



An
Bord
Pleanála

Inspector's Report

ABP-322220-25

Development

PROTECTED STRUCTURE: The development will consist of a part 2-storey part 3-storey mews building and all associated site works. The mews building will contain 8 studio apartments.

Location

Rear of 50 Leinster Road, Dublin 6.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3900/24.

Applicant(s)

Highgate Design Limited.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

3 no. Third Party v Grant.

Appellant(s)

Anthony O' Driscoll, Philipp Rahn and Niall Lynch; Dermot and Martina Brosnan, Danny and Bernardine Carroll and Jerry Kelliher and Roisin Hayes; James McCarthy and Elizabeth Kelly.

Observer(s)

None.

Date of Site Inspection

6th June 2025.

Inspector

C. Daly

1.0 Site Location and Description

- 1.1. The subject site consists of the rear area of 50 Leinster Road, a protected structure, and consists of a flat concrete slab area separated by a fence from the rear garden of the main house at 50 Leinster Road which is a 4-storey 19th century house with a two to three storey annex structure to the side which is separately accessed from the front. The main house is set back from the road with a landscaped front garden. The main house and annex and the adjacent no. 51 consists of multiple residential units.
- 1.2. The rear of no. 50 Leinster Road backs on to Grosvenor Lane, on to which a vehicular entrance gate and wall from the rear of the site are located and this is where access is proposed. The adjacent rear gardens to the east adjacent to the laneway include garages facing onto Grosvenor Lane and immediately adjacent there is a garden structure/studio building at the end of the adjacent rear garden at no. 49B. To the west, there are a number of mews dwellings, including two to three storey buildings, at various intervals along the south side of the laneway.
- 1.3. The subject site in a residential conservation area is located c.550m walking distance south-west of Rathmines Main Street.

2.0 Proposed Development

- 2.1. The proposed development, as amended by way of further information, in summary, consists of the following:
 - A part two storey and part three storey mews building with part mono-pitch roof and flat roof with solar panels, to the rear of 50 Leinster Road, a protected structure (the original depth of the building was 15.4m and this was reduced to 12.4m and floor area was reduced from 424sqm to 357sqm).
 - Mews building set back to achieve a laneway width of 5.5m.
 - Access is direct from Grosvenor Lane.
 - 6 no. apartment units consisting of 4 no. one bedroom units and two no. studio units (the original proposal included 8 no. studio units).

- Communal open space is to the rear of the mews building and rear terraces are proposed at ground floor and second floor levels with first floor terraces to the front.
- A timber-clad bin and bike storage structure which will subdivide 50 Leinster Road in two.
- The existing side boundary stone walls to be retained.

The initial application was for 8 no. studio apartments in a two to three storey mews building of greater depth and floor area than the building amended at F.I. stage.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council initially decided to request further information in relation to the high proportion of studio units and by reference to whether units 1 and 4 can be considered studio units and suggested a redesign to provide for no more than 6 units (two studios at second floor level and 4 dual aspect units below); conservation concerns which considered the structure excessive and inappropriate and the upset of the balance in the proportionality between the mews structure and the protected structure with the applicant requested to consider a reduction in the scale including the depth of the two storey element; conservation concerns in relation to the removal of the large tree and shed, alterations to the rear of the protected structure and conservation concerns in relation to the rear boundary treatment; safety concerns in relation to vehicular servicing of the site, concerns in relation to construction works blocking the lane and details of the proposed cycle parking.

Following F.I. the P.A. decided to grant permission subject to 16 no. conditions. Notable conditions include:

- Condition no. 2 requires a Section 28 Development Contribution payment.
- Condition no. 3 requires a bond or cash deposit lodgement to ensure the satisfactory completion of services and infrastructure.

