.
- The amenity for future occupants of this scheme is substandard.
- This development represents high density overdevelopment on a prominent corner site and would result in an undesirable precedent.

## **7.0 Assessment**

### **7.1. Preliminary Comment**

7.1.1. Having examined the application details and all other documentation on file, having inspected the site, having had regard to the planning history of the site and setting, together with having regard to all relevant local through to national policy provisions and guidance, I consider that the main issues in this appeal case relate to the Planning Authority's given reason for refusal alongside those raised in the grounds of appeal and the Third Party Observations received. I therefore propose to assess this appeal case under the following broad headings:

- Procedural Concerns
- Principle of the Proposed Development & Compliance with Planning Provisions
- Other Matters Arising

7.1.2. I consider that the above broad headings encapsulate the core issues that require examination in this appeal case; however, to this I note that the matter of 'Appropriate Assessment' also requires examination. This I propose to examine separately at the end of this assessment.

### **7.2. Procedural**

7.2.1. The appellant in their appeal submission to the Board raise a number of what they consider to be procedural irregularities in relation to the Planning Authority's determination of the subject planning application. They also raise concerns in relation to the Planning Officer not having regard to the pre-planning consultation as part of their assessment through to they raise concerns that relate to previous applications made on this site.

7.2.2. Additionally, I note to the Board that one of the Third-Party Observers to this appeal raise concerns in relation to the limited public consultation duration of time to lodge an observation to the Board on foot of the First Party Appeal submission through to frustrations relating to the number of planning applications made on this site in recent years.

7.2.3. In relation to these concerns whilst the Appellant seeks that the Board investigate their procedural concerns regarding the Planning Authority's handling of this application, I

firstly note that planning law facilitates pre-application consultations. Such consultations have the benefit of raising awareness of relevant planning issues in generality. However, the carrying out of consultations cannot, prejudice the performance by a Planning Authority of any other of its functions under the Planning Act or under ancillary regulations in the determining of any subsequent planning application. Also, the proposed development is as lodged with the Planning Authority who in turn assess its planning merits.

- 7.2.4. Further, the notification of the Planning Authority's decision from the information provided with this application in my view appears to be compliant with the requirements of Article 31 of the Planning Regulations. Including I note the requirement to give information in relation to the lodgement of appeals through to details of the nature of that decision including in this case the reasons for refusal of permission.
- 7.2.5. Also, Section 34(11) of the Planning & Development Act, 2000, as revised, requires that where no appeal is taken against the decision, the Planning Authority must make finalise their decision as soon as possible after the expiration of the period for making the appeal. A first party appeal was lodged with the Board and was deemed valid.
- 7.2.6. Moreover, the public consultation notifications to parties involved in the planning application as lodged have been carried out by the Planning Authority and the Board in full compliance with the Planning Regulations.
- 7.2.7. To this I note that the Board does not have an ombudsman role on such matters in its remit in the adjudication of this appeal case. I am also of the view that there is adequate information before the Board for it to assess and make an informed decision on the planning merits of the proposed development, with the transportation and drainage concerns raised not giving rise to substantive concerns that would warrant refusal on their own right or that could not be resolved by way of appropriately worded conditions similar to those raised by the Planning Authority's interdepartmental division with expertise on these specific matters. I therefore do not propose to comment further on the procedural concerns raised by parties in this appeal case and I consider that there is adequate information on file for the Board to make an informed decision on the proposed development sought under this subject planning application.

**7.3. Principle of the Proposed Development & Compliance with Planning Provisions**

7.3.1. The proposed development which is now before the Board for its determination consists of two core elements which warrant separate consideration in assessing the principle of the proposed development sought under this subject application. That is to say, firstly, the demolition of existing buildings and structures on this site; and secondly, the construction of a three-storey residential building together with associated ancillary works and services.

7.3.2. *Zoning:*

The appeal site is located on the corner of Lower Mount Pleasant Avenue and Richmond Hill. It is zoned '*Sustainable Residential Neighbourhoods – Zone Z1*' under the Development Plan, and subject to the land use zoning objective of protecting, providing, and improving residential amenities (Note: Section 14.7.1).

This land use zoning extends to the west of the site for neighbouring properties located on the northern side of Richmond Hill and extends to the north for neighbouring properties that front onto the western side of Lower Mount Pleasant Avenue. With the properties on the opposite side of Richmond Hill and Lower Mount Pleasant Avenue subject to zoned '*Residential Neighbourhoods (Conservation Areas) – Zone Z2*' under the Development Plan and are therefore subject to the land use zoning objective of protecting and/or improving the amenities of residential conservation areas. To this I note that under Section 14.6 of the Development Plan that in transitional zonal areas it indicates that developments that would be detrimental to the amenities of the more sensitive to change zone should be avoided as well as any abrupt transition in scale. It is however of note that residential development is also deemed to be acceptable on lands zoned '*Z2*' subject to safeguards.

I also note that the pattern of development that characterises the site setting is residential in its land use function.

Conclusion: Having regard to the land use zoning of the site and its setting residential development I am satisfied that the general principle of the proposed development is permissible on '*Z1*' zoned lands subject to safeguards. In this case the safeguards of include but are not limited to compliance with the Development Management Standards set out under Chapter 15 of the Development Plan but also include consideration of the fact that the properties on the opposite side of Lower Mount Pleasant Avenue form part of the attendant grounds of a larger group of Protected

Structures that front onto Mountpleasant Square, with the Development Plan including protection of their visual setting including under Policy BHA2(d) of the Development Plan.

### **7.3.3. *Demolition of Existing Buildings and Structures on Site:***

The proposed development relates to the demolition of single and two-storey built structures on site which have a given site area of 144m<sup>2</sup> and whose historical land use related to it accommodating a retail use in part of its ground floor level facing onto Lower Mount Pleasant Avenue, with the remainder of the building in residential use.

At the time of inspection, the building appeared to have had works carried out in recent times to it and there was a car parked on site. A delivery also occurred to it during my inspection and there is a post box attached to it. However, the documentation on this file indicates that this building is not in active use and is in a derelict state. This is also indicated in the submitted Demolition Justification Report, however, though this report dates to May, 2024, the photographs contained in it are not dated. Based on the information provided together with carrying out an inspection I am not able to conclude definitively that this building is not in any form of current use or that the works carried out in the last few years have simply secured it and made it weather tight or has also facilitated its functional use. It did appear however that it may be in existing residential use despite the information set out in the Demolition Justification Report noted above stating otherwise.

The main two storey building is period in its overall character with some of the openings on its first-floor level containing period sash timber windows, with historic maps showing the presence of this building and suggesting that the single storey structure is a later addition to this site. Its appearance is visually coherent with the adjoining property of No. 26 Lower Mount Pleasant Avenue which is in residential use.

The Demolition Justification Report accompanying this application indicates that the existing structure on site consists of a series of additions to a small stone building approximately 150 years old. It further notes that the two-story building that covers around 120 square meters of the area for which demolition is sought and includes two single-story outbuildings has in addition to as previously noted that it is unused but also indicates that it has suffered extensive damage from fire, vandalism through to general neglect.

Moreover, it is contended that persistent water ingress has led to its irreversible structural damage and that the interior finishes have been removed, leaving only the floors, walls, and roof, which are described as being in very poor condition.

A number of photographs are contained within the said document that show the exterior and the interior of the building in a poor state of repair as well as upkeep. These are as noted previously undated.

While I am cognisant that Policy CA6 and Section 15.7.1 of the Development Plan in a consistent manner promote and support the retrofitting as well as reuse of existing buildings rather than their demolition and reconstruction, where possible, I am satisfied that the existing buildings as well as structures on site do not lend themselves to be positively incorporated and utilised in a comprehensive qualitative redevelopment of this site. Alongside I acknowledge that maintaining the existing buildings and structures on site would not untap the latent potential of this prominent corner site, which is zoned, serviced, highly accessible to public transport as well as other synergistic land uses. I also note that despite the changing local and national planning provisions in the intervening years since the Board determined appeal case ABP-PL29S.304594 that the Board accepted the principle of the demolition of the buildings and structures on this site. With intervening planning applications in their determination by the Planning Authority also raising no substantive issue with their demolition of the existing building on site, subject to safeguards.

