



An
Bord
Pleanála

Inspector's Report

ABP-322027-25

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| Development | Demolition of bungalow, the construction of 6 houses and associated site development works. |
| Location | 2, Lawrence Grove, Clontarf, Dublin 3, D03 R2C2 |
| Planning Authority | Dublin City Council North |
| Planning Authority Reg. Ref. | 3799/24 |
| Applicant(s) | Emmett Doyle, Caolan Doyle, Ailbhe Doyle and Garbhán Doyle. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | Ken Rush Niamh MacDonnell/David Nea (and other residents of Lawrence Grove and Lawrence Walk listed within section 6.1 of my report). Eileen Appleyard and Ken Appleyard & Mark Quinn. |

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| | Patrick McLaughlin & Malgorzata Skrzypczak. |
| | Margaret and Liam Hayes. |
| Observer(s) | Leon Giblin Hugh Gash David Kavanagh Tony McNally |
| Date of Site Inspection | 30 May 2025 |
| Inspector | Claire McVeigh |

1.0 Site Location and Description

- 1.1. The subject site forms a backland site, rear of no. 20 Hollybrook Park, the garden of which was previously sub-divided, and the single storey bungalow constructed namely 2 Lawrence Grove circa 1960/1970. Lawrence Grove is located to the south of the Howth Road (R105) and its junction is in close proximity to Harry Byrnes public house. Lawrence Grove comprises a mix of dwelling types, generally two storeys but with a number of three storey dwellings, with an attractive landscaped area with mature trees and old stone boundary wall along the boundary to the subject site.
- 1.2. From my site inspection I was able to access both sites using the interconnecting doorway within the sub-dividing boundary wall between the two properties. The subject site, stated area 0.0999 ha, comprises the site of 2 Lawrence Grove a single storey detached dwelling and a portion of the rear garden of 20 Hollybrook Park, which is semi-detached property (adjoining no. 18 Hollybrook Park) recorded on the National Building Heritage Service survey of buildings as being of regional importance and dating between 1740-1780.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing bungalow (103 sq. metres) and construction of 6 no. terraced, 3 no. bedroom¹ plus 'home office', three storey houses (total floor area stated as 756 sqm) behind the existing boundary wall. The permission sought will also include parking for cars and bikes as well as a bin store, alterations to the existing vehicular access and 3 no. new pedestrian access points onto Lawrence Grove. It is proposed to reposition the boundary between No. 2 Lawrence Grove and No. 20 Hollybrook Park.
- 2.2. A new mains connection is proposed for water supply with the use of grey or recycled water. It is proposed to discharge the rainwater runoff from the pitched roofs onto the flat roof sections at the rear of each house. The flat roof section is proposed

¹ I note the concerns raised by the third-party appellants with respect to the application form stating that the proposed development is for 6 no. four bedroom dwellings when the drawing submitted indicate a three-bedroom unit with home office. I note that the statutory notices do not include in the description of development the number of bedrooms proposed within each unit.

to have a planted green roof with a blue roof substrate. The rainwater pipes from each roof shall discharge into a rainwater planter (600mm wide and 6m long). Each planter proposed to have an overflow which shall be connected to a surface water drain connecting to the surface water sewer in Lawrence Grove, with a flow control device installed in the final manhole. The surface car park and paving at the front of the dwellings is proposed to be permeable.

- 2.3. It is stated in the submitted 'Environmental Services Report' (submitted on the 23 January 2025) that a pre-connection application has been made to Uisce Eireann for new connections to the public foul drainage system. The reference no. is CDS24001203.

Table 2.0

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|---------------------|--|
| 6 No. | 3 bedrooms, plus home office (approximately 3 sq.m). |
| Residential Density | 60uph |
| Plot Ratio | 0.76 |
| Site Coverage | Approximately 38% |

3.0 Planning Authority Decision

3.1. Decision

On the 17 February 2025 the planning authority granted permission subject to 14 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Further information requested in respect to:
 - The applicant's legal interest in the site and the existing stone boundary wall along Lawrence Grove.

- Housing Quality Assessment.
- Landscape Plan.
- Details of the proposed bin store and details of temporary waste collection areas. The proposed areas should not impede pedestrian footpaths.
- Revised cycle parking space to demonstrate consistency with Appendix 5 – Table 1.
- Reduction in car parking spaces to comply with Appendix 5 Table 2.
- The Swept path analysis to demonstrate the site is accessible to refuse service vehicles, general household servicing and delivery vehicles and emergency fire tender and ambulance vehicles.
- Revised drawing to demonstrate that the footpath alongside Lawrence Grove achieves minimum standards under DMURS. Pedestrian gates to be inward swinging only.
- Preliminary Construction Management Plan.
- Revised drainage report to include storage calculations allowing for 1% AEP storm event plus 20% climate change.

Report following receipt of FI the planner is satisfied with the response and recommends that permission be granted subject to conditions.

Appropriate Assessment Screening undertaken. Within respect to EIA determines that the need for EIA can be excluded at preliminary examination and a screening determination is not required.

3.2.2. Other Technical Reports

- Engineering Department – Drainage Division
- Further information required including revised plans to ensure that all issues related to surface water management area addressed, including storage calculations accounting for 1%AEP store event plus 20% climate change.
- Report following receipt of FI no objection to the development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Words Version 6.0. Conditions included.

- Transportation Planning Division
- Lawrence Grove is a residential cul-de-sac with a speed limit of 30kph. Located in Zone 2 of Map J which outlines a maximum provision of 1 car parking space per dwelling.
- Further information sought in respect to cycle parking, car parking, swept path analysis, footpath width, preliminary construction management plan and details of waste storage including temporary waste collection area.
- Following receipt of FI consultation was undertaken with the Parks, Landscape and Biodiversity and Landscape Services Division who outline support for the pedestrian openings and path surfacing to the existing path (request detail in respect to opening design, path link and shrub cutting if needed). However, they note that the Parks Division have concerns that widening the existing pedestrian footpath outside of the subject site may interfere with the existing trees' root zone and their preference is to leave the existing footpath as it is. Recommends a grant with conditions.

3.2.3. Conditions

- Condition 8 (a) details of the proposed pedestrian path between the new gates and existing footpath to be submitted for the written agreement of the planning authority. The applicant to contact the Parks, Biodiversity and Landscape Services Division of Dublin City Council to ascertain their requirements for the proposed footpath link/connections.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

I note that a number of the submissions have been made on behalf of a group of residents. There is overlap with the grounds of appeal, in summary key issues raised include:

- No demolition plan or justification for demolition of the existing bungalow has been provided.

- Overdevelopment of the site including concerns relating to the height and inadequate private open space proposed for the new dwellings and for the existing garden at 20 Hollybrook Park. 2 Lawrence Grove was originally the rear garden of no. 20 Hollybrook Park.
- The proposed development does not comply with the criteria for development of corner/side garden sites of the Dublin City Development Plan.
- Concerns that the home office could fit another bedroom and that there isn't sufficient private open space to accommodate same.
- Impact of the blank gable wall of 10.5m height facing onto the private open space of Hollybrook Park a Georgian house. Impact of the proposed development on surrounding residential amenity that is zoned Z1.
- Materially contravenes objective 5.1 of the compact settlement guidelines and table 15-4 of the Dublin City Development Plan 2022-2028 by reason of no public open space provision.
- Overshadowing, impact on evening light and overbearing impacts, excessive height of proposed development with reduced separation distance.
- Overlooking impacts.
- Tighter alignment of building height and building line with its immediate surroundings is required in order to better integrate the development proposal with the built neighbourhood.
- Structural integrity concerns with the existing boundary wall and proposal to create 3 no. new pedestrian accesses.
- Impact for the 3-no. new pedestrian entrance points on the community garden and on the established character of the area that the dry-stone wall contributes to. A Heritage Impact Assessment (HIA) should have been undertaken.
- Impact on the trees and ecology.
- Inadequate car parking provision and concerns with respect to traffic congestion/traffic hazard during construction and when the proposed dwellings are occupied.