- Condition no. 4 required the submission of details for agreement of all external finishes and public realm areas to be furnished prior to commencement.
- Condition no. 5 required the submission of a drawing survey of the boundary walls and detailed work specifications and method statement.
- Condition no. 6 required all works to be carried out in accordance with best conservation practice and guidelines and the protection of all existing original features in the vicinity.
- Condition no. 7 required full implementation of the landscaping scheme.
- Condition no. 11 required no additional development above roof level.
- Condition no. 13 required double yellow lines along the front of the site on Grosvenor Lane and revised cycle parking details.
- Condition no. 14 required the incorporation of SUDS drainage measures.
- Condition no. 15 required a Construction Management Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report noted the Z2 site zoning '*to protect and/or improve the amenities of residential conservation areas*' and the location within a conservation area. It notes that the proposal is within the grounds of a protected structure and policy in relation to the protection of their curtilages. It notes that most of the structures to the rear of the houses on the laneway are two storey structures such that the laneway can be considered a mews laneway.

It notes that the lane is 3m wide in front of the site and is wider on both sides and that the proposed setback would provide a minimum width of 5.6m and this would be incorporated into the lane and taken in charge. The absence of on-site car parking was considered acceptable given the location. The proposed density of c.227uph was considered acceptable noting the proximity to public transport and the small size of the units.

The height and scale was noted by reference to policy for mews developments and the precedent that will allow buildings of similar depth along the lane. The 33sqm of

rear communal open space was considered sufficient. The submitted daylight assessment was noted where it stated the units to be capable of meeting minimum requirements.

The remaining private open space area of c.128sqm for the main house was considered satisfactory noting its subdivision into 11 studio apartments. Separation distances between the mews building and the main house of c.15.5m and between the annex of 16.2m were noted. It noted high level windows and angled fins to the rear terraces to reduce overlooking.

The report reflected the further information issues noted in Section 3.1 above.

The second Planner's Report considered the response to the further information request. In relation to the unit mix, it considered the revised mix of 4 no. one bedroom units and two no. studio units to comply with policy and relevant standards. It notes a revised separation distance between the mews building and the main house resulting in a larger area of communal open space. The density of 171uph was considered acceptable.

The report notes the compliance with separation distances for backland housing and a separation distance of 18.4m given the reduced depth of the building and no concerns in relation to private open space. However, serious conservation concerns remained in relation to the intensity of the proposed arrangement within the protected structure and its curtilage.

A unified landscaping and boundary treatment was proposed which was considered acceptable and a specific condition was recommended due to the poor condition of the boundary walls. The submitted Servicing and Waste Management Plan was considered acceptable given there would be no need to leave bins on the laneway among other issues. In relation to construction and the laneway, this was acceptable to the Transportation Planning Division which noted the provision of the construction compound on the site and the maintenance of emergency access on the laneway. Improvements to the layout of the cycle parking was recommended to be dealt with by condition.

The report concluded by noting that the proposed site sub-division caters for the communal open space requirement for the sub-divided protected structure whether this sub-division is permitted or not or is a pre-1963 development. The units were

considered to provide an acceptable standard of residential amenity and to not result in any undue adverse impacts on the protected structure and the revised design reduced any impacts on adjoining residents, including no. 49B to the east in respect of loss of daylight and sunlight.

3.2.2. Other Technical Reports

- Conservation Officer: 1st report – Recommended refusal in relation to excessive and inappropriate structure in relation to the residential mews. 2nd report – Grant subject to conditions. The first condition referring to the employment of a conservation expert for the works was not included in the grant of permission and the last part of the third condition in relation to the requirement for the highest standards for the detailing and materials was not put into the conditions for the grant of permission. The the conditions applied otherwise provide for the works to be carried out in accordance with best conservation practice.
- Transportation Planning: 1st report – Recommended requesting further information. 2nd report – No objection subject to conditions.
- Environmental Health Officer: No objection subject to conditions.
- Drainage Division: No objection subject to conditions.

3.3. Prescribed Bodies

- An Chomhairle Ealaíon: No response received.
- Fáilte Ireland: No response received.
- Uisce Éireann: No response received.
- An Taisce: No response received.
- The Heritage Council: No response received.
- Department of Housing, Local Government and Heritage: No response received.

