



An  
Bord  
Pleanála

## Inspector's Report

**ABP-322032-25**

### Development

### PROTECTED STRUCTURE:

Permission is sought for the construction of two three-storey dwellings, a boundary wall with separate pedestrian and driveway gates to each dwelling and off-street parking and all associated ancillary works and connections to public services.

### Location

No. 147-148 Lansdowne Park, Ballsbridge Dublin 4, which is located to the rear of, No. 60 Northumberland Road, Dublin 4.

### Planning Authority

Dublin City Council South.

### Planning Authority Reg. Ref.

3724/24.

### Applicant(s)

Frontvale Ltd.

### Type of Application

Planning Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

First / Third Party

### Appellant(s)

Colm O'Donnell.

### Observer(s)

None.

**Date of Site Inspection**

16<sup>th</sup> day of May, 2025.

**Inspector**

Patricia M. Young.

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## 1.0 Site Location and Description

- 1.1. No. 147 to 148 Lansdowne Park, the appeal site, relates to a rectangular shaped plot of land that has a given site area of 921m<sup>2</sup>. It is comprised of the curtilage of No. 60 Northumberland Road, an attractive two bay two storey red brick finished over raised granite finished basement level with a bay window located to the front and another located on its southern side elevation. The main period building of No. 60 Northumberland Road dates to circa 1870s and it forms part of a group of similar period semi-detached pairs which like No. 60 Northumberland Road are designated Protected Structures, under the Record of Protected Structures which is contained in Volume 4 of the Dublin City Development Plan, 2022-2028.
- 1.2. The Protected Structure of No. 60 Northumberland Road (RPS Ref. No. 5923) was extended to the rear in circa 1970, with this consisting of a three-storey red brick structure that like the original period structure is in office use.
- 1.3. The proposed development relates to the rear of No. 60 Northumberland Road which has road frontage on its eastern site boundary to Lansdowne Park, a substantially residentially developed former service, and mews lane. The Lansdowne Park road frontage is mainly comprised of a tall wooden electronically controlled gates that provides access to an area of mainly hard stand which appears to function as a car parking area for No. 60 Northumberland Road office use. The wooden gate structure is flanked by tall concrete block walls that also abut tall period stone walls to the north and south.
- 1.4. To the south of the Lansdowne Park roadside frontage there is a more intact section of period stone wall and in proximity to it there is a utility pole. The carriage edge on the eastern side of Lansdowne Park to the south of the entrance is marked with double yellow lines.
- 1.5. To the north of the entrance is a smaller stretch of tall period stone wall bounding the concrete block wall alongside which there is a single demarcated car parking space and a signage pole. The opposite edge of the Lansdowne Park carriageway is marked with double yellow lines and there is an *ad hoc* provision of on-street public parking spaces on this public road.

- 1.6. The surrounding streetscape scene of Lansdowne Park is predominantly residential in its function with varying architectural design resolutions present. To the north and south of the site the once larger plots associated with the period properties fronting onto the eastern side of Northumberland Road have been subdivided to accommodate a variety of mainly modern two storey mews dwellings. On the opposite side of Lansdowne Park to the south east of the site's Lansdowne Park frontage I also observed a terrace of three storey dwelling units.
- 1.7. The site forms part of the historic suburb of Ballsbridge, Dublin 4, with the surrounding setting characterised by mainly residential uses but also containing a mixture of uses along its key radial routes into Dublin's city centre, including along Northumberland Road which is a regional road (R118). The rear boundary of the No. 60 Northumberland Road is located c118m to the south of the R111 and is circa 2km as the bird would fly from Dublin's city centre. Additionally, there are a number of Dublin Bus Stops within close walking distance, including on the R118 and the R111. Moreover, the site is located just over half kilometre on foot from Lansdowne Road Train Station and Northumberland Road contains a dedicated cycle lane on either side as well as sections of it contain priority bus lane.

## **2.0 Proposed Development**

- 2.1. Planning Permission is sought for the following works within the curtilage of No. 60 Northumberland Road, a Protected Structure (RPS Ref. No. 5923):
- Construction of 2 no. flat-roof three-storey, semi-detached, three-bedroom dwellings with a stated floor area of 152m<sup>2</sup> each with private landscaped gardens to the front and rear, and recessed balconies to the front.
  - Construction of a new boundary wall with separate pedestrian and driveway gates to serve each dwelling. This would be provided on the roadside frontage of Lansdowne Park and off-street parking space for one vehicle per house is also proposed in the setback.
  - Relocation of three car parking spaces for No. 60 Northumberland Road, accessed from a lane with separate driveway gate from Lansdowne Park.

- Provision of pedestrian gates along the lane to access the rear of each proposed new dwelling.
- Soft and hard landscaping works associated with the gardens, lane, and car parking spaces.
- All associated ancillary works and connections to public services.

This planning application is accompanied by the following documents:

- A cover letter.
- Architectural Assessment – Conservation Report and Architectural Impact Report.

2.2. On the 14<sup>th</sup> day of January, 2025, the applicant submitted their response to the Planning Authority's further information request. This response revised the second-floor level to a slate truncated gable roof with zinc dormer windows. Additionally, the dormers to the rear of the revised second/attic floor level have been designed to limit sightlines towards other residential properties; the rear access is maintained as proposed from Lansdowne Park; historic wall is to be retained and restores as bookends to the original plot; office waste storage is provided in a manner that accords with BS 5906:2005 to the rear of the office building once the scheme is operational and a Mobility Management Plan is submitted for the office building.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On the 11<sup>th</sup> day of February, 2025, Dublin City Council (Planning Authority) granted permission for the proposed development subject to 13 no. mainly standard conditions. I note the requirements of the following conditions:

C3: Cash Bond.

C4: Restricts the use of the second floor to office/study.

C5 & C8a: Revised drawings omitting the proposed vehicular access and in-curtilage car parking space for the dwelling adjoining No. 146 Lansdowne Park.

- C7: Conservation Requirements.
- C8: Transportation Requirements.
- C9: Drainage Requirements.
- C11: Construction Works & Public Road Requirements.
- C12: Noise.
- C13: Compliance with the Codes of Practice from the Drainage Division, Transportation Planning Division and Noise & Air Pollution Section.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **final Planning Officer's report** (11.02.2025) is the basis of the Planning Authority's decision and includes the following comments:

- The further information response is generally acceptable.
- There is precedent within this street for similar access arrangements to the rear of Northumberland properties.
- The removal of the on-street pay and display/permit parking bay to facilitate a vehicular access is not supported. If permission is granted the vehicular access and in-curtilage car parking for the proposed mews dwelling adjoining No. 146 Lansdowne Park shall be omitted.
- The northern car port is not deemed acceptable and should be omitted.
- Additional cycle spaces should be provided for the office.
- No EIA or AA issues arise.
- Concludes with a recommendation to grant permission subject to conditions.

\* Note: This report appears to correct a previous Planning Officer's report dated 05.02.2025.

#### 3.2.2. Other Technical Reports

- **Transportation (29.01.2025):** The final Transportation Planning Division report includes the following comments:

- Lansdowne Park has a very high demand for on-street pay and display/permit parking and the removal of any such spaces is not supported on the basis that it would be contrary to SMT25 and Appendix 5 of the Development Plan on the basis that there is a presumption against the loss of such spaces.
- The in-curtilage car parking for the dwelling adjoining No. 146 Lansdowne Park shall be omitted.
- The bin collection for the office should be managed by a concierge service to avoid obstruction of on-street parking, the tunnel access, and the car port. The temporary storage of bins for the office to the front is acceptable during the construction phase.
- The Active Travel works under Trinity to Ballsbridge – Holles Street to Lansdowne Road is scheduled to commence in 2025 along Northumberland Road.
- Recommends compliance with the Mobility Management Plan.
- The southern mews entrance width is acceptable.
- The estimated modal split for the office development is approximately 15% with a total staff of 70 which corresponds to circa 11 no. bicycle spaces. Given the reduced car parking additional bicycle spaces should be provided.
- Onsite parking cannot be accommodated during construction works given the constraints of the site; however, the reliance on the surrounds and public transport is deemed acceptable during this phase.
- Scheduling of traffic should be reviewed as part of the final Construction Management Plan.
- This report concludes with five number recommendations.
- **Conservation:** The final Conservation Officer's report (29.01.2025) includes the following comments:
  - No. 60 Northumberland Road was converted into flats in the mid-20<sup>th</sup> Century and converted into office use in c1965 with a three-storey extension constructed to it in the 1970s. A surface car park was also provided to the rear with access onto Lansdowne Park.

- The revised scale and massing of the proposed development is considered acceptable and would not be incongruous with its context.
  - The revised plans have not omitted the proposed vehicular access route through the development on the basis that it is essential to the function of the office. This entrance is neither sensitive nor architecturally appropriate and would in their view contravene Policy BHA14 and Section 15.13.4 of the Development Plan on the basis of serious negative impact on the setting and special architectural character of the rear of this Protected Structure. It is therefore requested that this element of the proposed development be omitted.
  - The revised boundary treatment to Lansdowne Park is acceptable.
  - Concludes no objection, subject to safeguards.
- **Drainage (04.06.2024):** No objection, subject to standard safeguards.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. 1 No. Third Party Observation was received by the Planning Authority during the course of its determination. This is attached to file, and I consider that the substantive planning concerns overlap with those set out in their Third-Party Appeal which I have summarised under Section 6 of this report below.

## 4.0 Planning History

### 4.1. Site

- **ABP-303347-19 (P.A. Ref. No. 3547/18):** On appeal permission was granted for a development consisting of a change of use of No. 60 Northumberland Road, a Protected Structure, from office to educational. Of note, Condition No. 2 limited the scope of this permission to the change of use from office to educational use only and did not permit any works to the Protected Structure or within the subject site. Decision date: 17.04.2019.

- **ABP-301415-18 (P.A. Ref. No. 4433/17):** On appeal Condition No. 3 was omitted from a grant of permission for a development consisting of the construction of a 187.5m<sup>2</sup> partial two storey / partial three storey detached three-bedroom dwelling *in lieu* of existing surface car park together with all associated site works. This condition required the revision of dwelling house consisting of the first-floor level projection reduced in length by a total of 2m and required its alignment with the front wall at ground floor level. Decision date: 19.07.2018.

## 5.0 Policy Context

### 5.1. National

- 5.1.1. **National Planning Framework – Project Ireland 2040:** is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF.
  - 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 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
  - NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- 5.1.2. **Housing for All - A New Housing Plan for Ireland, 2021:** The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social, and environmental sustainability built into the system. The policy has four pathways to achieving housing for include increasing new housing supply.
- 5.1.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness, 2016:** Pillar 3 of this Plan relates to increasing the output of private housing to meet demand.
- 5.1.4. **Climate Action Plan, 2025:** This plan refers to the need to reduce car parking, both for developments and on-street.