- Concerns that proposed automatic sliding gate would contravene Policy QHSN21.
- Inadequate bin storage proposals.
- No Housing Quality Assessment submitted with the application.
- Lack of mix of units.
- Legal ownership.
- Flood risk needed as there is a net loss of natural drainage on the site.
- Part V exception certificate required or information to demonstrate how the applicants intend to comply with Section 96 of the Planning and Development Act.
- Issues relating to the validity of the application documentation, omissions and discrepancies in the drawings and lack of clarity of the origin of drawings. The application form states that 4 no. bedroom houses are proposed but the drawings indicate 3 no. bedroom units. The address provided on the application is incorrect and misleading. Site notice not positioned on Hollybrook Park.
- Appropriate Assessment and ecological impact assessment site visit was in December outside of the nesting season and other wildlife activities. Requests that a study by an ecologist is undertaken in spring/summer months in line with the biodiversity action plan, development plan, wildlife acts and EU habitats directives.
- The application form states that no pre-application consultation was carried out however notes of a supposed pre-application consultation included (no record of who was consulted and what mode/date the consultation was). The proposed development does not sufficiently address issues raised at pre-application consultation meeting with the planning authority.

4.0 Planning History

Subject site

Planning register reference 0196/24 Social Housing Exemption Certificate (SHEC) granted 25 May 2024. Description of proposal demolition of bungalow and construction of 6 houses.

Planning register reference 3624/24 An application for the demolition of the existing bungalow and the construction of 6 no. 3 storey terraced houses. Application subsequently withdrawn.

Rear garden of no. 18 Hollybrook Road

Planning register reference 3519-21 Planning permission granted (June 2022) for the construction of a two-storey detached 4 no. bedroom dwelling consisting of ground floor over basement, including 3m x 6m pool, garage parking for 2 no. cars, accessed utilising existing vehicular access to Hollybrook Park through archway of existing dwelling, connection to public services and all associated site works at the rear of 18 Hollybrook Park.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

The subject site is zoned Z1 Sustainable Residential Neighbourhoods (Abbreviated land-use description as taken from Table 14-1). The objective within this zoning is “To protect, provide and improve residential amenities”. Residential use is a permissible use within Z1 zoning.

Section 5.5.2 Regeneration, Compact Growth and Densification – “...In alignment with the MASP, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands in the city, it will be the policy of the City Council to achieve greater intensity in suburban areas through infill development, backland development, mews development and re-use of existing housing stock”.

Policy QHSN6 Urban Consolidation “To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation”.

Policy QHSN12 Neighbourhood Development ...to build on local character as expressed in historic activities, buildings, materials, housing types or local landscape in order to harmonise with and further develop the unique character of these places.

Policy QHSN10 Urban Density 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 and to successfully integrate with the character of the surrounding area.

Objective QHSNO4 Densification of Suburbs To support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.

Policy QHSN21 creation of permeable development and to avoid gated residential development.

Chapter 5: Quality Housing and Sustainable Neighbourhoods, which deals with policies and objectives for residential development, making good neighbourhoods and standards

Chapter 15: Development Standards, including 15.4.3 Sustainability and Climate Action "...To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new build". And that "...Design should enhance biodiversity and provide for accessible open space and landscaping which enhances the ecological value of a site. Greening measures should be included such as the incorporation of green roofs and walls, planting and trees. See also policies as detailed in Chapter 10".

15.7.1 Re-use of Existing Buildings "...Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible in accordance with Policy CA6 and CA7". A demolition justification report is required to be submitted having regard to the 'embodied carbon' of existing structures.

Policy 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. See Section 15.7.1 Re-use of Existing Buildings in Chapter 15 Development Standards.

Policy CA7 is referred to by the third-party appellant but I am of the view that this policy is not directly applicable to the subject application.

Policy CA9: Climate Adaptation Actions in the Built Environment Development proposals must demonstrate sustainable, climate adaptation, circular design principles for new buildings / services / site. The council will promote and support development which is resilient to climate change. This would include: (f) promoting, developing and protecting biodiversity, novel urban ecosystems and green infrastructure.

Policy GI41: Protect Existing Trees as Part of New Development To protect existing trees as part of new development, particularly those that are of visual, biodiversity or amenity quality and significance. There will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment.

15.11.3 Private Open Space 10 sq.m private open space per bedspace as a minimum standard.

15.13.3 Infill/Side Garden Housing Developments.

15.13.4 Backland Housing "...Backland development is generally defined as development of land that lies to the rear of an existing property or building line. Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists".

Applications for backland housing should consider the following:

- Compliance with relevant residential design standards in relation to unit size, room size, private open space etc.
- Provision of adequate separation distances to ensure privacy is maintained and overlooking is minimised.

- That safe and secure access for car parking and service and maintenance vehicles is provided.
- The scale, form and massing of the existing properties and interrelationship with the proposed backland development.
- The impacts on the either the amenity of the existing properties in terms of daylight, sunlight, visual impact etc. or on the amenity obtained with the unit itself.
- The materials and finishes proposed with regard to existing character of the area.
- A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling, and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

All applications for infill developments will be assessed on a case-by-case basis. In certain instances, Dublin City Council may permit relaxation of some standards to promote densification and urban consolidation in specific areas. The applicant must demonstrate high quality urban design and a comprehensive understanding of the site and the specific constraints to justify the proposal.

Section 15.11 House Developments

Policy GI28 New Residential Development To ensure that in new residential developments, public open space is provided which is sufficient in amenity, quantity and distribution to meet the requirements of the projected population, including play facilities for children and that it is accessible by safe secure walking and cycling routes.

Table 15-4 Public Open Space Requirements for Residential Development (10% minimum in Z1 zoned lands).

15.8.7 Financial Contributions in Lieu of Open space ..this would include cases where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park... Financial contributions in lieu of public open space will only be applicable in schemes of 9 or more units.

15.15.2.4 Retention and re-use of Older Buildings of Significance which are not protected.

Policy BHA 05 Demolition of Regional Rated Buildings on NIAH and BHA

Policy BHA 06 Buildings on Historic Maps

Section 15.6 Green Infrastructure and Chapter 10 Green Infrastructure and Recreation.

Section 15.6.9 Trees and Hedgerows "...A tree survey must be submitted where there are trees within a proposed planning application site, or on land adjacent to an application site that could influence or be affected by the development. Information will be required on which trees are to be retained and on the means of protecting these trees during construction works".

Appendix 3 Achieving Sustainable Compact Growth

Appendix 5 Transport and Mobility: Technical Requirements

Appendix 16 Daylight and Sunlight Assessments

Appendix 18 Demolition and Replacement Dwellings

5.2. Dublin City Biodiversity Action Plan 2021-2025 and supporting Technical Guidance Note for Development Management in Dublin City

Sample conditions noted in respect to Invasive Alien Species (IAS) within the technical guidance note.