To this I note that the existing two storey building though being of some age and appearing to contain external period features including timber sash windows is not afforded any protection. Nor is it and its similar in period adjoining two-storey building (Note: No. 26 and 26A Lower Mount Pleasant Avenue) as well as the neighbouring three storey Victorian period building of Corrigan's – Mountpleasant Inn forming part of the Residential Conservation Area Z2 zoned lands. Whereas this land use designation is afforded to the residential plots on the opposite side of Lower Mount Pleasant Avenue and Richmond Hill.

Though I raise a concern that the adjoining buildings of No. 26 and 26A Lower Mount Pleasant Avenue forms part of a visually coherent modest period terrace group that survive at this location and are not out of character with the predominantly period character of their streetscape scene for which there is no coherent plan for. This would

in my view achieve a more site responsive design resolution for this corner location of Richmond Hill and Lower Mount Pleasant Avenue than dealing with this highly constrained in size site. Notwithstanding, the applicant appears to have no legal interest in this adjoining property, nor do they appear to have been engaged in any discussion with the adjoining property owner, with the view of achieving consolidated design resolution for No.s 25 and 26/26A Lower Mount Pleasant Avenue and in turn achieve a less piecemeal design response for this corner location.

Conclusion: I am satisfied that the proposed demolition of the building is acceptable, subject to safeguards.

#### *7.3.4. Construction of an Apartment Building:*

The demolition and site clearance works would facilitate the construction of the proposed three storey apartment with habitable attic level building which is proposed to contain a total of six apartment units (Note: given floor area of 404m<sup>2</sup>). Though I consider that the residential redevelopment of this site is appropriate given that it is a permissible land use on 'Z1' lands and is a land use that is consistent with the predominant land use of a site setting whose sensitivity to change is added to by the fact that the site lies opposite lands zoned Residential Conservation Area ('Z2') on both of its road frontages.

Alongside Lower Mount Pleasant Avenue opposite also contains the curtilage and attendant grounds of a terrace group of Protected Structures that historically backed onto this adjoining road.

Notwithstanding, I share the Planning Authority's concerns in relation to this element of the proposed development and its compliance with local through to national planning provisions, guidance, and standards. This is despite the flexibility that is provided for in the Development Plan and the current Apartment Guidelines for sites with areas below 0.25ha. In the case of such site there is provision for flexibility and relaxation in standards, on a case-by-case basis and subject to the achievement of overall high design quality site and setting appropriate development. With I note this site having a modest 0.015ha area and on this basis together with it having two road frontages I consider that a level of flexibility subject to said safeguard would be reasonable and appropriate as part of the proper planning and sustainable development of the site as well as its setting.

I therefore propose to assess the main design and layout concerns of the proposed development as follows:

#### 7.3.5. *Density*

The documentation with this application indicates that the density of the proposed scheme is 400 units per hectare. I consider that this density is significantly inconsistent with Section 3.2 Table 1 of Appendix 3 of the Development Plan which sets out the density ranges supported in the city.

In relation to the said Table 1 it sets out general character locations for the city and the net density ranges for them.

The locational character of the site is one that I consider most closely aligns with the canal belt with the site being located just over 200m to the south of the Grand Canal and given this urban neighbourhoods proximity to the city centre and other general locational attributes. The net density for this location is given under Table as 100 to 250 units per hectare.

Not only is the proposed 400 units per hectare density at odds with Table 1 it is also at odds with the likely prevailing density character of this site's setting. A setting whose prevailing character is its period laid out urban buildings to space characteristics, which has a medium to low grain plots which reflect its mainly Victorian and Georgian groups of once coherent in their design through to building to space relationship residential streetscapes. Many of which include generous private rear open space amenity through to semi-private setbacks from the public domain despite their proximity to Dublin's historic inner city.

The Development Plan also provides for a more nuanced approach in determining what is an appropriate density for brownfield sites like this. Additionally, the core strategy acknowledges the important role that increased density play in achieving more sustainable patterns of compact and consolidated development within a concept of 15-minute city. For example, this is reflected in Policy QHSN10 of the Development Plan, which seeks to promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture as well as achieving successful integration with the character of the surrounding setting.

Additionally, it is of relevance also that Section 3.2 of Appendix 3 of the Development Plan states that: *“there will be a general presumption against schemes in excess of 300 units per hectare”*.

This section of the Development Plan also indicates that this is based on recent research which has shown that: *“very high density can challenge positive responses to context, successful placemaking and liveability aspirations, sometimes resulting in poor quality development”*.

Of further note, this section of the Development Plan states that: *“schemes in excess of this density will be only be considered in exceptional circumstances where a compelling architectural and urban design rationale has been presented”* and where a scheme proposes density that is significantly higher and denser than the prevailing context that the performance criteria set out in Table 3 shall apply.

As discussed above I consider that the site forms part of a period laid out urban neighbourhood whose prevailing density character is low to medium density, with more recent schemes including the residential schemes to the west of the site and addressing the northern side of Richmond Hill introducing increased densities through the provision of smaller dwelling units as part of residential redevelopment of sites. Though I consider that the proposed three storey with habitable attic level building height of the apartment building is not exceptional given that it graduates with the mainly two and three storey building heights that characterise the existing neighbouring properties to the west and north of the site, notwithstanding, the density is one where it is not only out of character with its setting but at a level where the relevant planning provisions set out it will be only considered in compelling cases.

In this context I therefore consider it appropriate that the proposed development is assessed against the performance criteria of Table 3 of the Development Plan. This assessment is provided below and has regard to this tables ten objectives.

#### **Assessment of the Proposed Development Against the Performance Criteria of Table 3 Appendix 3 of the Development Plan.**

	<b>Objective</b>	<b>Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale</b>
<b>1</b>	<b>To promote development with a</b>	Is the proposed development consistent with Objective 1:

	<p><b>sense of place and character</b></p>	<p>I am not satisfied that the proposed development would positively contribute to providing a sense of place and character to its corner location at the junction of Lower Mount Pleasant Avenue and Richmond Hill in a manner that could be consistent with Objective 1.</p> <p>I also consider that it would not positively add to or enhance the quality design of its visual context. This is on the basis that I consider that the design of the proposed apartment building as a new built insertion occupying a corner location at the junction of Lower Mount Pleasant Avenue and Richmond Hill in terms of its architectural resolution is neither a building of its time or a building that could be considered to respond in a harmonious manner to the predominantly period built character of the streetscape scenes it would form part of.</p> <p>It is also not a building that could be considered in my view to be of any exceptional architectural design resolution in terms of how it responds to this site and its setting. Nor is it a design resolution that would result in qualitative urban design outcome in terms of achieving high quality placemaking and forming part of two streetscape scenes that also overlap with 'Z2' residential conservation area zoned lands as well as the visual context of several designated Protected Structures. The latter built heritage attributes of its setting adds to the sensitivity of the site to change.</p> <p>I consider that the overall built form is disjointed with its angularity from ground to third floor level and with its heavy mansard roof over which accommodates an additional level of habitable floor space.</p> <p>The proposed building lacks appropriate setback and defensible space for ground level apartment units with this being at odds with the predominant characteristics of residential buildings in this setting.</p> <p>It also does not to pull back the proposed building and the front courtyard so that the proposed building could more meaningfully respond to an improved public domain which at this location includes restricted in width footpaths.</p> <p>These footpaths also are obstructed by signage and other structures including a utility pole which there is a lack of clarity in the submitted documentation in terms of their</p>
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		<p>removal as part of this proposal or that more adequate lateral separation with the public domain is not warranted</p> <p>Additionally, the palette of materials through to the limited void spaces in the external envelope add to the proposed buildings heaviness as does the prominent in height balcony screening through to the use of banding which fails to provide any unity or harmony with either the proposed building itself or neighbouring buildings in its streetscape scene.</p> <p>Overall, the proposed building, if permitted would in my view poorly responds to its prominent corner location. It lacks any exceptional architectural attributes through to it would not enhance the quality of its built heritage and visually sensitive to change established streetscape scenes of Richmond Hill and Lower Mount Pleasant Avenue roads.</p>
2.	<b>To provide appropriate legibility</b>	<p>Is the proposed development consistent with Objective 2:</p> <p>I am not satisfied that the proposed development would provide appropriate legibility in a manner that would be consistent with Objective 2. This based on the buildings overall design which in my view does not positively contribute to the legibility of its streetscape scene by way of its overall design, built form, palette of materials not being of qualitative architectural or other merit to respond successfully to its visually prominent corner location at the junction of Lower Mount Pleasant Avenue and Richmond Hill as discussed above under Objective 1 above.</p> <p>Further the proposed development of No. 25 Lower Mount Pleasant Avenue in isolation from including No.s 26 and 26A Lower Mount Pleasant Avenue alongside choosing an architectural style that is not a high-quality innovative contemporary of its time architectural response or a design that is sympathetic to the predominant Victorian and Georgian architectural aesthetics of this locality would result in a poor outcome for this corner location.</p> <p>Additionally, the proposed development would result in visually discordant and piecemeal fragmentation of building heights and built forms in the context of Lower Mount Pleasant Avenue streetscape scene that extends from its junction with Bessborough Parade to the north and Richmond Hill to the south by way of the discordant</p>