- 5.1.5. **National Sustainable Mobility Policy, 2022:** This policy aims to support this modal shift between now and 2030, through infrastructure and service improvements, as well as demand management and behavioural change measures.
- 5.1.6. **Places for People – the National Policy on Architecture, 2022:** This policy document provides national policy on architecture and outlines ways to promote and embed quality in architecture, the built and natural environment over the coming years.
- 5.1.7. **Ministerial Guidance:** The following Section 28 Ministerial Guidelines and other national policy documents are relevant:
- Sustainable Residential Development and Compact Settlement Guidelines, 2024, replaces the Sustainable Residential Developments in Urban Areas, Guidelines for Planning Authorities.
  - Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht, 2011.
  - Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht, and the Islands 1999.
  - Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.
  - Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.
  - Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities, (2009).

## 5.2. Regional

- 5.2.1. **Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031:** This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO's). It provides a framework at a strategic level for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond. 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.

### 5.3. Local

- 5.3.1. The appeal site is zoned 'Z2' Residential Neighbourhoods (Conservation Area) in the Dublin City Development Plan, 2022-2028. The given objective for 'Z2' lands is '*to protect and / or improve the amenities of residential conservation areas*'.
- 5.3.2. Section 14.7.2 of the Development Plan states that: "*residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale*"; "*the overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected*"; and, "*the general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area*". Additionally, it states that: "*the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.*"
- 5.3.3. The host property, the adjoining property to the west, i.e. No. 60 Northumberland Road, the adjoining and neighbouring period properties to the north and south with frontage onto the eastern side of Northumberland Road are designated Protected Structures under the Development Plans Record of Protected Structures. Section 11.5 of the Development Plan defines such structures as follows: "*any structure or specified part of a structure, which is included in the RPS. Unless otherwise stated, it includes the interior of the structure, the land lying within the curtilage of the structure, any other structures lying within that curtilage and their interiors, and all fixtures and features which form part of the interior or exterior of the above structures. The protection also extends to any features specified as being in the attendant grounds including boundary treatments.*"
- 5.3.4. Policy BHA2 of the Development Plan sets out that development will conserve and enhance protected structures from any works that would negatively impact their special character and appearance through to that it will seek to ensure that the form

and structural integrity of the protected structure or its curtilage is not adversely impacted from inappropriate development.

- 5.3.5. Policy BHA14 of the Development Plan states: *“to promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas”*.
- 5.3.6. Chapter 8 of the Development Plan deals with the matter of Sustainable Movement and Transport. It includes Policy SMT25 which states that the City Council will seek: *“to manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements”*. Additionally, Policy SMT27(i) states that the City Council will seek: *“to provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (see Appendix 5) so as to promote city centre living and reduce the requirement for car parking”*. Moreover, subsection (ii) of this policy states that the City Council will seek: *“to encourage new ways of addressing the transport needs of residents (such as car clubs and mobility hubs) to reduce the requirement for car parking”*.
- 5.3.7. Chapter 5 of the Development Plan deals with the matter of Quality Housing and Sustainable Neighbourhoods. It includes:
- Policy QHSN6 - Urban Consolidation seeks to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development ... subject to the provision of good quality accommodation.
  - Objective QHSNO4 - Densification of Suburbs seeks 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.

- 5.3.8. Section 11.5.3 of the Development Plan provides guidance on Conservation Areas with Policy BHA 9 seeking to protect their special interest and character. This Development Plan policy also states that: *“development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.”*
- 5.3.9. Chapter 15 of the Development Plan sets out the Development Standards for Residential Development. Of relevance:
- Section 15.13.4 - Backland Housing. It sets out that the City Council will allow backland development where the opportunity exists and that backland housing can comprise of mews dwellings with access from a rear laneway or detached habitable dwellings to the rear of existing housing with an independent vehicular access, subject to safeguards.
- 5.3.10. Section 15.13.5 of the Development Plan deals with the matter of ‘Mews’ developments and sets out that: *“applications for mews development should consider servicing, including the impact on existing infrastructure such as waste and water systems.”* Of relevance:
- Section - 15.13.5.1 Design and Layout
  - Section - 15.13.5.2 Height, Scale and Massing
  - Section - 15.13.5.3 Roofs
  - Section - 15.13.5.4 Access (Appendix 5 provides further details)
- 5.3.11. Appendix 5 Section 4.3.8 of the Development Plan deals with access to mews developments.
- 5.3.12. Section 4.1 of Appendix 5 of the Development Plan states that: *“public on-street parking is a necessary facility for shoppers and business premises and is necessary for the day-to-day functioning of the city. Dublin City Council will preserve available on-street parking, where appropriate. However, the space currently occupied by on-street parking may be needed in the future for strategic transportation projects or active travel infrastructure. There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-*

*street car-parking spaces or where there is a demand for public parking serving other uses in the area”.*

#### **5.4. Natural Heritage Designations**

- 5.4.1. None within the zone of influence of the project.
- 5.4.2. The nearest Natura 2000 site at its nearest point is the Special Area of Conservation: South Dublin Bay SAC (Site Code: 000210) South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located c4.6km to the east as the bird would fly.
- 5.4.3. The site is located c395m to the south east of the Proposed Natural Heritage Areas: Grand Canal (Site Code: 002104) and is located c4.6km to the east of Proposed Natural Heritage Areas: South Dublin Bay (Site Code: 000210).

#### **5.5. EIA Screening**

- 5.5.1. 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.

### **6.0 The Appeal**

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

- 6.1.1. In summary the Third-Party Appeal raises concerns with regards to the height and the potential for it to give rise to overlooking of properties in its vicinity, including their property of No. 64 Northumberland Road, despite the revisions made in the applicant's further information response. They therefore seek that the Planning Authority's decision is overturned based on the proposed developments undue residential and visual amenity impacts. If permission is granted, they seek that the roof be revised

by way of the removal of the proposed full height dormer windows and a reduction in ridge height. This submission includes the following additional comments:

#### *Design*

- This development is contrary to the local planning provisions for mews dwellings.
- The three-storey height is out of context and inappropriate to its surroundings.

#### *Planning History*

- Permission was refused for a similar development under P.A. Ref. No. 3150/21.

#### *Precedent*

- This development would give rise to an undesirable precedent in the area.

#### *Material Contravention*

- The proposed development materially contravenes the Development Plan, particularly in relation to mews dwellings and the development management standards for architectural design quality. It is further considered that the proposed development is contrary to the land use zoning and the provision for built heritage.

#### *Protected Structure*

- This development would result in a loss of the Protected Structure's character.

#### *Effectiveness of Condition No. 4*

- The requirements of this condition would be difficult to enforce and monitor.

## **6.2. Applicants Response**

6.2.1. The Applicants response to the grounds of this appeal can be summarised as follows:

#### *Design*

- The proposed development was revised at further information stage in response to the Planning Authority's concerns with regards to the height, scale and streetscape integration. This included replacing the roof with a truncated pitched roof with dormers and a gradual transition in scale between the adjoining properties of No. 149 to No. 146 Lansdowne Park. These amendments respond to the

existing rhythm of the street and aligns with the established mews forms as well as resulted in a reduction in the proposed dwellings height.

- Attic level accommodation is established within the site's visual setting.
- There is a variation in ridge heights along Lansdowne Park.
- Though the proposed dwellings are taller and slightly more staggered than neighbouring buildings they would not be at odds with them.

#### *Residential Amenity Impact*

- This development would not give rise to any undue disamenity to the appellants property or other Northumberland Road properties.
- There is ample separation between the proposed dwelling and Northumberland Road properties opposing windows which are at first floor level at an angle.
- The recessed nature of the second-floor level rear dormers would result in them being only marginally visible from the appellants property.
- This development is subordinate to Northumberland Road properties.

#### *Planning Precedents*

- An overview of what are considered to be similar developments are noted.
- This development is not comparable to P.A. 3150/21.
- Local through to national planning provisions support increased building height.

#### *No. 60 Northumberland Road*

- No works are proposed to the period building on site which is acknowledged to be a Protected Structure .

#### *Condition No. 4*

- They accept the requirements of Condition No. 4 of the grant of permission, and they indicate that both dwellings will be constructed as a three-bedroom dwelling and sold as such with an ancillary study/storage room at attic level.

#### *Other Matters*

- The attic levels of the two dwellings are critical to the viability of this scheme.

- The proposed development is consistent with relevant planning provisions.
- This development would reutilise a vacant yard.

### 6.3. Planning Authority Response

- 6.3.1. The Planning Authority in their response to the grounds of this appeal seek that their decision is upheld and regard had to their Planning Officer's report. However, should permission be granted the Planning Authority requests that Section 48, payment of a bond, contribution *in lieu* of open space and a naming/number conditions be imposed.

### 6.4. Observations

- 6.4.1. None.

## 7.0 Assessment

### 7.1. Preliminary Comment

- 7.1.1. I am satisfied that the key planning issues in this appeal case can be dealt with under the following broad headings:
- Principle of the Proposed Development
  - Compliance with Planning Provisions
  - Built Heritage Impact
  - Residential Amenity Impact
  - Enforcement of Condition No. 4
  - Other Matters Arising
- 7.1.2. The matter of 'Appropriate Assessment' also requires examination.
- 7.1.3. I am also satisfied that this appeal gives rise to no other substantive planning concerns that could not be overcome by appropriately worded conditions similar to those used by the Planning Authority in their grant of permission. On this point I particularly note that I am satisfied that the omission of the in-curtilage off-street car parking provision for the proposed mews dwelling adjoining No. 146 Lansdowne Park would be

consistent with the Development Plan requirements which include under Section 4.1 of Appendix 5 of the Development Plan a presumption against the loss of on-street publicly provided car parking. This would have arisen if this car parking provision had been permitted.