5.3. **Design Manual for Urban Roads and Streets (DMURS)**

Figure 4.34 Diagram showing the amount of space needed for pedestrians to pass each other with regard to pedestrian activity levels. Ranging from 1.8m in areas of low pedestrian activity to 4.0 in areas of high pedestrian activity.

5.4. **Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)**

SPPR 1 Separation Distances

SPPR 2 Minimum Private Open Space Standards for Houses

SPPR 3 Car parking

Policy and Objective 5.1 – Public Open Space

Section 5.3.7 Daylight

5.5. **National Planning Framework First Revision – April 2025**

National Strategic Outcome 1 Compact Growth

National Policy Objective 43 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.6. **National Biodiversity Action Plan 2023-2030**

“...an awareness of biodiversity and its importance, and of the implications of its loss, whilst also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to act for nature”. (p.23)

5.7. **Natural Heritage Designations**

The subject site is located approximately 500m north from Proposed Natural Heritage Areas: North Dublin Bay (Site Code 000206). The South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is approximately 500m south of the subject site.

6.0 Environmental Impact Assessment (EIA) Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2, in Appendices of this report). 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.

7.0 Water Framework Directive (WFD) Screening

Please refer to Appendix 4. The river body Santry_020 (IE_EA_09S011100) is approximately 2km northeast of the subject site (poor water body status) and the groundwater body is Dublin IE_EA_G_008 (good water body status).

The proposed development is detailed in section 2.0 of my report.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed demolition of the existing bungalow and development of six houses and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest water bodies and/or lack of hydrological connections

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) 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.

8.0 The Appeal

8.1. Grounds of Appeal

Five third party appeals have been received in respect to the decision to grant permission, namely from: -

- (1) Ken Rush;
- (2) Niamh MacDonnell/David Nea, Tom Hynes, Malgorzata Skrzypczak and Patrick McLaughlin, Maeve Crangle and John Crangle, Tom Ralph, Mary Keegan, Carmel Fox, Lily Dashkevich and Marco Selvatici, Nuala Moody, Heather Gibson, Joan Gibson and Gordan Gibson, Mary Clarke, Zandra Ball and James Ball and Dave Brennan;
- (3) Eileen Appleyard and Ken Appleyard & Mark Quinn;
- (4) Patrick McLaughlin & Malgorzata Skrzypczak; and,
- (5) Margaret and Liam Hayes.

The appellants raise similar issues, and I am grouping these concerns in the grounds of appeal in order to avoid overlap and repetition. Any individual issue raised by one of the parties will also be included in the list of the grounds below:

- A demolition justification report has not been submitted as required by Section 15.7.1 of the development plan. The appellants highlight policy CA6 and CA7 of the development plan which seek to retrofit and reuse existing buildings to support high levels of energy conservation and energy efficiency and to protect the existing housing stock.
- Overdevelopment of the site:

- The number of properties proposed is excessive and creates attendant issues for access, egress, parking, deliveries, utility vehicles and waste management.
- Minimal standard of private garden space and no notable areas of landscaping to provide for some softening of a large-scale building block.
- Non-compliance with the Sustainable Residential Development and Compact Settlement Guidelines 2024. Proposed development materially contravenes objective 5.1 of the Compact Settlement Guidelines and Table 15-4 of the Dublin City Development Plan give there is no public open space proposed within the scheme. The proposed provision of 6 no. family homes with no area for children to play is contrary to proper planning and sustainable development providing no residential amenity for future residents.
- Inadequate residential amenity for future residents, submitted Housing Quality Assessment (HQA) does not address many of the normal minimal requirements for an HQA. The area of proposed storage was not given for the units and room widths were generally not provided.
- Likely poor daylight and sunlight levels for future residents having regard to the proximity of the mature trees.
- Internal footpath does not comply with the minimum standards outlined in Part M of the Building Regulations and Design Manual for Urban Roads and Streets (DMURS) of 1.8m.
- Bin storage appears to be undersized and unable to fit within the space allocated to it.
- Significant negative impact on the integrity and characteristics of this sensitive historic area. The relevant criteria of the development plan under section 15.13.3 in relation to infill etc. particularly relating to the character of the road and the protection of residential and visual amenities has not been met.
 - The proposed development would detract from the setting and integrity of the important and significant historical structures on Hollybrook Park. It will exceed the height of the two Georgian Houses by 2.04m, the proposed

development should be subservient in scale and form rather than imposing and dominant as proposed. The proposed dwellings should be of a similar of lower height than the houses on Lawrence Grove and allowing for the road gradient should be stepped in height given the proximity to the street.

- The subject application has not provided any Visual Impact Assessment or Architectural Heritage Impact Assessment. The proposed development materially contravenes QHSN12 Neighbourhood Development.
- The three storey houses with a ridge level height of 10.70 metres is significantly higher than that of the existing single storey cottage on site and taller than most of its neighbours. Coupled with the continuous terraced design the proposed development would have an overbearing impact on the street and the gardens to the west.
- The proposed development sits forward of the established building line of Lawrence Grove impacting negatively on the existing character of the area and would be visually incongruous.
- No Arboricultural assessment and tree survey has been submitted to demonstrate that the integrity of the root protection area for the existing mature trees will not be affected by the proposed development.
- There is no justification for the proposed creation of 3 no. pedestrian access points through the existing stone wall opening out onto grass/amenity space. The stone wall should be retained in its current form as it is key to the character of the estate.
- Detrimental to existing residential amenity by reason of:
 - The proposed development materially contravenes the zoning objective Z1 “to protect, provide and improve residential amenities”.
 - Loss of daylight and sunlight and increased overshadowing of both adjoining rear gardens and common amenity space at Lawrence Grove (refer to Appendix 16 for guidelines conducting daylight and sunlight assessments). A detailed Daylight Sunlight Assessment has not been prepared as required under section 15.9.16.1 and Table 15.1 of the

development plan. Shadow diagrams as submitted do not include comparison with the existing context.

- Overbearing impacts by reason of the height and proximity to the common boundary.
- Proximity of the car parking area and bin storage adjacent to the boundary of no. 1 Lawrence Walk gives rise to concerns relating to noise, odour issues and vermin, there is limited boundary treatment or permanent mitigation measures proposed.
- The proposed 'louvres' screening to the rear facing windows is inadequate for windows at 90 degrees facing a private amenity space. Overlooking will have a serious impact on the amenity of existing residents.
- Safety concerns relating to the structural integrity of the existing boundary wall by reason of the proximity of the proposed new buildings and proposed boundary treatment including new pedestrian gateway openings within the wall. Insufficient details on boundary treatments and wall protection warrant a refusal as proceeding with the development could result in serious public health and safety implications given the unknown structural integrity of the limestone rubble historic wall (circa 1829-1842 shown on the First Edition Ordnance Survey map).
- Impact on the site's existing trees and hedgerows. No detail has been submitted on how the existing trees will be retained and protected. Minimal green infrastructure and green open space proposed within the scheme would create a significant ecological loss to the area which directly contravenes national, regional and local planning policies which seek to increase the ecological value of sites.
- Car parking, cycle parking and vehicular access:
 - Inadequate car parking provision, no parking for visitor parking which would lead to on street generated parking. Concerns that the proposed development would seriously exacerbate the traffic movements and result in a risk for road users.