		<p>visual juxtaposition of the proposed building relative to the built forms of No.s 26 and 26A Lower Mount Pleasant Avenue.</p> <p>Moreover, the proposed development would not reinforce the function of its streetscape scene, nor would it enhance the permeability or qualitative function of the adjoining public domain. This is on the basis that the proposed building includes part frontage onto Lower Mount Pleasant Avenue and Richmond Hill at ground floor level with zero setback from their public domain.</p> <p>This design response is not characteristic of the predominant pattern of residential development in this setting which includes defensible space or setbacks from the public domain. Nor would it give rise to a qualitative residential amenity for future occupants of the proposed building whose amenity would for example in the case of the ground level units be compromised by the lack of privacy afforded to them as well as the concerns arising from window openings that open directly onto the public domain for providing daylight penetration and natural ventilation. With this public domain being as said of restricted width, heavily traffic by foot and by road as well as being located at a road junction.</p>
3.	<b>To provide appropriate continuity and enclosure of streets and spaces</b>	<p>Is the proposed development consistent with Objective 3:</p> <p>I am not satisfied that the proposed development provides an appropriate response to this corner site or that it appropriately responds to its adjoining streetscape scene in terms of its overall design, height, aesthetic articulation of its building envelope through to use of a qualitative palette of materials because of its scale and overbearing impact on its streetscape setting.</p> <p>As previously discussed above I consider that the proposed development in the absence of including No.s 26 and 26A Lower Mount Pleasant Avenue would give rise to piecemeal fragmentation of a prominent corner site.</p> <p>On this point I consider that the proposed building would give rise to an inappropriate enclosure of the western side of Lower Mount Pleasant Avenue because of its visual incongruity of its built form and height relative to No.s 26 and 26A Lower Mount Pleasant Avenue. With this surviving albeit not afforded by any protection modest</p>

		<p>period buildings bookended on either side by what is effectively a four-storey building proposed under this application and the prominent three storey height of Corrigan's as well as the neighbouring contemporary building that adjoins it on its northern side and fronting the southern corner of Lower Mount Pleasant Avenue's junction with Bessborough Parade.</p> <p>I also observed that these adjoining properties when viewed from the public domain do not contain roof structures which are visually prominent or highly dominant as a design feature. Whereas the proposed building sought under this application includes the provision of a heavy mansard roof over which is not an insubstantial given that it accommodates a level of habitable accommodation.</p> <p>Alongside while the proposed design of the building provides passive surveillance, the lack of defensible space in front of all of windows at ground floor level serving apartment units that face immediately onto the public domain is not characteristic of the predominant placement of dwelling units relative to the public domain in this setting.</p> <p>Additionally, the heavy balconies with tall screening surrounding them fronting onto the public domain are also in my view visually at odds with the provision of amenity space whether compared with contemporary or traditional existing forms of residential development in this urban landscape.</p> <p>I also consider that the part zero setback of the proposed building at ground floor level from the public domain and the balcony design do not provide an appropriate enclosure of its streetscape scene that addresses land opposite the site that contain either a mixture of Protected Structures and Residential Conservation Area (Lower Mount Pleasant Avenue) or a collection of buildings as well as spaces that are zoned Residential Conservation Area (Richmond Hill).</p>
4.	To provide well connected, high quality and active public and communal spaces	<p>Is the proposed development consistent with Objective 4:</p> <p>I am not satisfied that the proposed development is consistent with Objective 4 for the reasons set out below.</p>

		<p>I accept that it would be impractical given the modest size of this site to provide any qualitative active public space (Note: 0.015ha).</p> <p>Section 15.8.6 of the Development Plan sets out that there will be a requirement for residential developments shall be 10% of the overall site area as public open space.</p> <p>I also note that Section 15.6.12 of the Development Plan indicates that there will be a requirement to provide public open space in residential developments more than 5,000m<sup>2</sup>. The given area of the proposed apartment building falls significantly below this figure at 404m<sup>2</sup>. In this case it would be appropriate and reasonable given the modest site area and proposed residential building's floor area to require the payment of a financial contribution in lieu of the provision of public open space. This flexibility is provided for under Section 15.8.7 of the Development Plan.</p> <p>In relation to the communal open space provision this is proposed to be provided in the form of 12m<sup>2</sup> courtyard which will also function as providing access onto the public domain via Lower Mount Pleasant Avenue. In terms of quantitative provision this is significantly short of the minimum 32m<sup>2</sup> standard required under Appendix 1 of the Apartment Guidelines given the unit mix of the apartment building proposed.</p> <p>With I note this 12m<sup>2</sup> area not excluding its other functions including as said access to the apartment scheme through to the provision of the additional bicycle spaces required by the Planning Authority's Transportation due to the shortfall of such spaces to meet the standards set out in the Development Plan.</p> <p>Additionally, the way access would be required to access, park through to remove a bicycle parked in the bicycle semi-vertical rack system proposed would result in a conflict with the use of the courtyard including the seating area indicated alongside it.</p> <p>I also note that the Planning Authority's Transportation Division raised concern in relation to the bicycle parking provision.</p> <p>It is also a concern that there is a likelihood that the proposed communal open space provision would be encroached by the provision of adequate storage of bins</p>
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		<p>for future residents, with this including segregation of waste through to collection of waste in accordance with Chapter 15 of the Development Plan.</p> <p>I am not satisfied that the information provided demonstrates adequate in quality and quantity waste storage, segregation, and disposal provision for each of the six apartments proposed.</p> <p>This communal open space would despite its southerly aspect be one that is overshadowed due to its relationship with built structures, including the apartment building itself and its balcony overhangs.</p> <p>There is also planting indicated on its perimeter boundaries which could further result in overshadowing of this constrained communal open space provision for future residents.</p> <p>Also, as a space the proposed communal open space courtyard qualitative function would also be diminished by its positioning alongside the public domain which would result in it being overlooked through to it diminished by nuisances arising from the use of the adjoining public domain. This as said includes its proximity to a road junction as well as the restricted in width footpaths in what is a busy neighbourhood.</p> <p>There is also a lack of defensible space between it and the public domain.</p>
5.	<b>To provide high quality, attractive and useable private spaces</b>	<p>Is the proposed development consistent with Objective 5:</p> <p>I am not satisfied that the proposed development is consistent with Objective 5 on the basis that the ground floor units of this scheme do not contain any private open space provision (Note: Studio 1 and Studio 2).</p> <p>I also raise concerns that the private open space proposed provides limited privacy and the high-level screening is visually incongruous in terms of balcony designs. Further, the depth of the private amenity spaces just meets the minimum standard of 1.5m where balconies are proposed to serve the upper floor level apartment units.</p> <p>Additionally, the spatial quantum of these space just exceeds the minimum provisions set out in Appendix 1 of the Apartment Guidelines. As previously discussed as an amenity space it would not be private and it would likely</p>