- 7.1.4. Additionally, I am also satisfied that should the Board be minded to grant permission that requiring compliance with the measures set out in the applicants further information response together with a condition requiring a minimum of an additional three bicycle parking spaces to be provided. This would ensure that the quantum of development that would arise from the proposed development alongside the site's existing office function in the main period dwelling, which I note is a Protected Structure, that has been substantially extended to the rear in the circa 1970s. Importantly in relation to local planning provisions it would ensure accordance with Policy SMT25 and Policy SMT27 of the Development Plan. In general, these policies seek to achieve sustainable levels of car parking in residential schemes in accordance with development plan car parking standards and the provisions set out in Appendix 5 of the Development Plan.
- 7.1.5. Moreover, should the Board be minded to grant permission I consider that the finalisation of traffic generated as part of the construction phase as part of an agreed in writing with the Planning Authority Construction Management Plan (CMP); the provision of standard conditions to deal with drainage and likely nuisances arising during the construction phase are matters that can be dealt with appropriately by way of conditions should be included in the interests of orderly development and ensuring an appropriate standard of development.
- 7.1.6. To this I note that my assessment below is based on the proposed development as revised by the applicants further information response which was received by the Planning Authority on the 14<sup>th</sup> day of January, 2025. This is on the basis that the revisions to the second-floor level reduces the visual and residential amenity impacts arising from the proposed development. It is also based on it providing additional assurance that the roadside boundary works will restore and retain the limited surviving period built walls as well as remove the unsympathetic latter concrete block walls that flank the contemporary timber gates that provide access to the hard stand behind them which appears to provide car parking spaces for staff, visitors and potentially deliveries to the existing building on site which I note has an office function.

## 7.2. Principle of the Proposed Development

- 7.2.1. As set out under Section 2 of this report permission is sought for the construction of a pair of three storey semi-detached dwellings located in the historic curtilage of No. 60 Northumberland Road, a Protected Structure, and forming part of a group of similarly protected period buildings that front onto the eastern side of Northumberland Road to the north and south of the site. It is proposed to locate these two dwellings on the easternmost end of No. 60 Northumberland Roads curtilage and to create two associated new subdivisions that for each of the property would include frontage onto mews lane of Lansdowne Park. In between these two dwellings at grade and centrally positioned in relation to the site's Lansdowne Park roadside frontage this proposal includes a vehicle access to an area of hard stand which would be maintained to serve the subject Protected Structures established office use. The main use of this space would be for vehicle parking (3 car parking spaces proposed) and bin storage.
- 7.2.2. The site and its setting are zoned 'Z2 - Residential Neighbourhoods (Conservation Areas)' under the Development Plan. The stated objective for such land is: "*to protect and/or improve the amenities of residential conservation areas.*" Additionally, the principle of residential development is deemed to be acceptable on 'Z2' zoned land. Notwithstanding, this is subject to site and setting appropriate safeguards, including but not limited to demonstrating compliance with relevant policy provisions, with particular regard to built heritage and residential amenity impact considerations having regard to the site and setting's locational, built through to functional character.
- 7.2.3. It is also of note that the extensive area of hard stand located to the rear of No. 60 Northumberland Road is for the most part out of character with the *ad hoc* pattern of mews development that has occurred to the rear of adjoining and neighbouring Northumberland Road properties to the north and south of the site.
- 7.2.4. These historic plots are c74m in their depth, c12.5m widths and are rectangular in their shape with frontage on their western boundaries to Northumberland Road, a busy heavily trafficked regional road that also accommodates a number of Dublin Bus's routes through to bus and cycle lanes. Also, on their easternmost end they historically fronted onto mews/service lane of Lansdowne Park. I also observed that most of the Northumberland Road properties have been subdivided at some past point in time. These subdivisions are characterised by independent mews dwellings that fronting

onto Lansdowne Park. In relation to the built form of these later built additions while I accept that there is a level of consistency in their mainly two-storey built forms there is no consistent architectural expression, ridge height through to palette of materials.

- 7.2.5. I also observed that the level of development is such that views to the rear of the Northumberland Road, Protected Structures, are limited and localised. With this being the case with views towards the rear of No. 60 Northumberland Road obstructed by this properties tall solid Lansdowne Park boundary treatment, the substantive three storey rear c1970a addition as well as the mews development that has occurred to the immediate north and south of the site.
- 7.2.6. Additionally, at the time of my inspection of the site, I observed no cars parked in the hard surfaced area to the rear of No. 60 Northumberland Road. What was present is mainly tarmacadam surfaced area on the eastern portion of this property with a modest pocket of landscaped amenity to the immediate rear 1970s addition and the storage of bins in the south eastern corner of the site.
- 7.2.7. In its existing state the main area to the rear of No. 60 Northumberland is out of character with not only the Protected Structure itself with it and the substantive three storey addition largely eroding the special character of this period structure as it now survives.
- 7.2.8. Moreover, it is also out of character with the pattern of development that characterises the neighbouring Northumberland Road and Lansdowne Park to the north and south of the site. On this point I note that these properties historic curtilages would have consisted of mainly soft landscaping and there may have been mews structures, ancillary built structures as well as secondary access onto Lansdowne Park. Their substantial in area plots with two public road frontages has given rise over time facilitated their latent potential for subdivision and densification which I note in recent decades has been supported by local through to national planning provisions which as set out in Section 5 in a consistent manner promotes the efficient use of zoned, serviced, accessible lands as part of ensuring more climate resilient and sustainable development within settlements.
- 7.2.9. On this point I note that the Development Plan's Core Strategy which is set out under Chapter 2 sets out under objectives CSO7 and CSO10 that the City Council supports residential development and compact growth on underutilised sites including

brownfield in accessible to locations like this. It is further promoted under Chapter 5 of the Development Plan, with Section 5.5.2 stating that the City Council will seek: “*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 this approach reiterated in Policy QHSN6 of the Development Plan.

- 7.2.10. Moreover, whilst the site forms part of a Protected Structure, it also forms part of the visual setting of a number of such structure. Further, the site and its setting are zoned ‘Z2’ residential conservation area the Development Plan. This built heritage sensitivity and land use zoning does not preclude new developments; however, new developments are subject to more stringent built heritage and amenity considerations.
- 7.2.11. While I note that local through to planning provisions as well as guidance evolve it is of note that in appeal case ABP-301415-18 a condition that required alterations to a grant of permission for a partial two storey / partial three storey detached three-bedroom dwelling *in lieu* of existing surface car park together with all associated with works (Note: P.A. Ref. No. 4433/17) was omitted.
- 7.2.12. I also note that more recently on appeal, permission was granted under ABP-318105-23 for construction of 3 no. terraced dwelling houses to the rear of No.s 78 and 80 Northumberland Road, both Protected Structures and also under appeal case ABP-321757-25 amendments to a previously permitted development P.A. Ref. No. 5320/22 for provision of a new house on Lansdowne Park located to the rear of No. 84 Northumberland Road, a Protected Structure, were permitted subject to safeguards.
- 7.2.13. Conclusion: I am satisfied that the general principle of the proposed development is acceptable, subject to safeguards.

### **7.3. Compliance with Planning Provisions**

- 7.3.1. *Built Heritage:* The appellant raises a concern that the proposed development would give rise to an adverse impact on the special character of the Protected Structures of Northumberland Road.

In relation to the existing context of the appeal site I note that No. 60 Northumberland Road presents to the eastern side of Northumberland Road as an attractive period

semi-detached two storey over raised basement former dwelling house that is setback from this road by an area of gravel and demarcated by period railings over cut stone plinths. It is accessed from Northumberland Road from period gates with the rear side boundaries containing surviving period stone walls with the rear roadside frontage to Lansdowne Park significantly modified at some point to provide access to a large area of hard surface for parking through to bin storage.

Despite the level of change that has occurred to No. 60 Northumberland Road I consider that its inclusion in Volume 4 of the Development Plan as a Protected Structure is warranted as are the inclusion of the highly coherent semi-detached pairs to the north and south of it. Together they form part of once coherent and highly uniform in their architectural design, built form, detailing through to building to space relationship group of semi-detached pairs. Collectively they positively contribute to the period sense of place and character of Northumberland Road.

The Development Plan provides under Policy BHA 2 that developments will conserve as well as enhance Protected Structures and their curtilage in a variety of ways. This includes proposed development should: protect structures included on the RPS from any works that would negatively impact their special character and appearance (Note: Policy BHA2 (b)); that any development affecting a protected structure and/or its setting is sensitively sited, designed as well as is appropriate in terms of the proposed scale, mass, height, density, layout and materials (Note: Policy BHA2 (d)); that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation (Note: Policy BHA2 (c)); through to that developments protect and retain important elements of built heritage including of relevance historic gardens and stone walls (Note: Policy BHA2 (f)).

There are as said no historic buildings or structures outside of the modest fragments of boundary wall addressing Lansdowne Park's public domain and the more intact side period stone walls bounding the northern and southern rear boundaries of this site.

To the rear of the main period semi-detached building of No. 60 Northumberland Road is a three storey of its time 1970s addition that together are in office related use. This addition is attached by way of a three storey centrally placed link to the original rear elevation of No. 60 Northumberland Road. The flat roof over the c1970s addition also contains a roof overrun which is bulky in its angular built form and has the appearance

of a part four storey over. The rear c1970s addition is slightly setback from the southern side and northern side boundaries. Effectively its height, mass, scale, and width are such that the main rear elevation and its roof structure over is not highly legible from the remaining rear curtilage of this subject historically laid out plot.

The access to the rear of No. 60 Northumberland Road is via electronically operated tall vehicle gates that are flanked in part by concrete walls. There are modest ancillary uses present including an area of landscaped amenity through to *ad hoc* storage of bins.

Overall, the existing built structures and the sundry spaces are in a good state of upkeep. Notwithstanding the interventions to the rear of the main building at No. 60 Northumberland Road have diminished its special character, intactness and legibility when appreciated from the rear of the site and from localised views towards it from the semi-private domain of properties in its vicinity as well as the public domain of Lansdowne Park.

Within this context the proposed development which essentially is comprised of the addition of mews dwellings with frontage onto Lansdowne Park would limit views towards No. 60 Northumberland Road and the adjoining similar Protected Structures on either side of it.

It would also result in adding further containment as well as enclosure of the western side of Lansdowne Park; however, such obstruction of views and containment is not inconsistent from the pattern of development within the surrounding site context.

The proposed two storey with attic level mews dwelling are three-storey in their overall built form and height. The submitted drawings indicate the proposed dwellings at their highest point would have a given height of 9.315m with this being consistent with three-storey heights of residential buildings.

I note that the adjoining property of No. 146 Lansdowne Park to the immediate north of the site has a measured ridge height of c8.8m and the adjoining property of No. 149 Lansdowne Park has a measured ridge height of c8.6m in the submitted drawings.

As such the proposed dwellings would present with a higher ridge height in comparison to these properties though variation in roof height is present within the streetscape scene of Lansdowne Park itself which, as discussed previously, is

comprised of varying architectural responses. The proposed height of the two dwellings at 9.315m in height are lower than the period pair that includes No. 60 Northumberland Road (Note: 12.7m) as well as its neighbouring period semi-detached pairs.