- The application fails to demonstrate that the proposed car parking area can accommodate fire tender access when cars are parked. Swept path analysis does not account for parked cars on the street close to the entrance.
- Cycle parking design and quantity does not fully comply with the requirements set out in Appendix 5 – Table 1 of the development plan.
- Proposed provision of sliding gates would contravene policy QHSN21 which seeks to avoid gated residential developments which exclude the public and local community.
- Concerns that the sliding gate cannot be accommodated in the car park taking into account the bin and bicycle store, it is further noted that no drawing of the 6-metre gate was provided.
- Invasive species concerns:
 - Japanese Knotweed is present on the site. No Invasive Species Management Plan or Knotweed Management Plan has been included as part of the application. These matters were not addressed in the planning authority's assessment of the proposed development and no condition attached in relation to same (reference Chapter 10 Green Infrastructure and Recreation of the development plan).
- Lack of information provided in respect to the refuse collection management plan, in particular relating to the collection location for the bins. Narrow width of footpath lack of space for bin collection when considering the haphazard parking of cars as such bins may result in impeding the safety of road users.
- Miscellaneous.
 - Issues raised at pre-application consultation not sufficiently addressed in the application.
 - Inadequacy of plans and documents submitted as not all the dimensions are provided on the site plan (Drawings DG-02 -Proposed Plans and DG-03-Proposed Plans to indicate the distance of any such structure from the boundaries of the site and no dimensions provided for the proposed rear

garden depths, as such, question the validity of the application documentation.

- No details in respect to how the proposal will comply with the Part V requirements.
- Transparency of the planning process – due consideration has not been given to the concerns raised at the application stage.

Photographs submitted, by Margaret and Liam Hayes, to illustrate the existing environment of Lawrence Grove and its community garden.

8.2. **Applicant Response**

In response to the 5 no. third party appeals the applicant is of the view that the proposed development is a sensitive infill scheme in an existing sustainable built-up area, at a density, scale and height which both maximises development potential but is sympathetic to the scale and character of the area. Responding to the issues raised by the third parties sets out the following:

- The proposed density of 60uph is at the lower end of the density range set out in the development plan and the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).
- Daylight and sunlight assessment issues were considered by the planning authority having regard to the submitted shadow analysis.
- Overdevelopment and height – the site coverage and plot ratios are below levels set out in the development plan. The proposed height at three storeys is not out of character for the area.
- Overlooking – proposed dwellings are located an appropriate distance from boundaries and there is no direct overlooking as the surrounding residences to the west, north and south are at oblique angles. Proposed rooms at second floor level are bathrooms and walk-in-wardrobes to minimise potential for overlooking.
- Inadequate parking provision/cycle parking provision – The provision of 1 space per unit is consistent with SPPR 3. The site is a 16 minute walk from

Killester Dart Station and there are multiple Dublin Bus stops within a 3-4 minute walk on Howth Road. Bicycles are designed for with a covered store with 7 no. spaces in line with the development plan standards.

- Inadequate waste proposals/public health - Bin storage designed to accommodate 4400 litres in 4 no. bins and 2 no. additional bins for the segregation of glass and plastics. The bin storage area is fully enclosed to ensure no undue odour. Kerbside collection of refuse bins is standard practice in Lawrence Grove and the proposed development is to be operated in an identical manner.
- Japanese Knotweed, Trees and Ecology – The existing trees are largely domestic in nature and whilst there will be a loss of these trees it is of minor significance in the facilitation of a sustainable urban infill scheme. The submitted Ecological Impact Assessment (EclA) identified no high-risk invasive species on site.
- Impact on the integrity and setting of Georgian houses at 18 and 20 Hollybrook Park - Neither 18 nor 20 Hollybrook Park are protected structures, and they are not located in a conservation area or an Architectural Conservation Area (ACA). Neither of the buildings appears on the National Inventory of Architectural Heritage.
- Absence of public open space – Provision of no public open space on an infill site is supported in policy noting section 15.8.7 Financial Contributions in Lieu of Open Space and section 5.1 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) allows in some circumstances a planning authority to set aside (in part or whole) the public open space requirement arising
- under the development plan. There are also significant public open spaces in the area at the southern end of Lawrence Grove and also Clontarf a short distance further to the south.
- Absence of landscaped area and biodiversity – The appellant fails to acknowledge the submitted landscape plan which includes a relatively

significant amount of soft landscaping/planting as well as retention of existing planting on the western side of the retained boundary wall.

- Traffic and safety concerns – Notes that the planning application shows the tracking movements for vehicles accessing the site and that the car parking spaces are accessible.
- Stone wall and child safety concerns/boundary treatment and access – Minimal intervention to create 3 no. pedestrian entrances through the wall. There are no obvious or apparent signs of distress to this wall save for possible looser stones at the top. Structural integrity is not a planning issue; it is a matter of technical detail to be addressed during construction.
- Separation distance and impact on building line – The proposed building sits further towards Lawrence Grove than both dwelling north and south however the context of the subject site is materially different, with the landscape strip between the subject site and the roadway of Lawrence Grove.
- Inadequacy of information within the application/validity of application – The city council validated the planning application and processed through further information and have undertaken a detailed assessment.
- In the case of small infill developments where there is no potential for public access to open space or linkages a sliding gate for privacy of future resident is not untypical.
- Demolition justification report - The city council addressed this issue in their assessment that the demolition of a single bungalow with its replacement with 6 no. dwellings is considered to be a more efficient and sustainable use of the subject lands.
- Part V – Social Housing Exemption certificate has been granted 0196/24.

8.3. Planning Authority Response

- Request that the Board uphold the decision to grant permission and request that is permission is granted that the following conditions be applied:
 - Section 48 development contribution.

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

8.4. Observations

A total of four observations have been received. Concerns outlined in the observation are reflected in the grounds of appeal and in summary the issues raised include:

- Impact by reason of the height and proximity of the proposed development on the architectural heritage and setting of the protected structures (nos. 14 and 16 Hollybrook Road) and nos. 18 and 20 Hollybrook Road which are of considerable architectural and heritage/historical value.
- Overdevelopment of a small site and would impose itself unduly on adjoining houses and on the character and attractive ambience of Lawrence Grove.
- The proposed development would impact on the light to houses on the opposite side of Lawrence Grove who depend on westerly light in the living areas of their homes.
- Any redevelopment of the site should not interfere with the existing stone boundary wall.
- Impact on existing ecology.
- Proposed development offers little quality of housing amenity and there is no communal play space for the future residents.
- The placement of large bins on the footpath is inappropriate given the width of same and kerbside placement will cause potential hazards to cars and cyclists.
- Negative impact of additional cars on the already constrained parking facilities in the neighbourhood. Concerns that adequate access for emergency services would not be possible.

8.5. Further Responses

None.

9.0 Assessment

9.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and having inspected the site and having regard to the relevant local/regional/national policies and guidance I consider that the substantive issues in this appeal are as follows:

- Principle of development.
- Overdevelopment of the site.
- Impact on residential amenities of adjoining properties.
- Impact on integrity and characteristics of sensitive historic area.
- Impact on trees and ecology/biodiversity/invasive species.
- Car parking, cycle parking and vehicular access.
- Miscellaneous.