		<p>be impacted by nuisances arising from their proximity to a road junction/pedestrian footpaths.</p> <p>Moreover, there is no tangible separation of the balconies serving Apartment 1 and 2 with these balconies though angled significantly overlooking one another.</p> <p>While I am cognisant that Section 3.39 of the said Guidelines provides flexibility for schemes on sites of up to 0.25ha in area this is on a case-by-case basis this however is subject to the overall design quality. In this case I am not convinced that this overall scheme in terms of its design is one that demonstrates that despite its site constraints it is one that if permitted would be of high quality or innovative design providing appropriate standards of future amenity for occupants through to responding appropriately to its visual and built heritage context.</p>
6.	<b>To promote mix of use and diversity of activities</b>	<p>Is the proposed development consistent with Objective 6:</p> <p>I am not satisfied that the proposed development is consistent with Objective 6 on the basis that the apartment mix consists of mainly studio and one-bedroom apartments. Though there is flexibility for this under the Apartment Guidelines (Note: SPPR 1 and 2) and the Development Plan (Section 15.9.1) because of the site area; however, the overall scheme does not demonstrate qualitative future residential amenities for occupants overall. With in addition to previously raise concerns as a further example the proposed units like the ground floor level two studio units each having aggregate dining/kitchen/living spaces that fall significantly short of the standards set out in Appendix 1 of the Apartment Guidelines.</p> <p>In this regard I note that Studio 1 provides 17m<sup>2</sup> and Studio 2 provides 20.7m<sup>2</sup> yet the said guidelines standard is 30m<sup>2</sup>.</p> <p>This is alongside their lack of private open space amenity and the poor qualitative as well as quantitative standard of communal open space and with these studio units being just above the minimum overall standard. Also of concern it is indicated that within their floor area that they would also accommodate bicycle parking and waste storage.</p>

		<p>With the latter being the same for the four apartment units over.</p> <p>As such I am not convinced based on the information before me together with the design and layout of this apartment scheme that would contribute positively to the dwelling typologies within its neighbourhood and provide qualitative housing suited to those who may be seeking dwelling units within this locality. Particularly studio and one-bedroom units.</p>
7.	<b>To ensure high and quality environmentally sustainable buildings</b>	<p>Is the proposed development consistent with Objective 7:</p> <p>I am not satisfied that the proposed development is consistent with Objective 7 on the basis that its overall built form is one that would result in significant overshadowing and overbear the adjoining property of No. 26 Lower Mount Pleasant Avenue to the north of it.</p> <p>In this regard, it does not appear to be designed to incorporate energy efficient and climate resilient solutions. Through to it provides conflicting information on surface water drainage including a lack of clarity on the green roof proposed on top of the mansard roof.</p> <p>Moreover, I also share the concern of the Planning Authority in terms of the daylight and natural ventilation penetration of the upper floor level apartment unit with it being predominantly served by modest in size and placement velux windows. This top floor level would as raised as a concern by the Planning Authority's Planning Officer also have a poor outlook from its internal spaces.</p> <p>Also as said there is a lack of defensible space for the ground floor units with key windows placed on elevations that have zero setback from the public domain. With both of these units either solely or predominantly dependent on these windows for natural daylight and ventilation penetration into their interior spaces.</p> <p>On this point I also note that Studio 1 is only served by such windows and with Studio 2 having one window with a separate aspect to those addressing the public domain of Lower Mount Pleasant Avenue and with this addressing the courtyard area immediately alongside the pathway and entrance to the apartment building.</p>

8.	<p><b>To secure sustainable density, intensity at locations of high accessibility</b></p>	<p>Is the proposed development consistent with Objective 8:</p> <p>I am not satisfied that the proposed development is consistent with Objective 8 on the basis that while I accept the location of the site is one that is highly accessible to public transport; notwithstanding, the overall design and layout of the apartments due to the excessive number of units proposed. If permitted, I consider that the proposed development would result in apartment units that would provide a poor quality future amenity for its occupants in a manner that is contrary to the achievement of a reasonable balance between the efficient use of serviced zoned lands at accessible locations and achieving qualitative future amenity for new residential units in a manner that achieves healthy as well as sustainable placemaking in city neighbourhoods like this as part of the Development Plans 15-minute city vision.</p>
9.	<p><b>To protect historic environments from insensitive development</b></p>	<p>Is the proposed development consistent with Objective 9:</p> <p>I am not satisfied that the proposed development is consistent with Objective 9 on the basis that the proposed apartment building would because of its overall design resolution, built form, height, palette of materials through to building to space relationship poorly assimilate with the character of buildings in its setting, a visual setting.</p> <p>This setting as said is sensitive to change and in terms of the site's visual setting on a visually prominent corner site includes period buildings designated Protected Structures, Residential Conservation Area.</p> <p>In such a setting while there is capacity to achieve a focal corner building any building at this location would need to achieve an appropriate visual balance with No.s 26 and 26A Lower Mount Pleasant Avenue as well as Corrigan's which as said has been extended to the north of it by way of a three storey subservient contemporary addition marking the corner with Bessborough Parade.</p> <p>This is on the basis that both of these properties together with the site form a stretch of Lower Mount Pleasant Avenue streetscape that is defined by the junctions of Bessborough Parade to the north of the site and Richmond Hill to the immediate south of the site. As such it has its own character which is currently composed of the two modest period buildings of No.s 25, 26 and 26A Lower</p>

		<p>Mount Pleasant Avenue that are positioned alongside the more prominent three storey highly detailed Victorian building of Corrigan's and No. 28A Lower Mount Pleasant Avenue addition to the Corrigan's corner site position.</p> <p>There is also a setback currently at the south eastern corner of the site where at present there are no buildings. Alongside there is the need to balance any new insertion with the mainly period character of Richmond Hill's streetscape scene.</p> <p>In this context the proposed building would be visually incongruous particularly as a corner building but also in terms of its relationship with existing buildings to the north and west of it by way of its lack of architectural harmony and overall built form with its setting. With this largely deriving from its design being not one of its time or respectful of existing architectural styles of merit in its setting through to its poorly considered relationship with its setting as well as use of a poorly resolved and considered palette of materials for the building envelope.</p>
10.	<b>To ensure appropriate management and maintenance</b>	<p>Is the proposed development consistent with Objective 10:</p> <p>I am not satisfied that the proposed development is consistent with Objective 10.</p> <p>I am not satisfied that the information provided with this application provides sufficient assurance that the proposed apartment building sought under this application would be appropriately managed and maintained into the future, including in terms of management of communal areas, waste management, servicing, and the like.</p>

Having regards to the assessment of the proposed development against the performance criteria set out in the table above I am not satisfied that this proposed apartment scheme is consistent with local planning provisions where densities of over 300 units per hectare may be considered.

In relation to national planning provisions of relevance to this concern is the Sustainable and Compact Settlement Guidelines. They identify city urban neighbourhoods category as including compact medium density residential

neighbourhoods around the city centre that have evolved overtime through to lands that are highly accessible urban locations with good access to employment, education and institutional uses and public transport. I consider that the site is consistent with this locational category, and I note under Section 3.3 Table 3.2 of the said Guidelines states that in such locations: *“it is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin”*.