In part I consider that the proposed height has been more successfully resolved in the applicants further information revised design. The revised design still seeks to be contemporary of its time architectural response for the proposed dwellings however through its now proposed truncated gable shape roof that provides contrast with the angularity of the two floors below it together with a palette of external materials, and hues harmonious with the established and varied pattern of development that characterises its setting. This I consider includes the more sensitive to change Protected Structure of the host dwelling and those forming part of the visual context of the site.

Additionally, I note that a development consisting of the conversion of the existing attic and the construction of a dormer window to the front and a dormer window to the rear of the existing roof together with other ancillary works was permitted under ABP-315435-22 at No. 124 Lansdowne Park to the north of the site. There are also other recent examples where similar additions have been permitted as part of an overall design resolution for new dwelling but also as part of modifications to existing dwellings.

Moreover, I consider that the built form of the proposed dwellings as they present to Lansdowne Park and to the rear of the Protected Structures of Northumberland Road, is also minimised by the principal elevation fronting onto Lansdowne Park having a parapet height of 5.91m with the roof structure behind having a truncated gable shape and slate finish. This shape, profile through to external treatment of roof structures is not in my view out of character with the streetscape scene of Lansdowne Park.

Additionally, to the rear of the proposed dwellings the parapet height is taller at 6.45m with the roof profile and slope setback c1m eastwards before it slopes upwards. Punctuating the roof structure to the front and rear are standing seam zinc clad dormers with a staggered height, the lower in height of the two dormers proposed fronting Lansdowne Park is proposed mews dwelling No. 147 (Lansdowne Park). To the rear the two dormers are setback from the main rear elevation. This recess

alongside the part two storey projection with recessed central section over the vehicle access lane aids in my view visual and built integration between the proposed mews dwellings and other mews dwellings to the north and south of it.

The provision of an access to the serve three car parking spaces, the bin storage and in general the rear of the existing building is also not an uncommon design solution in terms of other redevelopments to the rear of Northumberland Road Protected Structures and accessing onto the public domain of Lansdowne Park. This can be seen in an examination of publicly available aerial views of the space between the western side of Lansdowne Park and to the rear of the Northumberland Road properties. It was also evident from walking the public domain of Lansdowne Park though it is not the predominant manner in which the historical plots on the eastern side of Northumberland Road have evolved. In most cases physical, visual, and functional relationships have been severed by the subdivisions accommodating independent mews dwellings.

Further, I consider that the incorporation the existing period stone walls to the roadside boundary with Lansdowne Park together with their repair and removal of the concrete block wall with the roadside frontage mainly comprised of stone walls and timber panels/gates, the reuse of one *in-situ* concrete pier and its visual integration with an existing and extended concrete beam is consistent with safeguarding this surviving feature of this subject Protected Structure.

I also consider that the omission of the vehicle access to the proposed No. 147 Lansdowne provides further opportunity to restore the character of the roadside treatment of No. 60 Northumberland Road by way of a more site appropriate boundary response that would also contribute more positively to the character of the sites residential conservation area setting.

To this I also consider that the overall material treatment and solid to void treatment of the principal elevation of the proposed mews dwellings would add interest to the streetscape scene of Lansdowne Park and would be legible as an insertion of its time that would not be visually incongruous to this streetscape scene. Relative to No. 60 Northumberland Road as well as other adjoining Protected Structures it would also be legible as a new building layer that is of its time.

Overall, outside of the works to facilitate the subdivisions for the construction of the proposed two mews dwellings, the access lane through to the proposed together with the repair and restoration works of the surviving period stone walls no other works are proposed to the surviving-built fabric of the Protected Structure that is No. 60 Northumberland Road.

In this context I consider that the 1970s rear extension and the introduction of a car parking area to the main rear curtilage of No. 60 Northumberland Road has severed the formal spatial and functional relationship that once would have existed between the main period building and the space between its rear elevation and Lansdowne Park.

I also consider that the 1970s rear addition and its roof overrun as well as the change of use has visually and functionally interrupted the historical relationship that previously existed as well as that synergy that it shared with the period group semi-detached properties it formed part of.

I furthermore consider that the spatial, visual, and functional relationship of these properties have predominantly changed by the mews development to the rear of these historic Northumberland Road properties with frontage onto the western side of Lansdowne Park. There is also as described previously a pattern of varying height mainly two storeys but also including third floor attic level accommodation dwellings visible from the streetscape scene of Lansdowne Park as well as the provision of access points to serve the western side of this road.

In this context I am satisfied that the proposed development sought under this application would not damage the surviving relationship between the Protected Structure of No. 60 Northumberland Road and its sensitive to change setting in a manner that would be inconsistent or contrary to the considerations set out under Policy BHA 2.

Furthermore, Section 13.7.7 of the Architectural Heritage Protection Guidelines note that the location of the car park can damage the character of Protected Structures. This proposal would remove a significant car parking provision at the site of No. 60 Northumberland Road and a feature that is at odds with this period structures original design and the surviving character of neighbouring Protected Structures.

I am also cognisant that Policy BHA 14 of the Development Plan promotes the redevelopment and regeneration of mews lanes, subject to them being sensitively designed, appropriately scaled, that restores historic fabric where possible, and that removes inappropriate backland car parking area. This proposed development is in my view consistent with this provision on the basis that the design approach is contemporary high quality as well as sensitive to its context.

For similar reasons, the proposed development is also consistent with the provisions of Policy BHA 9 of the Development Plan which more specifically relates to residential conservation areas. With this policy seeking that developments must contribute positively to its character and distinctiveness as well as take opportunities to protect and enhance the character of the area. Moreover, the proposed development is consistent with the enhancement opportunities outlined under Policy BHA 9 of the Development Plan on the basis that it includes the repair and restoration of a section of the once mainly tall period stone wall that addressed Lansdowne Park and removes the large area of car parking to the rear of a Protected Structure within a residential conservation area.

For clarity purposes, I also note in relation to Objective BHAO5 of the Development Plan that at the time this report was prepared that the City Council had yet to prepare and adopt a best practice design guide for mews development in the city, including for the north and south Georgian cores.

Conclusion: On the basis of the above considerations, I am satisfied that the proposed development would accord with the Development Plan provisions for developments within the curtilage of a Protected Structure, including those forming part of a Residential Conservation Area (Note: 'Z2') and being a site setting that includes several Protected Structures to the north and south of No. 60 Northumberland Road.

- 7.3.2. *Mews Development:* On the basis of my previous considerations in the assessment above I am first of all satisfied that the proposed development is one that is consistent with Policy BHA 14 of the Development Plan. This policy promotes the redevelopment and regeneration of mews lane subject to safeguards and the proposed development would represent an infill of one of the few sites with latent potential for mews development on the western side of Lansdowne Park.

To this I note that the Development Plan under Section 15.13.5 sets out considerations for applications relating to mews developments, with Lansdowne Park, being a lane that historically functioned as service lane but over time has developed to accommodate mews dwellings, in particular to the rear of Northumberland Road properties that were served by this road.

As also discussed above the relationship between the main building of No. 60 Northumberland Road; the rear of the site and its consistency with the once highly coherent group of semi-detached pairs it formed part of has been severed. There is also no surviving building of interest surviving in the rear curtilage of the site that would need to retain and conserve.

Section 15.13.4 of the Development Plan indicates that consideration will be had to sensitively designed, appropriately scaled, infill residential development, which restores historic fabric where possible, and that removes inappropriate backland car parking areas. This proposal as discussed above in my view aligns with this section of the Development Plan in a manner that is consistent with the 'Z2' land use zoning objective of the site. Also, it aligns with the Development Plans provisions that supports more compact, consolidated, and efficient use of zoned brownfield land in a manner that is consistent with higher planning policy provisions and guidance.

Section 15.13.4 of the Development Plan also requires applications for mews development should consider servicing, including the impact on existing infrastructure such as waste and water systems.

In relation to this specific consideration, I note that there are no substantive concerns raised by the Planning Authority or received by Prescribed Bodies indicating concerns in this regard, subject to standard safeguards.

On the basis of the information on file together with having regard to the modest demands this proposed would place on the existing water supply and foul drainage infrastructure together with the proposals incorporation of sustainable more climate resilient surface water drainage measures I am satisfied that the proposed development is acceptable in this regard.

- 7.3.3. *Section 15.13.5.1 Design and Layout:* This section of the Development Plan encourages a *“unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed”*. This is in

preference to individual development proposals. The Development Plan also indicates that individual proposals will also be considered and assessed on a case-by-case basis.

As already noted above I consider that there are few remaining plots to the rear of the Northumberland Road properties which have frontage onto Lansdowne Park, with adjoining and neighbouring sites to the north as well as south redeveloped in an *ad hoc* basis, particularly over the last number of decades.

As such I consider it is reasonable that this individual proposal for two mews dwellings be considered on its individual merits subject to safeguards. This case-by-case consideration is provided for under the Development Plan where a unified approach for mews development is proposed. In this context the Development Plan indicates these will be subject to demonstrating a high-quality design approach and that the materials proposed respect the existing character of the area as well as utilise a similar colour palette to that of the main structure. As discussed in the assessment above I am satisfied that this is the case for the proposed development as revised and I therefore have no substantive issue in this regard.

I also consider that there is ample distance between opposing windows whether that be the less sensitive to change office building to the west or the angled views towards the rear of the elevations of the Protected Structure to the south west and north east.

In relation to the office extension the opposing windows range from 15.415m to 16.615m. This existing use is indicated to be between the hours of 08:30 and 17:30 during weekdays.

There is potential for this to be visually buffered by appropriate screening such as pleated trees within the rear garden of the proposed news or edging the proposed parking/waste storage provision.

In relation to the rear elevations to the north west and south west I accept that these are more vulnerable to change. Including by way of additional overlooking arising from the proposed development despite the fact that there is an established level of overlooking arising from the existing mews dwellings to the immediate north and south of the two units proposed.

The lateral separation between the proposed mews dwelling is one that significantly exceeds the minimum standards between opposing windows provided for under the Compact Settlement Guidelines. This minimum standard is 16m in the case of proposed and existing residential developments (Note: SPPR 1) whereas the Development Plan has a more generous traditional standard of 22m. The drawings show that there would be an angled lateral separation distance of over 30m in the case of proposed Unit No. 148 Lansdowne and the rear of No. 62 Northumberland Road. They also show that this rises to c40m to the rear of No. 64 Northumberland Road, both Protected Structures. Similar angled lateral separation distances would result between the proposed dwellings and the existing properties to the north west site. With of note the rear gardens of these adjoining and neighbouring Northumberland Road properties with frontages onto Lansdowne Park to the north and south at some point in time being subdivided to accommodate mews dwellings. These mews dwellings adjoining the site have no functional connection remaining to the rear of their original historical Northumberland Road plot curtilage.