9.2. Principle of development

9.2.1. The proposed development seeks to demolish an existing residential bungalow, reposition a boundary between No. 2 Lawrence Grove and No. 20 Hollybrook Park and to construct 6 no. three storey three-bedroom residential terraced dwellings. The third-party appellant's highlight that no demolition justification report was submitted with the application, as stated as being required under 15.7.1 'Re-use of Existing Buildings' of the development plan. I note for the Board that the development plan states that such a demolition justification report must be submitted where demolition is proposed. Such a report was not sought by the planning authority as further information. The planner's report considers that the demolition of a single bungalow on a large site and its replacement with six no. three bedroomed dwellings is considered to be a more efficient and sustainable use of the subject lands and that the demolition is acceptable in this instance. Accepting the planning

authority's position, I am of the view that the applicant's 'Construction Management Plan' would have benefited from demonstrating how the demolition waste would be reused, recycled or other material recovery methods having regard to Policy CA9 and the circular design principles promoted within.

- 9.2.2. Residential development is a permissible use under the Z1 zoning designation of the subject site. I note from section 14.3.1 of the development plan a permissible use is described as one which is generally acceptable in principle in the relevant zone, but which is subject to normal planning considerations, including the policies and objectives outlined in the plan. As such the proposed residential use is acceptable in principle, I will now continue to assess the development under the normal planning considerations as set out below in grouped issue headings, reflecting the issues raised in the third party appeals and observations received.

9.3. Overdevelopment of the site (including alleged material contravention with respect to public open space provision)

- 9.3.1. The proposed development seeks to alter the existing boundary between the two sites by repositioning it southwards within 6.8m of the rear two storey wall of no. 20 Hollybrook Park. I shall address the impact on both the setting and residential amenity of Hollybrook Park in sections 9.4 and 9.5 below.
- 9.3.2. The proposed density of the subject site accords with the density range of between 60-120 dwellings per hectare (dph) as contained within Table 1: Density Ranges (Appendix 3 of the development plan) for the outer suburbs. In addition, the density accords with the density range for an accessible location (as defined in the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, referred to herein as 'compact settlement guidelines') of 50-250 dph, noting the subject site's proximity to a planned Bus Connects Spine (Map J Existing and Future Strategic Transport and Parking Areas of the development plan). The plot ratio and site coverage as proposed is less than that indicated as permissible within the outer residential areas, as per Table 3: Indicative Plot Ratio and Site Coverage (Appendix 3). On the basis of these metrics alone the proposed development would appear to be consistent with the development plan objective to densify the suburbs (Objective QHSN04). Notwithstanding, I note the appellant's

concerns focus on the impact of the development in respect to the existing established density of development within Lawrence Grove, the limited provision of private open space for the future residents, limited internal footpath widths, no provision of public open space within the scheme and they set out potential attendant issues for access, parking, deliveries and waste management that such an increased in density would result.

9.3.3. The compact settlement guidelines set out clearly the arguments for the need for change away from the continued application of suburban housing standards originally conceived during the 20th century. Key design principles of the low-rise medium density housing models contained in the compact settlement guidelines includes reduced plot sizes and a tighter arrangement of houses with reduced car parking ratios and distribution of private open space in the form of patio gardens and /or upper levels terraced and balconies. I am of the opinion that the proposed development complies with the specific planning policy requirements in respect to minimum private open space standards for houses (SPPR 2), maximum car parking standards (SPPR 3) taking into account the accessible location (as defined in Table 3.8 of the Compact Settlement Guidelines) and SPPR 4 – Cycle parking and Storage given the proposed residential units have ground floor private open space. Furthermore, the proposed internal footpath meets with the minimum standards as illustrated in Figure 4.34 (DMURS) for low pedestrian activity areas. I concur with the appellants that the submitted plans do not clearly demonstrate that the proposed sliding gate can be accommodated within the space without compromising the width of the ramped pedestrian/pathway.

9.3.4. There are currently no directly opposing windows within 16 metres of the proposed development and noting the permitted ground floor over basement dwelling to the rear of no. 18 Hollybrook Park, see section 4.0 of my report, there are no directly opposing windows above ground floor level with this permitted but not yet constructed dwelling. As such, the proposed development accords with SPPR 1 – separation distances of the Compact Settlement Guidelines. I would concur with the applicant that the proposed louvre design to the rear windows will provide additional screening and the proposed location of walk-in-wardrobe and bathroom at second floor level would ameliorate sufficiently the impact of perceived overlooking of the rear garden to no. 18 Hollybrook Park.

- 9.3.5. I note the appellants concern that as a result of over development of the site no provision has been made for public open space within the development. The appellants are of the view that this is a material contravention of the development plan. The planner's report does not include a consideration of public open space within their assessment. The development plan does allow for financial contributions in lieu of open space in some instances i.e. site constraints or if the planning authority consider that the needs of the population would be better served by the provision of a new park in the area or upgrading of an existing park. Notwithstanding this provision I note that in section 15.8.7 financial contributions are only applicable in schemes of 9 or more units. In this respect having regard to the current development plan provisions which allow for financial contributions in lieu of open space and Policy and Objective 5.1 – Public Open Space of the compact settlement guidelines I am of the opinion that there is flexibility to set aside (in part or whole) the public open space requirement arising under the development plan giving the proposed scale of development being less than 9 no. units and the site constraints of this backland site. As such, I am of the opinion that the issue of material contravention does not arise.
- 9.3.6. The concerns raised by the appellants with respect to the application form which states that the proposed development is for 6 no. four bedroom dwellings are addressed in section 2.0 above, when the drawings submitted indicate a three-bedroom unit with home office. The statutory notices do not include in the description of development the number of bedrooms proposed within each unit. For the purposes of my assessment, I am basing it on the submitted plans which indicate three bedroomed dwellings. In the event the Board is minded to grant permission this issue could be clarified by way of condition.
- 9.3.7. I would agree with the appellants that in respect to the submitted Housing Quality Assessment (HQA) there is a lack of detail in respect to the internal space standards compliance with the internal space standards in the development plan which requires (see section 15.11.1) that houses shall comply with the principles and standards outlined in section 5.3 'Internal Layout and Space provision' contained in the DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). Notwithstanding the limitations of the submitted HQA I have carried out a review of the schedule of accommodation

provided in the HQA against the standards set out in Table 5.1 of the quality housing guidelines. I note for the Board that the proposed development complies with the target gross floor area for a 3 bed/5-person house (3 storey), complies with the minimum main living room and aggregate living area, however, the aggregate bedroom area stated as 30 sq.m has a shortfall of 2 sqm from the required 32 sqm. No details have been provided with respect to the quantum of dedicated storage facilities.