3.4. Third Party Observations

12 no. third party observations were received by the P.A.. These can be summarised as follows:

- The proposal would materially contravene the Z2 zoning for the site.
- The proposal is not for a mews development and this description is misleading.
- The proposed development is contrary to the Apartment Guidelines in relation to unit mix and minimum floor areas.
- There would be an adverse impact on the protected structure, its setting and on the character of the conservation area.
- The public notices do not reference the division of the site of the protected structure.
- The conservation method statement fails to deal with the site subdivision.
- No. 50 consists of bedsits without planning permission.
- No. 59 is not comparable given different context and size.
- No.s 51 and 52 being single units with more bedrooms are not comparable.
- The development should be described as a build to rent development, and the public notice is misleading.
- The backland location is inappropriate for build to rent development and this is overdevelopment.
- Mews structures are required to be subservient to the main house.
- Concerns in relation to visual impact including overbearing, incongruous and out of character with the area.
- Concerns in relation to loss of privacy for adjacent sites and no provision for trees for screening.
- The separation distance is contrary to the Compact Settlement Guidelines.
- The screen planting would impact on the daylight for the apartments.
- There is a failure to provide for families given the small unit sizes.
- Concerns in relation to overshadowing impacts including in relation to shadowing of solar panels.

- The laneway does not have the capacity for this type of development.
- The independent daylight assessment shows a negative impact on no. 49B and it omits APSH details for certain windows.
- Insufficient private open space and failure to apply for the site sub-division.
- Aim is to maximise floor space at the expense of the site.
- Reduced parking for the main house by private open space to its front.
- Congestion and safety related issues in relation to absence of car parking.
- The laneway width is inadequate for access, emergency access, construction vehicles and waste collection.
- There will be school construction works for the next two years with access only via two pedestrian gates on Grosvenor Lane.
- There has been no consideration of noise impacts.
- No consent for drainage channel on boundary with no. 49B.

4.0 Planning History

Subject Site:

0472/02: Permission refused for the erection of two-storey mews buildings and associated services to the rear of lands and fronting on to Grosvenor Lane.

Reason for refusal related to the narrow entrance point to the laneway at 4m in width with no footpath and restricted visibility would be contrary to Section 14.15.0 (n) of the Development Plan and would endanger pedestrians by reason of a traffic hazard.

Sites in the Vicinity:

5092/22: Split decision by the P.A. for amendments to permitted development ABP-304871-19 (DCC Reg. Ref. 2810/19) and DCC Reg. Ref. 2936/20 at 62/63 Leinster Road, for relocation of entrance doors and archways for bin storage and at first floor level for changing flat roofs to form roof terraces with access stairs to own gardens to the rear and extending the living room and bedroom 1 to the front to form a bay and extending over the garage to form a study and at second floor level. (Permission

refused for changing the flat roofs to form roof terraces with access stairs to own gardens to the rear and for works to the second floor level).

Reason for refusal included the following, *“overbearing form of development which would be out of character with the pattern of development along this mews lane and constitute over development of this site, which is located to the rear of Protected Structures, and located in a Zone 2 Residential Conservation Area. The proposed development would be contrary to Policy CHC2 and CHC4, and also would be contrary to Section 16.2.2.2 of the Dublin City Development Plan 2016- 2022, which states that “it is particularly important that proposed development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape”. The proposed development would furthermore due to the location of the rear terraces seriously injure the residential amenities of adjoining properties due to increased perceived overlooking and noise, would set an undesirable precedent for similar developments along this mews lane”*.

3650/21: Permission granted by the P.A. and granted on appeal (Ref. ABP-312378-22) at Rear of 51 Leinster Road for demolition of existing shed and construction of two storey and part three storey detached mews house in the rear garden of No. 51, Leinster Road, a Protected Structure. The new house will include a garage and vehicular access to Grosvenor Lane, a screened terrace to the rear on the first floor.

2739/21: Permission granted by the P.A. and granted on appeal (Ref. ABP-310957-21) for demolition of existing shed and construction of two storey and part three storey detached mews house in the rear garden of No. 52 Leinster Road.