As said the views towards residential properties to the rear of the two proposed mews dwellings would be angled and the rear building line above first floor level is recessed eastwards in comparison to existing dwelling units to the north and south of the proposed mews.

On this point I note that for example the building at No. 149 Lansdowne Park to the immediate south appears to be c2.3m forward of the rear building line of Unit No. 148 Lansdowne Park proposed.

There is a more modest c0.4 setback of proposed Units No. 147 Lansdowne Park and the existing property of No. 146 Lansdowne Park to the immediate north.

Also, the proposed recessed and staggered rear building line together with the proposed solid to void treatments is not in my view out of context or exceptional with the wide variety of clear glazing provisions existing in the rear elevational treatment above ground floor level facing into the rear of Protected Structures.

In this case I am satisfied that the distance between the opposing windows of the proposed mews dwellings and to properties to the west, north west and south west despite being in site context that has over time developed a level of established overlooking and diminishment of privacy. This I acknowledge has arisen from the

mews redevelopment that have been carried out on the western side of Lansdowne Park. Notwithstanding, despite this pattern of development properties within the visual setting of the site still maintain ample separation distances between opposing and angled opposing properties. The potential for overlooking to arise in a context where this is an established character of this mainly residential area as it densified over time would not be of an exceptional nature for this setting that it would in itself support that the proposed development would seriously diminish residential amenities in what is historic built up area of Dublin city where there is a pattern of densification including as is the case of the rear of Northumberland Road with road frontage onto Lansdowne Park, mews type developments.

The Board could if it deemed it appropriate reduce the width and height of the upper first floor level rearmost window through to modify the attic level as suggested by the Appellant in their submission. However, for the reasons set out above I do not consider that this would give rise to any significant residential disamenity improvement for properties, including the Appellants, in the vicinity of this proposed development. Whereas it would in my view give rise to reduction in the residential amenity of the proposed units in terms of daylight penetration and natural ventilation.

In relation to private amenity open space remaining after the subdivision for the main building on this subject site, as said the main building and its rear extension is not in residential use and has not been in residential use since circa the 1960s. I acknowledge that this could however change as cityscapes are in a constant state of evolution despite the level of protection afforded in this site and setting context to its special built heritage character.

There is no specific requirement for the provision of private open space for the office use at No. 60 Northumberland Road.

However, I note that there is existing green space to either side of the c1970 link structure which attaches to the rear of this buildings eastern elevation.

This space could be used as outdoor amenity space by office workers, with the space on the southern side likely to get adequate daylight and sunlight penetration this aspect and orientation through to its relationship with other structures in the vicinity of it.

The private amenity space proposed for dwelling units No.s 147 and 148 Lansdowne meet the standards set out under the Compact Settlement Guidelines and should the Board be minded to grant permission it would be appropriate to safeguard this amenity by way of restricting further development on them to that permitted by way of a grant of planning permission.

I also note that the area to the front of unit No. 147 Lansdowne Park which the Planning Authority sought the omission of the proposed car parking space would also provide additional amenity space that would not be significantly overlooked given the design of these mews dwellings. This design includes tall boundaries fronting onto the public domain of Lansdowne Park and also in terms of the treatment for the access proposed to serve the area to be maintained for use by the office building.

In relation to the positioning of the rear boundaries of the proposed mews dwellings these are not out of character with other subdivisions that have occurred to Protected Structures to the north and south of the site and in this case the First Party indicate that there is a need to maintain a level of parking as part of ensuring the future viability of the existing office use through to that Lansdowne Park provides a more appropriate means for servicing this existing use including but not limited to collection of waste.

Conclusion: On the basis of the above considerations, I am satisfied that the design and layout of the proposed mews dwellings are consistent with Section 15.13.5.1 of the Development Plan.

- 7.3.4. *Section 15.13.5.2 - Height, Scale and Massing:* In relation to compliance with this section of the Development Plan these matters in my view have largely been considered in the previous sections of this assessment above. I therefore reiterate in summary that I am satisfied that the proposed two mews dwellings complement the character of Lansdowne Park, and they do not compromise adversely or materially the special character of No. 60 Northumberland Road, a Protected Structure, other Protected Structures within its setting or the character that informs the residential conservation area it forms part of. Within its context it is a type of development that is also not at odds with the pattern and permitted forms of development, particular those with frontage onto the western side of Lansdowne Park.

While this section of the Development Plan indicates that mews development will generally be confined to two-storey buildings, it also indicates that in certain

circumstances, three-storey mews developments incorporating apartments will be acceptable, subject to demonstrating compliance with a number of safeguards.

This proposal does not seek to incorporate apartments at third floor level, and it relates to the construction of two three-bedroom dwellings with attic study/storage. I note that in relation to the safeguards where three storeys mews structures are considered this development is consistent with them. As previously discussed, its overall height is subordinate to the height of No. 60 Northumberland Road and it is not inconsistent with other additions to the rear of this historic semi-detached building which, as said, includes a three-storey link as well as three storey extension.

Also, as a built form the two mews dwellings totalling 304m<sup>2</sup>, with a height of 9.315m, a depth of c12m and widths of c6.5m at first floor level is of a significantly lesser scale to the main building which is given as having a floor area of 608m<sup>2</sup>, has a height of c12.7m a depth that exceeds c28m and a width of c12.5m.

There is as said a variability to the height of the later mews dwellings fronting onto Lansdowne Park and also to the rear of the Northumberland Road and as such whilst the proposed two mews dwellings would have a ridge height taller than adjoining properties of No. 146 and No. 149 Lansdowne Park on either side of it. This as considered above is not out of character with its setting or with the pattern of development that informs the streetscape scene of Lansdowne Park which includes to the south east a three storey in height residential block. Additionally this streetscape scene is characterised by a roof line that has a staggered and graduated character, with the proposed development relating to roadside boundary width of one historic plot of its several historic plots which have been subject to mews developments in the past and therefore in itself is not one that would be visually dominant or at odds with Lansdowne Park's visual attributes as appreciated from its public realm.

Moreover, as discussed, the open space provision for future occupants meets the required standards set out in the Compact Settlement Guidelines and subject to the omission of the vehicle entrance and in-site car parking from the northern most dwelling adjoining No. 146 Lansdowne Park together with the loss of car park to serve an office building with an occupancy of 70 working within it would result in less traffic

movements associated with No. 60 Northumberland Road, if permission were granted and subsequent to that implemented.

Furthermore, the internal spatial dimensions subject to the restriction of use of the attic level to study/ancillary storage otherwise provides a qualitative standard of internal and external amenities for future occupants of the proposed mews dwellings sought under this application in a locality that is well served by public transport, employment opportunities through to other services, amenities and land uses that are synergistic to residential developments like this.

My final comment relates to the mass and scale of the mews dwellings proposed. These are also not out of context with the pattern of dwellings that exist and have been permitted on either side of Lansdowne Park. As such I raise no substantive concerns in this regard.

Conclusion: I am satisfied that the proposed development is consistent with Section 15.13.5.2 of the Development Plan.

7.3.5. *Section 15.13.5.3 – Roof Structures:* This section of the Development Plan indicates that the roof profile for mews buildings should be simple and in keeping with the character of the area. As discussed above the revised third floor level which consists of a slate clad truncated pitched in profile and shape roof over the lower ground and first floor levels of the mews dwellings proposed. Together with their recessed setback between the first floor and the use of dormers is consistent with the varying more traditional in built form and character mews dwellings within its setting.

In my view it is also harmonious and respectful to the roof structure over the main building and other Protected Structures through to period properties within the larger residential conservation area the site forms part of.

In comparison to the originally lodged design proposal, I consider that the revisions to the attic level have resulted in visual and built qualitative improvements to the design of this contemporary pair of mews dwellings that allow them to not only be of their time but also to be respectful and sympathetic with their immediate and wider visual context.

I am therefore satisfied that the proposed development as revised is consistent with Section 15.13.5.3 of the Development Plan.

7.3.6. *Section 15.13.5.4 Access:* In relation to Section 15.13.5.4 of the Development Plan I concur with the Planning Authority for the considerations set out in the assessment above that it is appropriate to omit the off-street car parking space serving proposed unit No. 147 Lansdowne Park and that vehicle access be provided to the rear of the main building which is in office use. I also consider that the site is located where a level of car free mews development can be permitted and absorbed by this highly accessible location through to at the time of my inspection there was available.

I also consider that the off-street car parking space serving unit No. 148 Lansdowne Park aligns with this Section 15.13.5.4 of the Development Plan in that it provides for car parking can be provided, subject to conservation and access criteria. In this case the proposed car parking space for unit No. 148 Lansdowne Park is in the form of a courtyard type arrangement which would create a strong sense of enclosure for this dwelling. This enclosure in terms of the roadside boundary treatment would echo the historical tall solid boundaries of No. 60 Northumberland Road and those that characterise the group of semi-detached pairs it forms part of.

Moreover, the bookending of the northern and southern side of the Lansdowne Park roadside boundary with tall stone wall boundary treatment, with this including part of the restoration as well as repair of existing fragments of this period feature. Together with part rebuilding of matching additional stone boundary treatment. This approach in my view would be consistent with the design approach advocated under Policy BHA2 of the Development Plan and Section 15.13.5.4 of the Development Plan.

Conclusion: I am satisfied that the proposed development is consistent with Section 15.13.5.4 of the Development Plan, subject to safeguards.

7.3.7. *Section 4.3.8 of Appendix 5:* This relates to mews parking and in consistent manner with Section 15.13.5.4 of the Development Plan it indicated that this includes off-street courtyards and forecourts subject to conservation and access criteria safeguards.

It also sets out that car free mews developments may be permitted in certain circumstances where there are specific site constraints and where alternative modes of transport are available.

I am satisfied that subject to the omission of the off-street car parking space to serve proposed new mews dwelling No. 147 Lansdowne Park, the redesign of the roadside boundary through to that the entrance serving the rear of the office building and

proposed new mews dwelling No. 148 Lansdowne Park are consistent with the design standards in this situation and they are unlikely to interfere with the safe movement of other road users on Lansdowne Park subject to standard safeguards.

I note also that the Planning Authority's Transportation Division raise no specific road safety and traffic hazard concerns in relation to either of these two entrances. I further note that their widths (Note: No. 148 Lansdowne Park proposed width of 2.8m and the entrance serving the office building is 2.835m) do not exceed the maximum dimensions for vehicle entrances which are set out under Section 4.3.1 of Appendix 5 of the Development Plan. In this regard widths of 2.5 metres or at most 3 metres are indicated.