- 9.3.8. I acknowledge the point made by the one of the third-party appellants that the swept path analysis presents 'ideal' conditions of movements occurring when no cars are parked on the roadside. I acknowledge the photograph submitted of cars parked on the roadside in close proximity to the existing entrance. From my site visit I noted the double yellow lines marking outside of the subject site and along part of the frontage of the adjoining property (Melrose, 1 Lawrence Walk) up to their vehicular access splay and vehicular access/in-curtilage parking space to the property almost directly opposite the existing site entrance. As such, I consider there is limited authorised on-street parking space available within the immediate environs of the subject and as such vehicular movements including those by fire tender/delivery vehicles should not be restricted by cars parked on-street within authorised spaces.
- 9.3.9. I would concur with the appellant that the submitted swept path analysis indicates that movements encroach on the proposed parking spaces indicated on drawing LG-RL-P02 Roads Layout (Vehicle Tracking). I note for the Board that the report from the Transportation Planning Division considers that the vehicle tracking for fire tenders and delivery vehicles to be acceptable. It is acknowledged by both the planning authority and the applicant that the site is not accessible to refuse vehicles and waste bins would be put on the kerbside for collection. I am of the opinion that the car parking space, as proposed, appear to restrict vehicle movements by delivery vehicles/fire tenders and thereby reduce the in-curtilage car parking area's capacity to accommodate necessary traffic movements. I am not satisfied that the development from which permission is sought would not pose a risk to pedestrian and traffic safety.
- 9.3.10. In respect to issues identified with the proposed waste management in the form of a communal storage area located adjacent to the third-party boundary with Melrose, 1 Lawrence Walk, I note the applicant's response quantifying the waste allocation

based on 720 litres per unit (4320 litres required in total) and that the proposed development allows for 4400 litres in total with 2 no. smaller bins to allow extra space for other waste segregation. The proposed bin store is to be entirely within the site boundary and clad in stone with a galvanised steel sliding door on a track and rail system. Having regard to the submitted response by the applicant clarifying the quantities of waste to be accommodated and the submitted drawing of the enclosed bin store (DGN. No. FI-DG-03) I am of the opinion that the proposals are acceptable and should not give rise to significant noise, odour issues and vermin, subject to a condition requiring the developer to provide for the written agreement of the planning authority an operational waste management plan setting out the strategy for waste collection, storage and recycling as per 15.18.2 Chapter 15 of the development plan. I accept that the existing pavements are narrow along Lawrence Grove, however, I consider that there are limited alternatives with respect to waste management and note that the other properties place bins on the kerbside for collection. I am of the view that the proposals to place the bins on the street for collection, if properly managed, would not result in adverse impacts to the streetscape or pedestrian accessibility. As such, I am of the opinion that issues relating to the management of the waste collection can be addressed by way of condition.

- 9.3.11. In conclusion, I am of the opinion that the proposed development in the main complies with the Compact Settlement Guidelines, however, there are issues relating to the capacity of the proposed in-curtilage car parking courtyard to accommodate necessary traffic movements, adequate space to allow for the sliding gate without compromising the pedestrian ramped footpath, shortfall in the aggregate bedroom floor space for a 3 bedroom (5 person) three storey dwelling and it has not been demonstrated that adequate storage is provided for within each of the dwelling units that are unresolved in the application documentation. I am of the view that these matters are integral to the total number of units proposed on the subject site. I do not consider it would be sufficiently addressed by way of condition as they are interrelated aspects and require a comprehensive design approach to resolve same.

9.4. Impact on residential amenities of adjoining properties.

- 9.4.1. The appellants raised concerns that the proposed height of the development at three storeys and the terraced block form will detrimentally impact on the existing

residential amenities of adjoining properties by reason over overbearing impacts and overshadowing, therefore, materially contravening the zoning objective Z1 which seeks to protect, provide and improve residential amenities.

- 9.4.2. Having visited the site I note that the area is predominantly two storeys however, more recently three storey developments have been constructed to the north and east of the subject site. The height of the development is in accordance with minimum heights of three to four storeys promoted in the development plan within suburban areas of the site outside the canal ring (Appendix 3 of the development plan). I am of the view that the subject site has the capacity to absorb three stories visually, in particular having regard to the mature bank of trees to the immediate east of the site which would provide a landscaped screen.
- 9.4.3. As such, I am of the opinion that the assessment of acceptability is dependent on the applicant's demonstration that there are no significant adverse impacts on the residential amenities of adjacent residential properties. I would concur with the appellant that the submitted shadow analysis does not allow for a comparison between the existing situation and the additional shadowing, if any, that would occur as a result of the proposed development. Given the sensitive nature of this backland site and the proposed terraced three storey block design I am of the opinion that the evidence submitted with the application is not sufficient to allow me to determine whether the impact of the proposed development would result in a significant adverse impact on the residential amenities of the adjacent residential properties by reason of daylight/sunlight impacts.
- 9.4.4. In terms of overbearing impacts, I am of the opinion that the most impacted adjoining residential property is No. 20 Hollybrook Park, I shall address this in section 9.5 below. The appellants are concerned that the proposed development sits forward of the established building line of Lawrence Grove. I am of the view that such a change to the building line can be accommodated given the large section of mature landscaped public realm and the curve in the road at the subject site. Taking into account the proposed separation distances from the adjoining property to the north and to the existing properties to the east I do not consider that that proposed development would result in significant overbearing impacts. I consider that the proposed development set back between 9 and 10 metres from the western boundary at the upper floor levels would provide sufficient set back to avoid

significant overbearing impacts on the rear garden of no. 18 Hollybrook Park and on the permitted but not yet developed detached dwelling (as set out in planning history section 4.0).

- 9.4.5. As noted above in section 9.3 adequate separation distances are proposed between above ground floor opposing windows and the louvered design to rear windows would further ameliorate any overlooking impacts.

9.5. Impact on integrity and characteristics of sensitive historic area (including alleged material contravention of Policy QHSN12).

- 9.5.1. The proposed development seeks to reposition the existing boundary between No. 20 Hollybrook Park and 2 Lawrence Grove. The proposed new boundary would comprise the brick gable end of the proposed three storey terrace and block work wall of over 2m in height. The proposed development would require the removal of a mature treeline that has established between both properties, as noted in the Ecological impact Assessment Report (EclA) submitted with the application as containing spindle, tallowwood, cypress, elm, plum, fig and pear trees (Treeline WL2). The new position of the proposed boundary would be less than 7 metres from the rear wall of No. 20 Hollybrook Park. Whereas the existing boundary is shown to be over 17 metres from the rear façade. I note for the Board that the adjoining property No. 18 Hollybrook Park received permission to subdivide the site and construct a detached dwelling to the rear, see section 4.0, and the proposed subdividing site boundary aligns with the existing boundary between that of no. 20 Hollybrook Park and no. 2 Lawrence Grove.
- 9.5.2. As highlighted in the third-party appeal submission the adjoining property no. 20 Hollybrook Park is one pair of semi-detached Georgian houses dating from c1740-1780, recorded on the NIAH Survey as being of regional importance. I note the applicant's agent in their response to the appeal states incorrectly that "...*neither of the building appears on the National Inventory of Architectural Heritage*". The record available on the National Built Heritage Service website notes that "*Prior to the development of Hollybrook Road, Hollybrook Park was an enclave off Howth Road, with this forming part of a short terraced which appear on the first edition Ordnance Survey map*". I would concur with the appellants opinion that the proposed

development and further reduction in rear garden depth, with the new structure less than 15 metres from the rear façade of the existing dwelling contrary to section 15.13.4 of the Dublin City Development Plan 2022-2028, would diminish the integrity and setting of the Georgian pair (no. 18 & 20 Hollybrook Park). I do not agree with the appellant's statement that the proposed development materially contravenes this policy (QHSN12) given that it applies to the broader neighbourhood scale the applicability to this backland site is indirect. In addition, the proposed development would require the removal of in my opinion a significant treeline which contributes to the visual quality and amenity setting of the existing Georgian building and as such would be contrary to policy GI41 which seeks to protect existing trees as part of new development, particularly those that are of visual, biodiversity or amenity quality and significance.