The density of this proposed scheme exceeds this density range; however, I note that Section 3.3.6 of the said Guidelines indicates exceptions for exceeding the density ranges set out under Table 3.2.

In relation to the exceptions, I note that Section 3.3.6(a) states that: *“there is a presumption in these Guidelines against very high densities that exceed 300 dph (net) on a piecemeal basis. Densities that exceed 300 dph (net) are open for consideration on a plan-led basis only and where the opportunity for densities and building heights that are greater than prevailing densities and building height is identified in a relevant statutory plan”*.

I am satisfied that this site does not form part of a location where there is a specific plan-led basis for exceeding the prevailing densities of its setting having regard to the relevant planning provisions.

In relation to the second exception Section 3.3.6(b) of the Compact Settlement Guidelines this relates to strategic and sustainable development locations of scale. It refers to Section 4.4.4 of the Development Plans Guidelines for Planning Authorities 2022 for guidance and notes that this provides that such locations will be capable of defining densities or density ranges across different neighbourhoods on a plan led basis, based on considerations such as proximity to centre, level of public transport service and relationship with surrounding built form. As such densities within such locations may therefore exceed the ranges set out in Section 3.3 of the Compact Settlement Guidelines on a plan-led basis.

I am satisfied that the site location is not one where it forms part of or is independently indicated as being a strategic and sustainable development location in any plan or is it of a size capable of defining its own density given its constrained and modest size. Alongside when regard is had to its site context characteristics despite it being in an

accessible to public transport, amenities, communal facilities, employment opportunities through to services synergistic to residential location. As such I consider that this exception is not applicable to the proposed development sought on this site.

In relation to the second exception Section 3.3.6 (c) of the Compact Settlement Guidelines it states that: *“in the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter”*. As discussed against the performance-based criteria and objectives set out in the above table I consider that this modest and constrained site is unsuitable for the quantum and type of residential development sought.

Alongside I am not satisfied that the proposed development is one that responds successfully to its surroundings through to that it has sufficient regard to protecting the amenities of surrounding properties, in particular No.s 26 & 26A Lower Mount Pleasant Avenue, whose limited private amenity space and its windows would be unduly overshadowed by the proposed development were it to be permitted. This issue in my view is visible in the document titled: *“Daylight & Sunlight Assessments of a Residential Development at No. 25 Mountpleasant Avenue Lower, Dublin 6”*, submitted with this application.

Based on the above considerations I am not satisfied that the proposed development's density is one that meets any of the exceptional circumstances to deviate significantly above the density range set out under Section 3.3 and Table 3.2 of the Compact Settlement Guidelines.

When taken together with the local planning provisions in relation to density I concur with the conclusions of the Planning Authority's Planning Officer in their report who considered that the applicant did not demonstrate any exceptional circumstance for the proposed density of the scheme. Nor did they consider that there was a compelling architectural and urban design rationale for a density of 400 units per hectare. I am also not satisfied that the appellant in this case has provided any further assurance that the proposed density is one that is consistent with the circumstances set out in local and national planning provisions where deviation above density ranges may be considered acceptable.

Conclusion: The density of 400 units per hectare is contrary to local and national planning provisions. In particular, if permitted, it would in my view be contrary to Policy QHSN10 of the Development Plan which seeks to promote residential development at sustainable densities and Section 3.2 of Appendix 3 of the Development Plan which sets out a general presumption against schemes in excess of 300 units per hectare and only permits schemes in excess of this density in exceptional circumstances where a compelling architectural and urban design rationale has been presented. This proposal does not demonstrate any of the exceptional circumstances for the density proposed or that the design it is of a compelling architectural and/or urban design rationale through to that there is an appropriate balance between protecting and providing residential amenities in this established sensitive to change urban neighbourhood. These local planning provisions are in my view consistent with Section 3.3 of the Compact Settlement Guidelines in relation to the locational characteristics of this site through to in terms of providing clarity on exceptions to the density range and where they may be considered.

#### 7.3.6. *Plot Ratio and Site Coverage*

The proposed development would give rise to a plot ratio of 2.4 and a site coverage of 82%. Appendix 3 of the Development Plan which sets out the Developments Plan Height Strategy in relation to plot ratio indicates that it should be considered: *“in conjunction with other development control measures including site coverage, building heights, public and private open space, parking provision etc”*.

It also states that: *“site coverage is a control for the purpose of preventing the adverse effects of over development, thereby, safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. It is a tool that is particularly relevant in urban locations where open space and car parking standards may be relaxed”*.

Further Table 2 of Appendix 3 of the Development Plan sets out ‘indicative plot ratio’ and ‘site coverage’ for four categories of location within the city. These are central, regeneration, conservation, and outer employment/residential area. The location of the site does not in my view neatly fall into any of these four location types but as previously note the road side boundaries of the site are immediately opposite conservation area, the predominant functional characteristic of the site setting is residential and the site itself is not a regeneration area nor is it located in proximity to

the centres of Rathmines and Ranelagh urban villages through to its located to the south of Dublin's historic city centre.

Additionally, the site setting is mature and established.

It is also not one of the plan led regeneration areas within Dublin city as provided for under the Development Plan. Nor are there any significant tracts of brownfield and/or infill sites that would be suitable for regeneration in its immediate vicinity, in particular bounding the site.

In this context I note that Table 2 of Appendix 3 of the Development Plan provides higher indicative plot ratios and site coverage for central and regeneration areas. These are 2.5-3.0 plot ratio and 60-90% site coverage for central areas and 1.5-3.0 plot ratio and 50 to 60% site coverage for regeneration areas. In relation to conservation areas an indicative plot ratio of 1.5-2.0 and site coverage of 45-50% is provided and for residential areas an indicative plot ratio of 1.0-2.5 plot ratio and 45-60% site coverage is provided.

Given that the site also has a transitional character as well as is in size and relationship with other properties constrained it would be appropriate that higher plot ratio and site coverage be considered subject to the overall design quality of the proposed scheme. In this case as discussed there are several concerns in this regard.

To this I add a further concern that in this case that the plot ratio and site coverage proposed are unfortunately reflective of the site's overdevelopment in terms of units per hectare and the substandard quality of residential amenity for future occupants of this scheme alongside the lack of balance between existing and proposed development.

Conclusion: Having regards to the above, despite the plot ratio and site coverages standards set out in the Development Plan as being indicative I raise a concern that in this case they are reflective of the overdevelopment of this constrained site in a manner that is inconsistent with its proper sustainable development in a manner that accords with local through to national planning provisions relevant to the nature, scale and extent of the proposed development.

#### *7.3.7. Compliance with Apartment Guidelines*

The proposed development includes areas where the proposed apartment building of six apartment units is generally compliant with current Apartment Guidelines, with this including the percentage of dual aspect apartments; the general spatial floor area and bedroom sizes of the proposed apartment units; the lift and stair core provision relative to the units proposed on each floor level of this four floor level building; the internal storage provision within the apartment units; the width of living spaces. Notwithstanding the proposed communal open space provision is significantly substandard and the ground floor apartments are poorly considered relative to the public domain. Overall, the proposed scheme is one that would be of limited quality in terms of providing an appropriate standard of residential amenity for future occupants through to as a building it would have a limited visual contribution to its corner location and the streetscape scenes of Lower Mount Pleasant Avenue and Richmond Hill. These aspects of the proposed development are such that there are no compelling architectural or other reasons which would support further flexibility in the design standard considerations for this high-density scheme.

#### *7.3.8. Building Height and Massing*

As discussed above the site occupies a corner location on the north western side of the junction of Lower Mount Pleasant Avenue and Richmond Hill Road. Additionally, the existing buildings on site at their maximum height is given as 7.95m and at their lowest single storey height 3.6m. The two storey maximum height is matched by No.s 26 and 26A Lower Mount Pleasant Avenue which adjoins the site to the north and with the neighbouring building of Corrigan's having a given maximum height of 13m. Whereas the single storey garage type structure, which is in proximity of Richmond Hill Road, with this structure containing a parapet wall at the boundary with the public domain of this road and with the property to the immediate west consisting of a private parking area which is adjoined by three storey residential building with a c10.5m height to the immediate west.