Additionally in accordance with Section 4.3.1 of Appendix 5 of the Development Plan the proposed design does not include outward opening gates (Note: No. 148 Lansdowne Park consists of a motorized radius sliding gate and the gate serving the office building consists of motorized hinged gates that open inwards).

I further note that via the proposed access serving the office building is gated at a point where it adjoins the rearmost boundary of the two proposed mews dwelling subdivisions. This allows for pedestrian access to the rear of each dwelling via this new entrance roadway serving No. 60 Northumberland Roads reduced plot that would provide access to car parking, bicycle through to bin storage. I also note that the bin storage proposed for each dwelling is within their rear private amenity space and accessible from Lansdowne Park via the proposed access lane serving No. 60 Northumberland Road. Also, within the proposed front courtyard area of each of the proposed mews dwellings a car charging point is also indicated.

- 7.3.8. *Residential Amenity for Future Occupants:* I first of all note that Section 15.11.1 of the Development Plan sets out that floor areas for 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.

I am satisfied that the proposed dwellings house in general meet the principles and standards set out in these Guidelines which have also evolved over time with for example the more recently adopted Compact Settlement Guidelines.

The Compact Settlement Guidelines provides not only for relaxation in lateral separation distance between opposing first floor windows under SPPR 1 as discussed above. But also, under SPPR 2 it provides flexibility in the assessment of private open space for redevelopment sites below 0.25ha.

This flexibility is of relevance on the basis that the rear private open space provisions for No. 147 Lansdowne Park has a given area of c34.44m<sup>2</sup> and No. 148 Lansdowne Park has a given area of 34.0m<sup>2</sup> to the rear. As such these areas fall below the minimum standards set out under SPPR 2 which provides for new houses to meet the following minimum private open space standards which in the case of three-bedroom dwellings is 40m<sup>2</sup>.

In this case I note that both properties having a front courtyard which despite being indicated as containing bin storage and car parking does provide a level of semi-private open space, particularly in the case of No. 147 Lansdowne Park has the capacity to provide further useable open space amenity. This space would not be significantly overlooked by its strong enclosure by its boundary treatments forward of this property's principal elevation.

I consider that this less so the case with proposed dwelling unit No. 148 Lansdowne Park whose off-street car parking as discussed would be acceptable to maintain as part of this proposed development. This is on the basis that unlike the in-site car parking space for proposed dwelling unit No. 147 Lansdowne Park it would conflict or cause obstruction with any existing on-street car parking provision for which the Planning Authority's Transportation Division indicate are in high demand. The Planning Authority's Transportation Division also raised no substantive concerns in terms of this in-site car parking provision for proposed dwelling unit No. 148 Lansdowne Park

It is also the case that future occupants of proposed dwelling unit No. 148 Lansdowne Park may not choose to not own a car and require in-site car parking due to the high accessibility of this location, including in terms of public transport through to availability in this type of location to car sharing scheme and the like.

Further, there is a modest level of open space provision provided for at attic level fronting onto Lansdowne Park. This together with the site being located in proximity to open space amenity including for example the linear green corridor of Grand Canal

to the south as well as public parks including Merrion Square and Herbert Park results in accessibility to publicly provided open space amenity within close proximity by active transport modes. This accessibility is a positive for future occupants of the proposed development were it to be permitted and implemented.

The proposed residential scheme is of a modest nature, and it is not practical within this context to provide qualitative functional passive and/or active public and/or communal open space. The Development Plan under Section 15.8.7 in a similar manner to Compact Settlement Guidelines flexibility in terms of private open space, public and communal open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. I concur with the Planning Authority that it would be appropriate to apply this flexibility in this case on the basis as said of the site's constrained in size site area.

- 7.3.9. *Material Contravention:* The appellant in this case considers that the proposed development is one that would give rise to a material contravention of the Development Plan having regard to the nature of the development through to the relevant planning provisions for such a development and having regard to the site as well as its context.

Having regard to the general nature, scale and extent of the proposed development sought under the subject application as considered above I am satisfied that the principle of residential development is acceptable on such zoned lands subject to safeguards including built heritage, amenity (residential and visual) through to demonstration that it satisfies relevant safeguards provide for under local through to national planning provisions. I note that a similar conclusion was reached by the Planning Authority's Planning Officer, and I further note have considered the proposed development against relevant local through to national planning provisions did not consider that the proposed development, if permitted, would give rise to any material contravention concern and as set out under Section 3 of this report above the Planning Authority did not refuse permission for the proposed development.

While I am satisfied that a material contravention does not arise in this case with this conclusion informed by the considerations of this assessment against relevant local planning provisions above I note that the Third Party Appellant are of the opinion that it materially contravenes the Development Plan provisions relating to mews dwellings

and the development management standards architectural design quality standards which are set out under Chapter 15 of the Development Plan. They also consider that the proposed development contravenes the land use zoning of the site and its setting as well as the local planning provisions for built heritage for a context that contains Protected Structures and forms part of a residential conservation area.

As said the Planning Authority did not refuse permission on any basis including a material contravention of their Development Plan. I again refer the Board to my considerations of the proposed development against these various matters of concern in my assessment which in my view supports that there is no basis to conclude that it is a type of development that could be reasonably be considered to materially contravene the Development Plan or any other relevant planning provisions and guidance.

I therefore satisfied that Section 37(2)(b) is not applicable in this case.

- 7.3.10. *Conclusion:* I am satisfied that the proposed development is generally compliant with relevant local through to national planning provisions as well as guidance subject to safeguards.

#### **7.4. Residential Amenity Impact - Other**

- 7.4.1. I am satisfied on the basis of the above considerations that the proposed two mews dwellings whilst giving rise to a change in context would not give rise to any undue visual overbearance as observed from either properties in its immediate vicinity or as observed from the public domain of Lansdowne Park. This is on the basis that the proposed development is not significantly out of character with the height; front and rear building lines; varied built forms; palettes of materials; lateral separation distance between the rear of main period elevations of the Northumberland Road period buildings which as noted above are designated Protected Structures. Additionally, within the site setting there are examples of three storey built insertions and two storey dwellings with roof levels that are legible as a third-floor level of accommodation.
- 7.4.2. I am also satisfied on the basis of the information provided that the applicant has demonstrated that the proposed development would give rise to no undue overshadowing and daylighting impacts on properties within its immediate setting.

- 7.4.3. I consider that the main impact would be on the main office building in site and its rear building line which I note is setback from the rear building line of properties to the north and south of it. This together with the lateral separation distance between the rear of Northumberland Road and Lansdowne Park mews properties to the immediate south of the site provides for qualitative level of daylight penetration alongside any additional levels of overshadowing through to daylight/sunlight diminishment that would arise from the proposed development are demonstrated to be within accepted standards. They would also not be of any significant or material difference from the impacts that have arisen from mews development on subdivided plots fronting onto Lansdowne Park.
- 7.4.4. In relation to nuisances arising during construction works 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 including in terms of traffic, noise, dust, vibration, hours of construction works and so forth the event of a grant of permission.
- 7.4.5. Additionally, the proposed development once operational given the nature of its residential use would not give rise to any exceptional nuisances that would be considered to be out of character with the nature and pattern of residential development in this setting.
- 7.4.6. Conclusion: I am satisfied that the proposed development would not give rise to serious injury to properties within its vicinity if permitted or that any diminishment that would arise is such that it is exceptional within its context or in a manner that would support a refusal of permission, including but not limited to compliance with mews dwellings and the land use objective for 'Z2' zoned lands.

## **7.5. Enforcement of Condition No. 4**

- 7.5.1. The Planning Authority as part of their grant of permission included a number of bespoke conditions. The Appellant in this case raise concerns in relation to the Planning Authority's enforceability of Condition No. 4 of the grant of permission. This condition restricts the use of the second floor to office/study room use and specifically indicates that it shall not be used as a bedroom. The reason given for this condition is in the interest of residential amenity and proper planning.

- 7.5.2. In relation to this concern, I note that the use of condition setting out this type of requirements is not uncommon in relation to developments that include an attic level in an urbanised mainly residential in function locational context. Alongside where the land use zoning objective seeks to balance the established amenities of existing residential development and proposed new residential development. It is also not uncommon for the use of such a condition where the proposed attic level may give rise to concerns over the qualitative standards for an attic level to be used as habitable spaces/rooms.
- 7.5.3. In this case I note that the Planning Authority's further information request included a request for the revision of the proposed two dwellings from three storey to a less prominent two storey design.
- 7.5.4. As noted in this report previously on foot of this request the applicant revised the design of the two dwellings so that their main built form was two storey and with an attic level over that was visually more subservient in its overall built form, shape, profile, and external detailing. I note that the front dormers within the revised design include covered terraces which address the public domain of Lansdowne Park whereas to the rear the dormers have been designed to include setbacks from the main rear elevation edge with the dormer structures including extended cheeks to limit sightlines.
- 7.5.5. In relation to the southern dormer which is the nearest to the Appellants property this also includes a window setback from the edge which limits sightlines to the rear of neighbouring properties to just over circa 30m (Note: No. 148 Lansdowne Park). Similar lateral separation distances arise from the northernmost dwelling attic level dormer (Note: No. 147 Lansdowne Park). Each attic level in addition to its single front and rear dormer windows is also served by rooflights.
- 7.5.6. The applicant indicates that they would comply with the restriction of use of the attic level as required under Condition No. 4 of the Planning Authority's notification to grant permission and that this restriction would be included as caveats included in their future sale.
- 7.5.7. They also indicate that the additional floor level as revised is visually sensitive to its setting as well as the revised attic level would give rise to no undue residential amenity

diminishment to properties in its vicinity, including the appellants given the design measures through to the lateral separation distances involved.

- 7.5.8. In this case I consider that the restriction imposed under Condition No. 4 is reasonable in terms of balancing the existing established residential amenity of properties to the rear of the proposed development. In particular in relation to the properties to the north west and south west of the site in terms of their private amenity spaces as well as the private amenity open spaces associated with the Lansdowne Park properties to the immediate north and south of the site.
- 7.5.9. Also, while I note that Building Regulations are subject to other regulatory control provisions; notwithstanding as a precaution, I note that the cross sections included in the applicants further information response indicate for example in the case of proposed dwelling No. 148 Lansdowne Park that that floor to ceiling height of the office/study space does not meet Building Regulations minimum standards for a habitable room.
- 7.5.10. The proposed two dwellings have a mirror image matching internal floor area and overall spatial dimensions. As such the same issue arises for proposed dwelling No. 147 Lansdowne Park. Whereas the remainder of the second-floor level does not give rise to the same concern in relation to other habitable rooms.
- 7.5.11. Should the Board be minded to grant permission for the proposed development I consider that a similar condition be imposed in the interests of protecting residential amenity of properties in the vicinity and in the interests of ensuring an appropriate standard of amenity for future occupants.