3871/20: Permission granted by the P.A. for the demolition of the existing single-storey garage and construction of a new single-storey mews building of area c. 48.5 sqm, comprising a home gym/ work shed, shower/W.C. and home office, all ancillary in use to the existing house, at the rear and in the curtilage of No. 49B Leinster Road.

3721/20: Application declared invalid for the demolition of the existing single-storey garage and construction of a new single-storey mews building of area c. 48.5 sqm, comprising a home gym/ work shed, shower/W.C. and home office, all ancillary in use to the existing house, at the rear and in the curtilage at No. 49B Leinster Road.

4757/18: Permission granted by the P.A. for the construction of two storey and part three storey detached mews house in the rear garden of No. 57 Leinster Road.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028 as amended (the CDP)

The subject site is zoned under zoning objective 'Z2 Residential Neighbourhoods (Conservation Area)' which is to *"To protect and/or improve the amenities of residential conservation areas"*. The site is located within the curtilage of a protected structure (RPS no. 4651), no. 50 Leinster Road.

Chapter 3 – Climate Action

- CA 7 Energy Efficiency in Existing Buildings

To support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retro-fitting of appropriate energy efficiency measures in the existing building stock, and to actively retrofit Dublin Council housing stock to a B2 Building Energy Rating (BER) in line with the government's Housing for All Plan retrofit targets for 2030.

- CA 11 Energy from Renewable Sources

To support, encourage and facilitate the production of energy from renewable sources, such as from solar energy, hydro energy, wave/tidal energy, geothermal, wind energy, combined heat and power (CHP), heat energy distribution such as district heating/cooling systems, and any other renewable energy sources, subject to normal planning and environmental considerations.

- CA 12 Micro-Renewable Energy Production

To support, encourage and facilitate the development of small scale wind renewable facilities / micro-renewable energy production.

Chapter 8 – Sustainable Movement and Transport

- SMT 27 Car Parking in Residential and Mixed Use Developments

(i) 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.

- (ii) 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.*
- (iii) To safeguard the residential parking component in mixed-use developments.*

Chapter 9 – Sustainable Environmental Infrastructure and Flood Risk

9.5.11 Digital Connectivity Infrastructure

SI 46 Open Access / Operator Neutral Host Connectivity To require all new developments to provide open access connectivity arrangements directly to the individual premises to enable service provider competition and consumer choice.

Chapter 11: Built Heritage and Archaeology

- Section 11.5.1 the Record of Protected Structures

In relation to the development of protected structures, Policy BHA 2 states that development will conserve and enhance protected structures and their curtilage and it lists 8 objectives.

- Section 11.5.3 Built Heritage Assets of the City

Policy BHA 9 notes 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*”.

- Policy BHA 14 Mews

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

- Section 11.5.4 Retrofitting, Sustainability Measures and Addressing Climate Change

- BHA 22 Upgrading Environmental Performance

To ensure a sustainable future for historic and other buildings subject to heritage protection, the City Council will encourage and support works to upgrade the environmental performance of the existing building stock that incorporates good standards of design and appearance...The installation of renewable energy measures and equipment will be acceptable where sited and designed to minimise the visual impact and does not result in any significant loss of historic fabric or otherwise affect the significance of the structure.

Chapter 14: Land-use Zoning

- Section 14.7.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2

Land-Use Zoning Objective Z2: To protect and/or improve the amenities of residential conservation areas.

Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. 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. 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.

Chapters 11: Built Heritage and Archaeology, and Chapter 15: Development Standards, detail the policies and objectives for residential conservation areas and standards, respectively. Volume 4 of this plan contains the Record of Protected Structures.

The principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.

Chapter 15: Development Standards

- Section 15.8.6 Public Open Space

- Section 15.8.7 Financial Contributions in Lieu of Open Space

Public open space will normally be located on-site, however, in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park. In these cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the City Council Parks Programme, in fulfilment of this objective.