- 9.5.3. In respect to the proposed 3 no. pedestrian gateway openings in the historic limestone rubble wall whilst the creation of new pedestrian openings would create easy access to the units, on balance, I consider that it would be preferable to reduce the impact of structural works to the both the historic wall and the root systems of the mature trees. In this regard, I highlight the comments from the Parks, Landscape and Biodiversity Services Division of the City Council contained within the Transportation Planning report relating to avoiding interference with roots and am of the view that limited works should occur in this space. In the event that the Board is minded to grant permission this matter could be addressed by condition.
- 9.5.4. In conclusion on this point I consider that the proposed development does not sufficiently respond to the receiving environment in a positive way, requires the removal of a significant treeline, reduction in existing rear garden depth by 60% (approximately 10 metres in length) of no. 20 Hollybrook Park and as result would negatively impact on the historic character and amenity of the Georgian pair nos. 18 and 20 Hollybrook Park. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

9.6. Impact on trees and ecology/biodiversity/invasive species.

- 9.6.1. The National Biodiversity Action Plan (NBAP) as referred to in section 5.0 of my report seeks to ensure that there is "*an awareness of biodiversity and its importance,*

and of the implications of its loss, whilst also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to act for nature". The applicants have concerns with respect to the impact of the proposed development on the mature bank of trees within the public realm immediately to the east of the subject site. I note that the submitted Construction Management Plan includes for the appointment of an arborist to advise on establishing the root protection areas (RPAs). I consider these proposed measures to be appropriate given the important visual contribution these trees and amenity space make to Lawrence Grove.

- 9.6.2. As already stated in my assessment (see section 9.5) I consider that the removal of the significant treeline (WL2) currently dividing no. 20 Hollybrook and no. 2 Lawrence Grove, would impact negatively on the visual quality, biodiversity & tree cover value and amenity setting of the Georgian buildings, and having regard to the above mentioned aims of the NBAP would justify a refusal on this basis.
- 9.6.3. In respect to concerns raised by the third-party appellants of the presence of Japanese Knotweed along the site boundary. I note the submitted EclA states that no high impact invasive species were recorded onsite (4.2.2.8), however, it identified butterfly bush a medium invasive species recorded on the site. Taking into account the submitted photographs indicating Japanese knotweed close to the site entrance from the third-party appellants, I am of the opinion that in the event the Board is minded to grant permission a condition can be attached to require the preparation of an Invasive Alien Species (IAS) Management Plan for the site and works proposed to the stone boundary wall and its immediate environs.

9.7. Car parking, cycle parking and vehicular access.

- 9.7.1. I note the appellants concerns relating to the proposed number of car parking spaces and the potential for overspill parking on street contributing to congestion and risk for road users and pedestrians. As already noted in my assessment the compact settlement guidelines stress the need for change away from the continued application of suburban housing standards originally conceived during the 20th century, including the application of reduced car parking ratios. As such, I consider that the proposed number of car parking spaces meet with the development plan

maximum parking provision for Zone 2 Parking Standards and notwithstanding concerns relating to the design of the car parking layout generally is acceptable in terms of the quantum given the accessible location of the subject site.

9.7.2. The appellant's raise concerns that the proposed parking for bicycles in terms of quantity of spaces and quality of parking provision do not accord with Table 1 of Appendix 5 of the development plan. The proposed development includes for 7 no. bicycle parking spaces which meets with the standard of 1 per unit and 1 per 5 dwellings for short stay/visitor. For clarity for the Board Table 1 (Appendix 5) does not indicate that provision of cargo bikes is required for residential houses. The proposed spaces are to be covered with a steel frame with glass angled roof as shown on DGN No. FI-DG-02. I am of the view that given these spaces are proposed in off-street storage location the proposed design including the use of Sheffield type bicycle racks is acceptable.

9.7.3. In respect to concerns relating to the creation of a gated residential development. I would not agree with the third-party appellants that the provision of a sliding gate would contravene policy QHSN21 of the development plan given the specific site context of this backland redevelopment site, proposed use of the existing entrance and the backland/infill nature and small scale of the proposed development is such that would warrant the creation of a permeable route through the site.

9.8. **Miscellaneous.**

Validity of the application

9.8.1. I note the appellants and observers have raised issue with the validity of the application, in terms of the detail presented on the plans and particulars. I note for the Board that these matters were considered acceptable by the planning authority. I am not satisfied that the description for the development adequately describes the proposed repositioning of the boundary between no. 20 Hollybrook Park and no. 2 Lawrence Grove. In addition, I highlight to the Board that given the statutory notices do not make any reference to no. 20 Hollybrook Park consequently the site notices for the proposed development were placed only at the entrances of the subject site onto Lawrence Grove. In terms of procedural matters and the alleged irregularities in terms of the nature and the erection of the site notices, I note that both matters were

considered acceptable by the planning authority. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

Part V

- 9.8.2. In response to the appeal in respect to Part V (social and affordable) provision the applicant's state that a social housing exemption certificate (register refer 0196/24) has been granted. At the time of writing my report I do not have access to the submitted plans or particulars in respect to this certificate but note that the proposal relates to the demolition of a bungalow and construction of six dwellings. On the basis of the information provided that the applicant is the freehold owner of both no. 2 Lawrence Grove and no. 20 Hollybrook Park it would appear that the subject lands exceed the thresholds for exemption. In the event the Board is minded to grant permission this matter could be addressed by condition.

Consideration of issues raised by third parties

- 9.8.3. Concerns raised with respect to due consideration being given by the planning authority to the third-party submissions are noted. The above assessment represents my de novo consideration of all planning issues material to the proposed development.
- 9.8.4. Separately I note issues have been raised with respect to a lack of clarity whether a pre application consultation was or was not held in respect of the proposed development. The planning authority have submitted a copy of 'pre-application consultation' drawings in respect to the subject lands. I note that these drawings relate to a different proposal comprising the proposed retention of the bungalow and construction of 4 no. dwellings. As stated previously, the above assessment represents my de novo consideration of all planning issues material to the proposed development.

10.0 Appropriate Assessment (AA) Screening

Please refer to Appendix 3. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in

combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- Appropriate Assessment Screening of the planning authority.

11.0 Recommendation

I recommend that permission be refused for the proposed development for the reasons and considerations set out below:

12.0 Reasons and Considerations

1. Having regard to the existing Georgian semi-detached dwelling (20 Hollybrook Park) on the subject site, rated as regionally important on the National Inventory of Architectural Heritage (NIAH), the further reduction in rear garden depth proposed, with the new structure less than 15 metres from the rear façade of the existing dwelling contrary to section 15.13.4 of the Dublin City Development Plan 2022-2028, would diminish the integrity and setting of the historic Georgian building by reason of the jarring interrelationship in form, scale and proximity of the three storey gable end terrace providing a proposed new boundary. In addition, the proposed development would require the removal of a significant treeline which contributes to the visual quality and amenity setting of the existing Georgian building and as such would be contrary to policy GI41 which seeks to protect existing trees as part of new development, particularly those that are of visual, biodiversity or amenity quality and significance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The car parking courtyard area, as proposed, would appear to restrict vehicle movements by delivery vehicles/fire tenders and thereby reduce the in-curtilage car parking area's capacity to accommodate necessary traffic movements. The Board is not satisfied that the development from which permission is sought would not pose a risk to pedestrian and traffic safety.
3. The shadow analysis submitted with the application is not sufficient to allow a determination whether the impact of the proposed development would result in a significant adverse impact on the residential amenities of the adjacent residential properties by reason of daylight/sunlight impacts.