## **7.6. Other Matters Arising**

- 7.6.1. **Utility Pole:** There is a utility to the south of the site's Lansdowne Park roadside boundary with double yellow lines alongside it. I note that the presence of the utility pole is not indicated in the drawings provided with this application as lodged and as revised. I note that the Planning Authority's Transportation Division raised no objection to the provision of a vehicle entrance serving proposed dwelling No. 148 Lansdowne Park and a vehicle entrance serving the rear of the existing office building No. 60 Northumberland Road.

The existing roadside boundary treatment of the site fronting onto the western side of Lansdowne Park consists of a wide vehicle entrance that takes up most of its length. The proposal in relation to the existing office building would significantly and materially reduce the availability of car parking spaces to the rear of No. 60 Northumberland Road to three as well as would allow for this office use to access Lansdowne Park for deliveries through to removal of waste. This arrangement is preferable given that Northumberland Road is a busy regional route into the south of Dublin's city centre. Whereas Lansdowne Park experiences a low volume of road users in comparison.

This proposal however would result in a vehicle entrance with combined pedestrian access serving proposed dwelling unit No. 148 Lansdowne Park with this provision having an increased separation distance from the southernmost end of the site's Lansdowne Park roadside boundary in comparison to the proposed development as originally lodged (Note: c1.4m). The width of the motorised sliding gate is given as 2.8m, with the 2.835m in width entrance serving No. 60 North located c0.5m to the north of it. I also note the revised plans do not show the omission of the in-site car parking space to the front of proposed dwelling unit No. 147 Lansdowne Park. In relation to this provision as considered in the main assessment I concur with the Planning Authority that this should be omitted for the reasons relating to the Developments Plan presumption against the loss of existing public on-street car parking provision.

Overall, the revised design provides for a greater lateral separation distance between it and the obstruction arising from the utility pole to the south of the site. The positioning of the two vehicle entrances serving the proposed dwelling unit No. 148 Lansdowne Park and No. 60 Northumberland Road is significantly less when combined in comparison to the existing entrance gate on site which appears as a structure to comprise of c9m of the boundary. The traffic generated by the recommended provision for four parking spaces would likely be significantly and materially less than if the hard surface were used as a car park for office building that is indicated to have 70 persons working in it. Additionally, the width of Lansdowne Park is c6m at this point with it at the time of inspection being a quite public road in terms of its use and there is no issue raised in relation any significant road safety or traffic hazards in relation to vehicle movements and vehicle accesses along this straight stretch of road.

In this instance I consider that the proposed development is likely to generate less traffic than if the hard surface area on site was maintained for car parking use and subject to the safeguards recommended by the Planning Authority's Transportation Division. I also raise no issue in relation to the obstruction of view arising from this utility pole with as said the traffic generation of the proposed development; the road conditions through to increased separation distance between the proposed vehicle entrances as revised under this application in comparison to the existing context.

**7.6.2. Restriction of Further Development (New Issue):** Given the restricted at grade rear private amenity space to the rear of each of the proposed dwellings and notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, I consider it appropriate and reasonable to provide a level of protection to the proposed private open space from further development outside of that permitted by way of a prior of a grant of permission as part of ensuring a qualitative standard of future amenity for future occupants. I therefore recommend that the Board, should it be minded to grant permission, include a condition restricting further development to both of the proposed dwellings sought under this application as revised. Such a condition would accord with the proper planning and sustainable development of the area, in particular it would be consistent with the site's land use zoning objective as provided for under the Dublin City Development Plan, 2022-2028.

**7.6.3. Planning Authority's Interdepartmental Reports:** Should the Board be minded to grant permission I recommend that it include the bespoke recommendations of the planning authority's Conservation Section; Transportation Planning Division; and Drainage Division. The reason for this recommendation includes ensuring that the proposed development is carried out in a manner that accords with the protection afforded to Protected Structures and Residential Conservation Areas in the Development Plan. Additionally, it would ensure that there is no loss of on-street publicly provided car parking provision on Lansdowne Park. It is also based on ensuring that the overall works are carried out in the interests of ensuring the proper planning and sustainable development of the area in terms of conservation, traffic and drainage matters as provided for under local through to national planning provisions as well as guidance. Therefore, according with the proper planning and sustainable development of the area.

- 7.6.4. **Flood Risk:** I consider that there is no indication from available sources including the Planning Authority technical reports, the applicant's submissions that the site is at risk of flooding, nor is this raised as a concern by parties in this appeal case. I note that also as a precaution the Planning Authority's Drainage Division though raising no specific objection to the proposed development recommended as one of its safeguards the carrying out a flood risk assessment.

I consider that the proposed development is not one that is Flood Risk Assessment (FRA). Notwithstanding the site is in proximity to lands that are indicated in the OPW flood risk maps as having low to medium potential for fluvial flooding and as a precaution should the Board be minded to grant permission, I consider that the requirement set out under Condition No. 9(d) of the Planning Authority's notification to grant permission is appropriate and reasonable as well as it would accord with local and national planning provisions as well as guidance on such matters. This condition requires the developer to ensure that an appropriate Flood Risk Assessment be carried out to current best practice standards is not unreasonable in the interests of the proper planning and sustainable development of the area. I therefore recommend that any grant of permission include this safeguard as a requirement in the interests of the proper planning and sustainable development of the area.

- 7.6.5. **Noise:** Given the sensitivity of the appeal site arising from it being bound by existing residential development including to the north and south of the site as well as being neighboured by mainly established residential development I consider that it was not unreasonable for the Planning Authority to include a specific condition in relation to noise nuisance arising during the construction phase. In particular on the basis that the site and its setting land use zoning objective ('Z2') under the Development Plan seeks to achieve a balance between existing residential amenity and proposed developments.

This I note is included under Condition No. 12 of the Planning Authority's notification to grant permission.

While I note that a variety of nuisances from noise, dust, vibrations and so forth for residential properties in the immediate vicinity of the site as well as to the office occupants of No. 60 Northumberland Road, 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. Given however the established residential function and pattern of development in the immediate vicinity of this site I recommend that should the Board be minded to grant permission that a similar noise condition be imposed in the interests of protecting residential amenities.

7.6.6. **Section 34 (13) of the Planning & Development Act, 2000, as amended (New Issue):** I am satisfied, based on this information, that the applicant has demonstrated sufficient legal interest to make this application and that there is no specific concern raised by parties to this appeal in relation to the proposed development giving rise to encroachment and/or interference with Third Party lands. Notwithstanding, given the positioning of the proposed dwelling as well as its associated structures together with having inspected the site and observing that in terms of the relationship between proposed dwelling No. 147 and No. 146 Lansdowne Park I noted the presence of flashing attached to the southern elevation of the adjoining property to the north that appears functions to direct surface water over the centre point of this wall.

I note that the proposed dwelling (No. 147 Lansdowne Park) has a northern elevation that bounds this boundary wall which is indicated for the most part as being positioned immediately alongside this wall and towards its western end having a very minimal lateral separation between this wall.

Of concern the documentation with this file does not provide any clarity on whether there is firstly, provisions made in the design for this surface water diversion and secondly whether there is consent for the same with details on any such arrangements.

To this I note that the documentation appears to suggest these mainly period in construction stone wall but at some point, repaired are to be maintained with the external envelope of the proposed dwelling as said immediately adjoining it.

I also observed that lead flashing appears to provide the same function from the northern elevation of No. 149 Lansdowne Park with this extending northward beyond the centre point of the curved concrete capping on the southern boundary wall that demarcates this subject site.

The same concerns therefore arise in relation to this surface water measure and the proposed dwelling on the southern portion of the site (Note: No. 148 Lansdowne Park).

In relation to these concerns these I consider they are a **new issue** in the consideration of this appeal case and whilst this arrangement could result in issues for both proposed dwellings if not properly addressed in terms of the design and the interface between the proposed dwellings and these existing properties, I nonetheless consider it to be a civil matter for resolution between the parties concerned.

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

I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

On the basis of the above considerations, I recommend that the Board attach as an advisory note Section 34(13) of the said Act should they be minded to grant permission.

## 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 is the Special Area of Conservation: South Dublin Bay SAC (Site Code: 000210) South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located c4.6km to the east as the bird would fly.
- 8.2. The proposed development consists of minor demolition works associated with the existing roadside boundary, site clearance works relating to the hard surface car park in situ and the construction of two three-storey dwellings, a boundary wall with separate pedestrian and driveway gates to each dwelling, off-street parking and all associated ancillary works and connections to public services in the curtilage of No. 60 Northumberland Road, a Protected Structure. This would also involve the creation of two new subdivisions and a revised plot for the main building of No. 60 Northumberland and its reduced in area ancillary front and rear spaces. The proposed

development site is serviced residentially zoned 921m<sup>2</sup> site in built-up city neighbourhood of Dublin 4 which is located over 2km to the south east of Dublin city's centre.

- 8.3. Having considered the nature, scale, extent, and location of the proposed development, I am satisfied that it can be eliminated from further assessment.
- 8.4. This is on the basis that it would not give rise to any appreciable effect on any Natura 2000 site or sites.
- 8.5. 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 'Z2' 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 capacity of existing public infrastructure to absorb the proposed development.
  - The pattern of development in the vicinity of the site.
  - The pattern of permitted development in the vicinity of the site.
  - 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).
- 8.6. 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. This 921m<sup>2</sup> appeal site relates to the rear curtilage of No. 60 Northumberland Road, a Protected Structure, in Dublin 4 over circa 2km to the south east of Dublin's historic city centre as the bird would fly.
- 9.1.2. 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 at its nearest point is located 0.5km from the River Dodder. This water body forms part of the sub-catchment 09-16 Dodder\_SC\_010 and is indicated under the WFD as at risk. It forms part of the larger catchment of 09 Liffey and Dublin Bay. 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 immediate setting; however, within the wider setting the site is located within proximity of land which are at low to medium risk from fluvial flooding in the OPW maps,
- 9.1.3. The proposed development is set out under Section 2 of the report above and was revised on foot of a further information response received by the Planning Authority on the 14<sup>th</sup> day of January, 2025, and comprises of the demolition part of the existing roadside boundary wall, the subdivision of the rear curtilage of No. 60 Northumberland Road, site clearance works relating to the hard surface car park in situ and the construction of two three-storey dwellings, a boundary wall with separate pedestrian and driveway gates to each dwelling, off-street parking and all associated ancillary works and connections to public services. This would also involve the creation of two new subdivisions and a revised plot for the main building of No. 60 Northumberland and its reduced in area ancillary front and rear spaces.
- 9.1.4. No water deterioration concerns were raised in the planning appeal.
- 9.1.5. 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 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 including the Grand Canal and other water bodies at further lateral separation distance from this proposed development site.