- Section 15.9 Apartment Standards
- Section 15.9.1 Unit Mix

Specific Planning Policy Requirement 1 states that housing developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms unless specified as a result of a Housing Need and Demand Assessment (HNDA) carried out by the Planning Authority as part of the development plan process.

SPPR 2 provides some flexibility in terms of unit mix for building refurbishment schemes on sites of any size, urban infill schemes on sites up to 0.25 ha, schemes up to 9 units and for schemes between 10 and 49 units. The planning authority will assess each application having regard to SPPR 2 on a case by case basis.

- Section 15.9.2 Unit Size / Layout

Specific Planning Policy Requirement 3 sets out the minimum floor areas for apartments. The minimum standards for apartments, as set out in the guidelines are as follows:

Studio (1 bedspace): 37sqm

1 bed (2 bedspaces): 45sqm

- Section 15.9.4 Floor to Ceiling Height

SPPR 5 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) set out the requirements for minimum floor to ceiling heights. A minimum floor to ceiling height of 2.7m for ground floor residential units and a minimum of 2.4m in upper floor shall be provided.

- Section 15.9.3 Dual Aspect

Specific Planning Policy Requirement 4 requires a minimum of 33% dual aspect units in central and / or accessible urban locations and 50% of units in suburban and / or intermediate locations.

- Section 15.9.7 Private Amenity Space

Private amenity space shall be provided in the form of terrace, balcony or private garden and should be located off the main living area in the apartment. The minimum areas for private amenity are set out in Appendix 1 and Section 3.35 to 3.39 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) for details.

- Section 15.9.8 Communal Amenity Space

The minimum areas for private amenity are set out in Appendix 1 and Section 4.10 to 4.12 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) for details.

On refurbishment or infill sites of up to 0.25 ha, the communal amenity requirements may be relaxed on a case by case basis.

- Section 15.9.11 Security

New apartment developments should incorporate safe and secure design principles throughout the scheme by maximising natural surveillance of all common areas, streets and parking areas. The design of the development should ensure activity along all building facades to create a sense of safety and security. The location of entrance doors and lobbies should be located in highly visible areas of the building and should be well lit and overlooked.

Ground floor level apartments should be provided with a privacy strip of approximately 1.5m in order to maintain adequate security and privacy within the unit.

- Section 15.9.16.1 Daylight and Sunlight

A daylight and sunlight assessment should be provided to assess the impact of the proposed development on the surrounding properties and amenity areas outside the site boundary and assess the daylight and sunlight received within each individual unit and communal areas of a proposed scheme.

- Section 15.13.4 Backland Housing

Consideration of access and servicing and the interrelationship between overlooking, privacy, aspect and daylight / sunlight are paramount to the success and acceptability of new development in backland conditions....A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

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

This section lists a number of considerations for backland housing including,

A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres

- Section 15.13.5 Mews

...It is an objective of the City Council to protect the character and setting of mews dwellings and to ensure all new proposal are respectful and appropriate in its context; see also Policy BHA14 and Objective BHAO5 in Chapter 11...

- Section 15.13.5.1 Design and Layout

...Traditional and/ or high quality contemporary design for mews buildings will be considered. The materials proposed should respect the existing character of the area and utilise a similar colour palette to that of the main structure.

The distance between the opposing windows of mews dwellings and of the main houses shall ensure a high level of privacy is provided and potential overlooking is minimised. In such cases, innovative and high quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling.

Private open space shall be provided to the rear of the mews building to provide for adequate amenity space for both the original and proposed dwelling and shall be landscaped so as to provide for a quality residential environment. The open space area shall not be obstructed by off-street parking.

If the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for the main house divided into multiple dwellings and for mews development.

With regard to Protected Structures, where new boundary walls are proposed between the principal building and the associated mews / coach house, the proposed boundary line should be located at an appropriate distance from the building line of the Protected Structure so as to provide an appropriate amenity space for the Protected Structure...