Within the visual context of the site there is a variety of mainly two to three-storey in height buildings. In this regard I also observed variety to this with for example a period structure with a four-storey rear elevation to the south east with this building having a frontage that addresses Mount Pleasant Square.

There is also a variety of building masses and volumes within this setting visual context despite the coherence of the two storey period terrace properties that characterise the southern side of Richmond Hill through to the modest two storey more characteristic mews type developments that front onto the opposite side of Lower Mount Pleasant Avenue to the north east and south west of the site. With this including the more modest two-storey built form of No.s 26 and 26A Lower Mount Pleasant Avenue with comparable modest two storey structures on the opposite of this road to the north east of the site to the larger in volume and mass structures including Berncdette Hall (neighbouring c36m to the west) and Corrigan's (neighbouring c10m to the north).

I also note the slightly lower three storey subservient height of the more recent addition to the north of Corrigan's main period building, i.e. No. 28A Lower Mount Pleasant Avenue.

In this context the proposed building which is given as having a maximum height of 13m though would in my view be visually overbearing relative to No.s 26 and 26A Lower Mount Pleasant Avenue. It would not however be at odds with the building heights within its wider setting or inconsistent with heights deemed permissible subject to safeguards at this type of urban location under local through to national planning provisions including the Building Height Guidelines.

These guidelines for example require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density as the norm as part of achieving more compact and sustainable forms of future development in built up areas.

As such I consider that the general principle of a taller building at this location is acceptable. Notwithstanding, I raise concerns with regards to the overall mass and built form of the proposed apartment building given the visual dominance and incongruity of the mansard roof lacks visual sympathy and harmony with neighbouring buildings particularly to the north and north east of it.

There is also a lack of simplicity, quality and overall harmony in the palette of material finishes indicated.

Additionally, I raise concerns that the use of tall screening to define balconies to the extent that are proposed under this design are visually overbearing and dominant. Arguably if such level of screening is required for the proposed private amenity space

potentially a winter garden design would be less visually jarring with the design of this building and its streetscape setting which includes attractive well balanced, detailed and finished period buildings.

Overall, the detailing of the angular ground to third floor level and the heavy mansard roof over are together visually disjointed and the mansard roof does not result in this building being a three-storey building in its functionality as proposed.

In this case I consider that the proposed design approach is one that is centred on maximising density on this site at the detriment of achieving qualitative visual, residential and built heritage amenity outcomes. I am therefore not satisfied that it accords with the proper planning and sustainable development of the area.

#### *7.3.9. Daylight, Sunlight, Overshadowing Impacts & Other*

This application is accompanied by an assessment of daylight, sunlight and overshadowing for future apartment units sought under this scheme. While I raise concerns that this assessment appears to indicate that the impact to the adjoining properties of No. 26 (Note: is also indicated as including 26(A) Lower Mount Pleasant Avenue) would accord with the BRE standards in terms of Vertical Sky Component impact and that one window tested would fail to meet the Annual Probable Sunlight Hours criteria.

To this I raise a concern that windows to the ground floor level of the single storey extension to the rear of No. 26 Lower Mount Pleasant Avenue are omitted from the assessment of impact of the proposed development in terms of Vertical Sky Component Annual Probable Sunlight Hours.

This is in a context where this modest property is served by a small number of window openings on its eastern and western elevation. Though there are two rear modest in size velux windows in its attic level.

I also further raise it as a concern that the overshadowing drawings show significant overshadowing particularly to the rear of this building and its modest rear amenity space and I would question that the building could not have been modulated or graduated to provide for a level of additional sunlight penetration as part of a more innovative design. Through to I do not accept the documentations conclusion that there is no adjoining amenity space to this site as this does not appear to be the case

in terms of the available unbuilt space to the rear of No. 26 Lower Mount Pleasant Avenue.

Additionally, the overshadowing of the adjoining property to the west is a concern should it be developed in future given that the proposed building is forward of the building line that exists to the west of site and on the northern side of Richmond Hill.

I am notwithstanding cognisance that this is a constrained site and there is potential for any building that exceeds the height, mass, volume, and extent of existing buildings as well as structures on this site to give rise to daylight through to overshadowing onto properties in its immediate vicinity.

Notwithstanding this concern the level of daylight diminishment through to overshadowing of the existing neighbouring property (Richmond Manor) to the west appear to meet BRE standards with the impact described as negligible.

The accompanying assessment concludes that the level of impact on properties in its vicinity would be negligible.

As discussed above I am not satisfied that this is the case for No. 26 Lower Mount Pleasant Avenue to the north of the site. However, I accept that at this location that overshadowing is to be expected as is a level of diminishment of daylight penetration given the nature of plots, their aspect through to orientation.

As such I consider that a balance needs to be reached in terms of balancing the impact of proposed residential against existing sensitive to change in this case residential properties that bound a redevelopment site like this.

Particularly given that local through to national planning provisions require more efficient use of serviced zoned lands including vacant brownfields which is the existing situation of this appeal site. The impacts that would arise to No. 26 and 26A Lower Mount Pleasant further the concerns that this site should be developed in a coordinated manner with it.

In terms of the proposed six units the report suggests that all units accord with the required standards for daylight and sunlight. Notwithstanding I share the Planning Authority's Planning Officer concern given that Apartment 4 at fourth floor level is served by roof lights and a balcony door that in terms of their overall dimensions and

placement do not maximise qualitative daylight/sunlight penetration or natural ventilation.

I also raise concerns in this regard in terms of the two studio units at ground floor level as these units are either fully or partially reliant on window openings that would open immediately onto the public domain and are therefore limited in privacy, and this would impact their utility in terms of providing actual qualitative levels of daylighting through to natural ventilation.

Moreover, I also consider that the voids within the external envelope of this building are limited in number and in their heights as well as widths. The proposed building could have achieved a lighter weight visual appearance if the design were more generous in void provision serving the proposed apartment units. This in turn would in my view have resulted in more qualitative internal amenities in terms of actual daylighting through to natural ventilation for future occupants.

To this I raise concern that the floor to ceiling height of the proposed apartment units just meet the minimum requirements set out in the Apartment Guidelines, with the ground floor having an indicated 2.7m and the three floor levels over 2.4m.

In this regard I note that Section 3.22 of the said guidelines state: *“that designers may consider the potential for increasing the minimum apartment floor-to-ceiling height to 2.7m where height restrictions would not otherwise necessitate a reduction in the number of floors. In relation to ground floors, it is a policy requirement that floor to ceiling heights shall be a minimum of 2.7m and applicants and their designers should consider 3.0 metres on the ground floor of multi-storey buildings”*.

Additionally, these guidelines advocate a higher floor to ceiling height where apartment units adjoin streets with pedestrian footfall as part of their future adaptability. Notwithstanding, the said Guidelines do provide flexibility for schemes on sites below 0.25ha and though I consider it appropriate that a level of flexibility is applied I raised concern in relation to the limited quality of the ground floor level units in terms of actual daylight, sunlight, and natural ventilation.

Alongside the vulnerability of these units from nuisances arising from their heavy reliance on windows that open directly onto and/or face immediately into a public domain with restricted pedestrian footpath width and accommodating a road junction which at the time of inspection I observed a steady volume of traffic.

These concerns add to the future standard of amenity for occupants of this scheme if permission were to be granted for the proposed development. Alongside the lack of balance between accommodating the proposed residential amenities and the protection of existing residential amenity of adjoining properties which is provided for under the land use zoning objective for 'Z1' zoned lands. I therefore am not satisfied based on the above considerations that the applicant in this case has demonstrated that the daylight, sunlight, overshadowing through to natural ventilation in relation to the impacts on the standard of future amenities and adjoining residential amenities is in accordance with the proper planning and sustainable development of the area. In particular, I am not satisfied that it has been demonstrated that there would be no undue significant impact on existing development to the north of the site, i.e. No. 26 and 26A Lower Mount Pleasant Avenue.