9.1.6. The reason for this conclusion is as follows:

- The modest nature, extent, and scope of works on this brownfield serviced site.
- The pattern of development categorising the urbanscape between the site and the River Dodder at its nearest point with the site itself and its immediate setting outside of lands indicated as having any flood risk potential or past events in the OPW maps, including fluvial in nature. There is a lack of any potential hydrological connection to this waterbody.
- The location of the site relative to the nearest water body which is the Grand Canal and the nature of the serviced developed intervening urbanscape 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.

9.1.7. 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 GRANTED.

## **11.0 Reasons and Considerations**

11.1. Having regard to the appeal site relating to No. 60 Northumberland Road, a Protected Structure, and its visual setting which includes being adjoined by and neighbouring Protected Structures; the site and its setting 'Z2' Residential Neighbourhoods (Conservation Area) land use zoning objective under the Dublin City Development Plan, 2022-2028; the prevailing nature, scale and pattern of existing development to the rear of Northumberland Road period properties with frontage onto Lansdowne Park; this proposed developments consistency with relevant local through to national planning provisions including but not limited to those set out under the said Development Plan relating to mews dwellings, subject to the revisions made under the further information response received by the Planning Authority on the 14<sup>th</sup> day of January, 2025, that the proposed development located within a highly accessible serviced Dublin south city neighbourhood would provide contemporary design approach to optimise densities at this location whilst respecting the special character of its built heritage sensitive to change setting, the established residential and visual amenities of its surrounding setting, it is considered that subject to compliance with conditions set out below that the proposed development would comprise the efficient and site appropriate use of urban land, would not seriously injure the amenities of the area, would not have any undue visual or built heritage impacts on its setting, it would not result in a traffic hazard or other road safety issue and it would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and significant additional information received by the planning authority on the 14<sup>th</sup> day of January, 2025, except as may otherwise be required in order to comply with the following

conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours, and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** in the interest of visual amenity and to ensure an appropriate high standard of development.

3. The proposed dwellings indicated as 147 Lansdowne Park and 148 Lansdowne Park shall each be used as a single dwelling unit and shall not be used for multiple occupancy living units/non-residential uses, except where otherwise permitted by way of a separate grant of planning permission.

**Reason:** in the interest of clarity and to ensure proper planning and sustainable development.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** in the interest of visual amenity.

5. The developer shall accord with the following requirements of the planning authority:

- (a) The office/study room at second floor level of the proposed dwelling units shall not be used as a bedroom.

- (b) The in-curtilage car parking space for proposed dwelling unit 147 Lansdowne Park shall be omitted and a revised boundary treatment addressing

the public domain of Lansdowne Park provided omitting the proposed vehicle entrance. In this regard, the existing on-street pay & display / permit parking bay shall be retained at its existing site and location with no opening serving this dwelling opening directly onto this space.

(c) The site development works, and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

(d) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control'.

(e) Noise levels from the proposed development should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. The rated noise levels from the site (defined as LAeq 1 hour) shall not exceed the background noise level (as defined in B.S. 4142:2014 by 10 dB or more.

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

**Reason:** In the interest of the proper planning and sustainable development of the areas, in the interest of residential amenity and in the interest of urban legibility.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected within the rear garden area of

the either of the proposed dwellings without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space and private amenity space is retained for the benefit of the occupants of the new dwelling.

7. The developer shall comply with all requirements of the planning authority in relation to conservation matters. Specifically, the development shall comply with the following:
  - (a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor, and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
  - (b) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
  - (c) In advance of works commencing on site, the applicant shall submit the following information to the Planning Authority for their written agreement:
    - (i) The stone to be used in the proposed new boundary wall shall be granite to match the existing historic walls. Full details of all proposed new elements, such as toothing-in and repair work and details of the new boundary walls shall be submitted. The new elements shall match the original in terms of material, sizes of stone, coursing, and mortar colour (NHL 2).
    - (ii) Site exemplars for the repair of historic boundary walls, including the removal of pointing, raking out, cleaning, patch repairs, re-facing and repointing and new works to the walls to be agreed on site with the Conservation Officer prior to this package of works commencing.
  - (d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

(e) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

(f) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

**Reason:** In order to protect the original fabric, character, and integrity of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice

8. The developer shall comply with all requirements of the planning authority in relation to traffic matters. Specifically, the development shall comply with the following:

(a) Prior to commencement of development, and on appointment of a main contractor, an updated Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of construction waste. The provision of cycle parking and changing facilities shall be included for workers. The Construction Traffic Management Plan shall seek to minimise impact on the public road and potential conflict with pedestrians, cyclists, and public transport. The applicant shall liaise with Dublin City Council during the construction period.

(b) A servicing strategy plan shall be agreed in writing with Environment and Transportation Department prior to occupation of the first residential unit. Bins shall be stored in a designated bin store at the rear of the site and wheeled through the tunnel for collection from Lansdowne Park. This process shall be

managed by a concierge service or similar to prevent obstruction of on-street parking, tunnel access and the carport.

(c) A minimum of 11 no. staff cycle parking spaces shall be provided as part of the development to serve 60 Northumberland Road. The applicant shall comply with the requirement of the Cycle Design Manual cycle parking accommodation. (d) The applicant shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future employees of the proposed development comply with this strategy. A Travel Plan coordinator for the office shall be appointed to oversee and co-ordinate the preparation of individual plans.

**Reason:** In the interest of proper planning and sustainable development.

9. The developer shall comply with all requirements of the planning authority in relation to drainage matters. Specifically, the development shall comply with the following:

(a) The developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

(b) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system.

(c) The development shall incorporate Sustainable Drainage Systems in the management of surface water. Full details of the surface water management proposals shall be agreed in writing with DPPDC Section prior to commencement of construction.

(d) The developer shall ensure that an appropriate Flood Risk Assessment (FRA), in accordance with the OPW Guidelines and the Dublin City Development Plan, 2022-2028, Strategic Flood Risk Assessment, is carried out for the proposed development.

(e) The outfall surface water manhole from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

(f) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** in the interests of visual and residential amenity.

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

12. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

13. Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Irish Water.

**Reason:** In the interests of public health.

14. (a) Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. (

b) The development name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** in the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

15. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

18. The developer shall pay to the planning authority a financial contribution of in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.

**Reason:** it is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

**Advisory Note:** The developer is advised that the provisions of Section 34(13) of Planning and Development Act, 2000 (as amended), which relate to ‘Permission for Development’, states that ‘a person shall not be entitled solely by reason of a permission under this section to carry out any development’.

*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

19<sup>th</sup> day of June, 2025.

### 13.0 Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP-322032-25</b>
<b>Proposed Development Summary</b>	<b>PROTECTED STRUCTURE:</b> Permission is sought for the construction of two three-storey dwellings, a boundary wall with separate pedestrian and driveway gates to each dwelling and off-street

	parking and all associated ancillary works and connections to public services.
<b>Development Address</b>	No. 147-148 Lansdowne Park, Ballsbridge Dublin 4, which is located to the rear of, No. 60 Northumberland Road (a Protected Structure), Dublin 4.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<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>	N/A
<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	N/A

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>	N/A
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>Subthreshold for Class 10(b)(i) and Class 10(b)(iv).</b>  <b>Preliminary examination required. (Form 2)</b>

<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>	
Yes <input type="checkbox"/>	N/A
No <input checked="" type="checkbox"/>	

Inspector: \_\_\_\_\_ Date: 19<sup>th</sup> day of June, 2025.

## 14.0 Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>ABP-322032-25</b>
<b>Proposed Development Summary</b>	<b>PROTECTED STRUCTURE:</b> Permission is sought for the construction of two three-storey dwellings, a boundary wall with separate pedestrian and driveway gates to each dwelling and off-street parking and all associated ancillary works and connections to public services.
<b>Development Address</b>	No. 147-148 Lansdowne Park, Ballsbridge Dublin 4, which is located to the rear of, No. 60 Northumberland Road (a Protected Structure), Dublin 4.
<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 essentially seeks to construction two dwelling units on an existing area of hard stand to the rear curtilage of a Protected Structure alongside the provision of a vehicle access serving the main building on site which is in use as an office together with the provision of associated ancillary works, structures and services on a 921m <sup>2</sup> site in the established historic south Dublin city neighbourhood of Dublin 4.  The proposed development is modest relative to the nature, scale, and extent as well as is consistent with the pattern of mews dwellings that has occurred to the rear of Northumberland Road period properties and designated Protected Structures with road frontage onto the western side of Lansdowne Park.  The proposed development is not exceptional in the context of its urban neighbourhood and the ad hoc

	<p>pattern of development that has occurred on either side of Lansdowne Park and to the rear of Northumberland Road with few opportunities remaining for other similar developments to occur and fronting onto Lansdowne Park. The rear site is currently in hard stand for car parking use which is out of character with the Protected Structure and the pattern of development to the north and south of the site. The lands are serviced zoned accessible with synergistic pattern of land uses in easy reach of the site.</p> <p>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. I also consider that 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.</p> <p>I am satisfied that the development, does not pose a risk of major accident and/or disaster, and due to its location would not be vulnerable to climate change.</p> <p>This proposed development would not present a risk to human health.</p>
<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, ancillary spaces, and a large area of hardstand to the rear.</p> <p>The site is not designated for the protection of the environment or are any of lands within its vicinity.</p> <p>The site relates to the curtilage of a Protected Structures (Note: No. 60 Northumberland Road); the period buildings to the north and south of No. 60 Northumberland Road are similarly afforded protection with No. 60 Northumberland Road forming part of a once highly coherent semi-detached pair that formed part of a coherent group that addressed the eastern side of Northumberland Road. The site and its setting are zoned 'Z2' Residential Conservation Area zoned lands.</p> <p>The Development Plans Core Strategy and accompanying provisions supports compact, dense</p>

	<p>through to consolidated residential development at service accessible locations like this subject to safeguards. This aligns with regional and national planning provisions. However, this is subject to safeguards including those that provide protection for safeguarding the special character of Protected Structures and their visual setting alongside the protection of the character of Residential Conservation Areas from inappropriate development. There is no local through to national planning presumption against such a development in this type of built heritage sensitive context subject to demonstrating compliance with the relevant local through to national planning provisions as well as guidance.</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 4.6km as the bird would fly from the site at its 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 two three-bedroom dwelling units proposed.</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, cumulative effects, and opportunities for mitigation).</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 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).</p>

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: \_\_\_\_\_ Date: 19<sup>th</sup> day of June, 2025.

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

(only where Schedule 7A information or EIAR required)