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

Claire McVeigh
Planning Inspector

12 June 2025

Appendix 1: Form 1 - EIA Pre-Screening

| | |
|---|---|
| Case Reference | 322027-25 |
| Proposed Development Summary | Demolition of bungalow, the construction of 6 houses and associated site development works. |
| Development Address | 2 Lawrence Grove, Clontarf, Dublin 3. |
| | In all cases check box /or leave blank |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input type="checkbox"/> No, no further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | N/A |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road | |

| | |
|--|--|
| <p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p> | |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p> | |
| <p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p> | <p>Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units.</p> |

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

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

| | |
|---|---|
| Case Reference | 322027-25 |
| Description of works | Demolition of bungalow, the construction of 6 houses and associated development works. |
| Address | 2 Lawrence Grove, Clontarf, Dublin 3. |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | <p>The proposed development is for the demolition of an existing bungalow and detached garage and the construction of 6 no. terraced three storey houses.</p> <p>The proposed development seeks to reposition the subdividing site boundary between no. 20 Hollybrook Park and 2 Lawrence Grove.</p> <p>The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.</p> <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p> |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | <p>The subject site is located within a designated Z1 residential area and includes a portion of the rear garden of no. 20 Hollybrook Park, one of a pair of semi-detached Georgian houses registered on the NIAH as being of regional importance.</p> <p>Given the site has been subject to development since it is considered that there is no real likelihood of a significant effect.</p> <p>The subject site is not located in or immediately adjacent to ecologically sensitive sites.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no</p> |

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

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Screening for Appropriate Assessment

Test for likely significant effects

| Step 1: Description of the project and local site characteristics | |
|--|--|
| Brief description of project | Demolition of bungalow, the construction of 6 houses and associated site development works. Please see section 2.0 of my report for further detail. |
| Brief description of development site characteristics and potential impact mechanisms | <p>The subject site comprises developed urban and serviced land at no. 2 Lawrence Grove and part of the rear garden of no. 20 Hollybrook Park. Total area stated as 999sq.m.</p> <p>The submitted AA screening report, prepared by Malone O'Regan Environmental, confirms that field surveys were undertaken 21 December 2020 and 4 April 2024.</p> <p>The site is bordered by residential properties, and the surrounding area is a mix of residential estates and small commercial businesses on the R105 (Howth Road) to the north of the site.</p> <p>The nearest hydrological feature to the site is the Tolka Estuary located c. 500m south of the site. No hydrological connection or drainage ditches identified in the AA Screening Report between the site and the Tolka Estuary.</p> <p>The site is not located within or directly adjacent to any European Site.</p> |
| Screening report | Y |
| Natura Impact Statement | N |
| Relevant submissions | None relating to AA |

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

The submitted AA Screening Report identifies 17 no. European Sites located within 15km of the site (see Figure 4-1 and Table 4-1). Following an assessment of the Zone of Influence (Zol) under the difference environmental aspects and the screening exercise identified no potential significant impact taken forward for further consideration. For the purposes of this screening exercise I have focused on the site identified in section 4.1 of the submitted AA Screening Report as being potentially within the Zol of the proposed development.

| European Site (code) | Qualifying interests ¹ Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections ² | Consider further in screening ³ Y/N |
|---|---|---|-------------------------------------|---|
| The South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) | https://www.npws.ie/protected-sites/spa/004024 | Approximately 500m south of the subject site. | Indirect | N |

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

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

³if no connections: N

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

AA Screening matrix

| Site name Qualifying interests | Possibility of significant effects (alone) in view of the conservation objectives of the site* |
|-----------------------------------|--|
|-----------------------------------|--|

| | Impacts | Effects |
|--|--|--|
| <p>The South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)</p> <p>QI list:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> | <p>Direct:</p> <p>None</p> <p>Indirect:</p> <p>Air quality impairment from construction.</p> | <p>Negative effect on habitat quality/ function undermine conservation objectives related to water quality</p> |

| | | |
|--|---|--|
| Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999] | | |
| | Likelihood of significant effects from proposed development (alone): N | |
| | If no, is there likelihood of significant effects occurring in combination with other plans or projects? N | |
| | Possibility of significant effects (alone) in view of the conservation objectives of the site* N | |
| Step 4 Conclude if the proposed development could result in likely significant effects on a European site | | |
| I conclude that the proposed development (alone) would not result in likely significant effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions. | | |

Screening Determination

Finding of no likely significant effects

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

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- Appropriate Assessment Screening of the Planning Authority

Appendix 4: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

| | | | |
|--|------------------|--|--|
| An Bord Pleanála ref. no. | 322027-25 | Townland, address | 2 Lawrence Grove, Clontarf, Dublin 3, D03 R2C2 |
| Description of project | | Demolition of bungalow, the construction of six houses and associated site development works. | |
| Brief site description, relevant to WFD Screening, | | Site is a brownfield site located within Dublin City on serviced lands. | |
| Proposed surface water details | | SUDs system proposed, discharging rainwater runoff from the pitched roofs onto the flat roof sections (green roof sedum) at the rear of the house. In heavier rainfall events the water will pass through a hopper and rainwater pipe into a rainwater planter at the rear of each dwelling house, connected to the surface water underground drainage system. The surface car park and paving at the front of the dwellings shall be permeable. | |
| Proposed water supply source & available capacity | | Uisce Eireann mains water connection. A pre-connection application has been made to Uisce Eireann for new connections to the public water system. | |
| Proposed wastewater treatment system & available capacity, other issues | | Uisce Eireann Wastewater connection. Confirmation of feasibility without infrastructure upgrade to the existing wastewater network was received from Uisce Eireann on 22 August 2024. | |

| | | | | | | |
|--|-----------------|-------------------------------|------------|--|--|--|
| Others? | | | | | | |
| Step 2: Identification of relevant water bodies and Step 3: S-P-R connection | | | | | | |
| Identified water body | Distance to (m) | Water body name(s) (code) | WFD Status | Risk of not achieving WFD Objective e.g.at risk, review, not at risk | Identified pressures on that water body. | Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) |
| River Waterbody | 2000m northeast | Santry_020 IE_EA_09S011100 | Poor | At risk | Urban Wastewater and Urban Run-off | No direct |
| Groundwater Waterbody | Underlying site | Dublin IE_EA_G_008 | Good | Under review | No pressures | No |

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

| CONSTRUCTION PHASE | | | | | | | |
|--------------------|-----------|-----------------------------------|---|---|-------------------------------------|-------------------------------|---|
| No. | Component | Waterbody receptor (EPA Code) | Pathway (existing and new) | Potential for impact/ what is the possible impact | Screening Stage Mitigation Measure* | Residual Risk (yes/no) Detail | Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2. |
| 1. | Surface | Santry_020 IE_EA_09S01 1100 | Surface water and foul drainage will be directed through the drainage networks. | Siltation, pH (Concrete), hydrocarbon spillages | Standard construction practice CEMP | No | Screened out |
| 2. | Ground | Dublin IE_EA_G_008 | Pathway exists but poor drainage characteristics | spillages | As above | No | Screened out |
| OPERATIONAL PHASE | | | | | | | |
| 3. | Surface | Santry_020 IE_EA_09S01 1100 | Surface water and foul drainage will be directed through the drainage networks. | Hydrocarbon spillage | SUDs features | No | Screened out |

| | | | | | | | |
|-----------------------|--------|-----------------------|---|-----------|------------------|----|--------------|
| 4. | Ground | Dublin IE_EA_G_008 | Pathway exists but poor drainage characteristics | Spillages | SUDs features | No | Screened out |
| DECOMMISSIONING PHASE | | | | | | | |
| 5. | NA | | | | | | |