#### *7.3.10. Parking*

The proposed development includes bicycle parking for future residents. This consists of a 10-no. cycle parking space semi vertical rack positioned within the courtyard accessible from the public domain by way of a pedestrian sized entrance onto Lower Mount Pleasant Avenue. This provision as discussed above gives rise to diminishment of the functional quality of the very limited in area communal courtyard area and is also not a secure form of parking provision.

This is a concern that would in my view require some form of amended design measure should the Board be minded to grant permission, particularly given that the cycle parking space provision under SPPR 4 of the Compact Settlement Guidelines also requires a provision for visitors, with Appendix 4 of the Development Plan setting out a requirement of 1 space for every 2 apartment units. When regard is had to the quantum of car parking provision proposed given that 1 space is required per bedroom there is a shortfall of one visitor cycle parking space to meet the standards set out for apartment units based on 1 per bedspace of apartment units proposed and visitor parking.

The only available space to accommodate this improvement is the communal courtyard area and as such this further raises the concerns over the lack of meaningful passive and recreational amenity value this space would give rise if further quantitatively reduced beyond its current provision which is 20m<sup>2</sup> short of required

minimum standards set out in Appendix 1 of the Apartment Guidelines. I am also not of the view that the spatial layout and arrangement of the proposed apartment units including their storage provisions would be suitable for further compromising by having to also accommodate secure bicycle storage for future occupants alongside the primary storage of waste through to their other general habitable storage needs.

In relation to the zero car parking provision I concur with the Planning Authority, including their Transportation Division, that this is not a substantive issue in this modest constrained site given that the site forms part of a highly accessible by bus and Luas public transport with high frequency provision and is within city neighbourhood where there is a wide variety of services, amenities through to employment opportunities for future occupants.

To this I note that SPPR 3 and Chapter 3 of the Compact Settlement Guidelines, in urban neighbourhoods of the five cities indicate that car-parking provision should be minimised, substantially reduced, or wholly eliminated.

I am also cognisant that local through to national planning provisions, including National Sustainable Mobility Policy and Climate Action Plan, supportive of more climate resilient development outcomes, with this including less reliance on private car ownership.

Additionally, should the Board be minded to grant permission for the proposed development it would be appropriate in my view having regard to local through to national planning provisions that a condition be imposed seeking a mobility management strategy/plan for written agreement with the Planning Authority prior to occupation of the scheme.

Alongside that a condition requires a bicycle parking space provision that meets the required local and national standards for future occupants and visitors as well as provides the parking provision for occupants in a secure and more qualitative manner which its accessibility does not infringe on communal open space provision.

#### 7.3.11. Conclusion

In conclusion, having regards to the Planning Authority's two given reasons for refusal which are set out in Section 3 of this report above and the considerations set out above

I am of the view that both reasons for refusal are with substantive planning basis and they largely overlap with the concerns raised above.

I am of the view that the proposed development would not only be contrary to the 'Z1' land use zoning of the site and the transitional zonal character of the site's setting it would also result in a substandard form of residential overdevelopment that would not only provide poorly considered qualitative and quantitative future amenity standards for future occupants as a whole but also would seriously injure the existing residential amenities of the adjoining property to the north.

It would also result in a poor quality architectural and urban design outcome for this visually prominent corner site and a visual setting that in itself includes built heritage attributes of merits. This is recognised by the designation of Protected Structures and Residential Conservation Areas, with these in part added to by the Victorian period public house of Corrigan's though this building is not at present afforded any specific protection.

The proposed development would, if permitted, provide an overtly dominant bookend to the stretch of Lower Mount Pleasant Avenue that extends from the site northwards to where it terminates at Bessborough Parade and southwards to where the site meets the public domain of this roads junction with Richmond Hill.

These are substantive planning concerns in their own right that cannot be overcome by way of further information or by way of condition.

For these reasons and together with the more detailed considerations above I am not satisfied that the proposed development would accord with the proper planning and sustainable development of the area.

#### **7.4. Other Matters Arising**

- 7.4.1. Planning History & Planning Precedent:** I have in the preparation of the above assessment had regard to the planning history of the site and development proposals that have been as giving rise to precedent for the proposed development and/or nature of development proposed for this site under this application. I note that there have been several applications made on this site in the past, with the permission that was granted now lapsed. I also note that in the intervening years since the various applications have been made on this site that local through to national planning policy

provisions have evolved and changed. To this I consider that examples of planning applications relating to other sites mentioned do not have the same planning merits and constraints as that of the site. It is also my consideration that the subject application / appeal should be considered on its own merits and on its own site as well as setting specific basis, having regard to current relevant local through to national planning policy provisions and any other planning related considerations.

- 7.4.2. **Undesirable Precedent:** I note to the Board that the Planning Authority's first reason for refusal considers that the proposed development, if permitted, would give rise to an undesirable precedent for other similar developments. I consider that this is not unreasonable given that the level of flexibility that this development seeks to deviate from for example Apartment Guideline standards which in my view would not give rise to a compelling architectural, placemaking and healthy urban design outcome that also gave rise to balanced qualitative future residential amenities for occupants and achieving a visual through to residential sensitive amenity outcome for its site setting.
- 7.4.3. **Devaluation of Property:** There is no evidence-based proof provided that would support that the proposed development would devalue property in its vicinity; however, I accept that it would give rise to fragmented, piecemeal and uncoordinated development in relation to its development in isolation from No. 26 and 26A Lower Mount Pleasant Avenue and also the private hard stand between it as well as the residential scheme of Richmond Manor to the west.
- 7.4.4. **Flood Risk:** This proposal is accompanied by a Flood Risk Assessment, with I note this being a concern raised by Third Parties in relation to the proposed development on the basis that they contend that basements in this locality have been subject to flooding incidents during inclement weather conditions in the past. I also note that the site is located c200m to the south of the Grand Canal.

The assessment provided indicates that the site is not at risk of flooding, including fluvial and tidal flooding, as well as it is located outside of identified flood zones identified in OPW flood maps and due to the site's elevated position relative to areas deemed at risk of flooding, i.e. Flood Zone 'A' and 'B'. It indicates that because of the site's elevation that it is above the predicted levels for both 0.5% and 0.1% AEP (Annual Exceedance Probability) tidal events.

This assessment proposes the incorporation of the following measures:

- **Green/Blue Roof:** installation of a green/blue roof to manage and restrict rainwater runoff into the public drainage system.
- **Permeable Courtyard:** Replacement of the existing hardstand with permeable surface to enhance water infiltration and reduce runoff.
- **Elevated ground floor:** Setting the ground floor finished levels at 300mm above existing roadway to protect against potential surface water accumulation.

Whilst I concur with these measures, I raise a concern to the Board that they do not appear to be robustly provided for in the design of the proposed apartment scheme as presented through to other standard surface water drainage and climate resilient measures do not appear to be similarly provided for.

For example, the finished ground floor level is not indicated as being raised from the adjoining public domain and the drawings indicate green roofs in part of the roof over with no blue roof systems.

While I accept that the site is on 'Zone C' lands in terms of flood risk potential; notwithstanding, as said the design of the apartment building as presented through to the documentation provided with this application do not coherently apply the recommendations of this flood risk assessment.

I note that the Planning Authority's Drainage Division considered that this and their other drainage concerns could be overcome by way of condition. Notwithstanding this conclusion these concerns add to the overall lack of qualitative consideration given to the design of this proposed scheme and at a time where local through to national planning provisions require developments to demonstrate climate resilience.

The Board may consider this a 'new issue' in the context of their assessment of this appeal case.

- 7.4.5. **Environmental/Climate Impacts:** Local through to national planning provisions require applications to demonstrate how proposed developments demonstrate how they align with transitioning to a low carbon, climate resilient and environmentally sensitive development outcome. The Board should it be minded to grant permission could seek clarity on such matters by way of an appropriately worded condition. The Board may consider this a 'new issue' in the context of their assessment of this appeal case.

- 7.4.6. **Nuisances:** I consider that the main impacts that would arise to the amenities of this area would result from the demolition and construction phase. 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 at the junction of Lower Mount Pleasant Avenue and Richmond Hill during deliveries through to the general generation of construction works associated vehicle parking on the surrounding public domain. 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 in the event of a grant of permission.
- 7.4.7. **Contributions:** I refer to the Dublin City Council 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.
- 7.4.8. **Conditions:** The Planning Authority in their response to the grounds of this appeal requested that the Board include as part of any grant of permission a number of conditions these include but are not limited to the payment of a cash bond to ensure an appropriate completion of the proposed development; a contribution *in lieu* of open space which I have discussed in the assessment is reasonable on the basis of the limited size of this site; and a naming/numbering condition be imposed. The latter requirement I consider is standard in relation to such a scheme, with Section 15.8.9 of the Development Plan requiring that development names shall reflect local historical, heritage or cultural associations and the basic generic description through to that they will approve the naming of residential developments to avoid confusion with similar names in other locations. As such I recommend that the Board include these conditions should they be minded to grant permission.
- 7.4.9. **Interference with adjoining properties:** Should the Board be minded to grant permission for the proposed development and given that No. 25 Lower Mount Pleasant Avenue current two-storey built form adjoins a period modest two storey structure on its northern boundary for which demolition is sought. Additionally, the proposed apartment building would also adjoin this modest of period construction building I

recommend that the Board include an advisory note setting out Section 34(13) of the Planning and Development Act, 2000, as amended, as a precaution. This 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.

## 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 5.4 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 are the Special Area of Conservation: South Dublin Bay SAC (Site Code: 000210) and Special Protection Areas: South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located c3.3km at their nearest point to the north east, as the bird would fly.
- 8.2. The proposed development will consist of demolition of existing buildings on site and the construction of 6 no. unit apartment building together with its associated works as well as services. The proposed development site is serviced brownfield residentially zoned 0.015ha site in built-up city neighbourhood to the south of Dublin city's centre.
- 8.3. 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 serviced lands that are zoned 'Z1' under the Dublin City Development Plan, 2022-2028, for which residential development is deemed to be permissible as the primary land use subject to safeguards.
  - 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).

8.4. In conclusion, I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a Natura 2000 site or sites and I therefore consider that appropriate assessment 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. No. 25 Lower Mount Pleasant Avenue and the corner of Richmond Hill the appeal site relates to a modest plot of land (Note: 0.015ha) located on the corner of Lower Mount Pleasant Avenue and Richmond Hill in the city suburb of Rathmines circa 1km to the south of Dublin's historic city centre as the bird would fly. The site is located c0.3km to the south Grand Canal which is a proposed Natural Heritage Areas: Grand Canal (Site Code: 002104)/ Grand Canal Main Line (Liffey and Dublin Bay) and forms part of the Liffey and Dublin Bay Catchment 09 which is indicated as being in good status and under the WFD not at risk. The site is not indicated on the OPW flood maps as flood risk lands nor are there any historic flooding events indicated for this site as well as its setting.
- 9.1.2. The proposed development comprises of the demolition of derelict building and construction of a three-story apartment building, comprising six apartments 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 this subject appeal site 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 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.
- 9.1.5. The reason for this conclusion is as follows:

- The modest nature, extent and scope of works on this brownfield serviced site.
- The location of the site relative to the nearest water body which is the Grand Canal and the nature of the serviced developed intervening urban landscape together with the lack of hydrological connections to it.
- The site's remoteness from any water body identified as being at risk under WFD.
- The use of standard measures that accord with best practice during demolition, site clearance, excavation, general construction works through to operation.

#### 9.1.6. 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 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. I recommend that permission be **refused**.

## 11.0 Reasons and Considerations

1. Having regard to the restricted nature and prominent location of this corner site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area and the proposed apartment building would produce a cramped and substandard form of development on this site at a density that would be inconsistent with the prevailing density in the vicinity and it would result in overdevelopment of the site. It is also considered that the proposed development would result in

substandard residential amenity for future occupants, it would be visually obtrusive in its sensitive to change streetscape setting, it would be out of character with development in the vicinity, it would seriously injure the amenities of adjoining residential property, and it would set an undesirable precedent for future development in this area. 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.*

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Patricia-Marie Young

Planning Inspector – 9<sup>th</sup> day of June 2025

## 12.0 Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-321964-25
<b>Proposed Development Summary</b>	Demolition of derelict building and construction of a three-story apartment building, comprising six apartments, and associated works.
<b>Development Address</b>	No. 25 Lower Mount Pleasant Avenue and the corner of Richmond Hill, Dublin 6.
	In all cases check box /or leave blank
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here.
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold.</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	<p><b>Subthreshold for Class 10(b)(i); Class 10(b)(iv); Class 14 &amp; Class 15(b) of the Planning Regulations, 2001, as amended.</b></p> <p><b>Preliminary examination required. (Form 2)</b></p>

<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** \_\_\_\_\_ **Date:** 9<sup>th</sup> day of June 2025

## 13.0 Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>ABP-321964-25</b>
<b>Proposed Development Summary</b>	<b>Demolition of derelict building and construction of a three-story apartment building, comprising six apartments, and associated works.</b>
<b>Development Address</b>	<b>No. 25 Lower Mount Pleasant Avenue and the corner of Richmond Hill, Dublin 6.</b>
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The proposed development consists of the demolition of an unused derelict building (Note: 144m <sup>2</sup> ) and the construction of a new three-story apartment building (Note: 404m <sup>2</sup> ), with the attic converted into a habitable space, containing 6 apartment units on a 0.015ha site in the established city neighbourhood of Dublin 6.  The proposed development is modest relative to the nature, scale, and extent of the permitted building on site relating to a change of use of internal floor area permitted and already constructed.  The building is not exceptional in the context of its urban neighbourhood and the nature, scale and extent of residential developments that has been permitted on brownfield infill serviced zoned accessible sites.  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 and the implementation of the proposed development would not require the use of substantial resources with the main works as said relating to a permitted building.  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.  It would not present a risk to human health.

<p><b>Location of development</b></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><b>Briefly comment on the location of the development, having regard to the criteria listed.</b></p> <p>The site is comprised of built structures and hardstand.</p> <p>The site is not designated for the protection of the environment or are any of lands within its vicinity.</p> <p>The surrounding urbanscape, includes Protected Structures and Residential Conservation Area zoned lands in its visual context. However, the site itself and the adjoining properties are not of any built sensitivity and are zoned for residential development subject to safeguards. The Development Plans Core Strategy and accompanying provisions supports compact, dense through to consolidated residential development at service accessible locations like this subject to safeguards. This aligns with regional and national planning provisions.</p> <p>The works to which this application relates would not give rise to any additional potential for any disturbance of any archaeological material.</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 over 3km to the north east of the site at their nearest point.</p> <p>The proposed development would not generate significant additional demands on water supply, foul drainage, or public road network. With the existing services and road network having the capacity to absorb the additional six apartment units additional demands.</p> <p>I therefore do not consider that the proposed development would have significant cumulative effects on the environment together with any other projects in the vicinity.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,</p>	<p><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>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</p>

cumulative effects, and opportunities for mitigation).	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).
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	<b>EIA is not required.</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	<b>Schedule 7A Information required to enable a Screening Determination to be carried out.</b>  <b>Not applicable.</b>
There is a real likelihood of significant effects on the environment.	<b>EIAR required.</b>  <b>Not applicable.</b>

**Inspector:** \_\_\_\_\_ **Date:** 9<sup>th</sup> day of June 2025

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)