- Section 15.13.5.2 Height, Scale and Massing

New buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. The height of mews building should not negatively impact on the views from the main property. Development will generally be confined to two-storey buildings. In certain circumstances, three-storey mews developments incorporating apartments will be acceptable, where the proposed mews building:

- *is subordinate in height and scale to the main building;*
- *is maintaining the established height of existing mews roof ridgelines*

- *has an acceptable level of open space and where the laneway is suitable for resulting traffic conditions;*
- *has sufficiently sized apartment units in line with the relevant Section 28 guidelines.*

This is in line with national policy to promote increased residential densities in proximity to the city centre.

Proposals for an additional set back level may be considered on a case by case basis where the additional floor is integrated within the pitched roof element of the structure or where the design and form is contemporary. The set-back should be a minimum of 1.5 metres from the front building line.

- **Section 15.13.5.3 Roofs**

The roof profile for mews buildings should be simple and in keeping with the character of the area. The following roofs are suitable: flat green or low-pitch metal roofs and double pitched slate roofs similar to the surviving mews building. All pitched roofs should run parallel with the mews lane with no ridge lines running perpendicular to the lane. New development should not break the legibility of the form of the original coach house terrace.

- **Section 15.13.5.4 Access**

Parking provision in mews lanes, where provided, may be in off-street garages, forecourts or courtyards, subject to conservation and access criteria. Car free mews developments may be permitted in certain circumstances where there are specific site constraints and where alternative modes of transport are available. Each development will be assessed on a case by case basis.

Potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. Where access cannot be provided, an access and movement strategy must be provided to justify that the development can be adequately served. See Appendix 5 for further details.

All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided. Where historic materials exist, roof materials,

stone, paving surfaces, windows, joinery, ironmongery etc. these should be retained in order to protect the special character of the original mews lanes.

Appendix 3: Table 1 Density Ranges

Table 1 sets out density ranges.

Table 2 sets out plot ratio and site coverage standards.

Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply.

Outer City (Suburbs) Outside of the canal ring, in the suburban areas of the city, in accordance with the guidelines, heights of 3 to 4 storeys will be promoted as the minimum. Greater heights will be considered on a case by case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in Table 3.

Table 3 sets performance criteria in assessing proposals for enhanced height, density and scale.

Appendix 5: Transport and Mobility: Technical Requirements

- 2.5 Car Parking and Cycle Management
- Table 1 – Cycle Parking Standards
- Section 4.3.8 Mews Parking

All parking provision in mews lanes, where provided, will be in off-street garages, forecourts or courtyards, subject to conservation and access criteria. Car free mews developments may be permitted in certain circumstances where there are specific site constraints and where alternative modes of transport are available. Each development will be assessed on a case by case basis.

Potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. A minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) is required. In circumstances where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated.

- Section 4.0 Car Parking Standards
- Table 2 – Maximum Car Parking Standards

Volume 4: Record of Protected Structures

The site is located within the curtilage of a protected structure (RPS no. 4651), no. 50 Leinster Road.

5.2. National Guidelines and Strategies

5.2.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (the Compact Settlement Guidelines).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the Apartment Guidelines).
- Architectural Heritage Protection Guidelines (2011).
- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and the associated Urban Design Manual (2009).

5.2.2. Other relevant guidelines include:

- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (3rd Edition, 2022);
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Climate Action Plan 2025 and Climate Action Plan 2024.

5.3. Natural Heritage Designations

5.3.1. In relation to designated sites, the subject site is located:

- c.0.7km south of the Grand Canal Proposed Natural Heritage Area (PNHA) (site code 002104).
- c.4.1km south-west of South Dublin Bay Special Area of Conservation (SAC) and PNHA (site code 000210).

- c.4.1km south-west of South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (site code 004024).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeals on behalf of Anthony O' Driscoll, Philipp Rahn and Niall Lynch; Dermot and Martina Brosnan, Danny and Bernardine Carroll and Jerry Kelliher and Roisin Hayes; and James McCarthy and Elizabeth Kelly can be collectively summarised as follows:

Overdevelopment

- The floor area of 352sqm on a restricted site exceeds the scale and floor area of 49B which is 279.5sqm. The depth of 12.4m significantly exceeds the 9.9m depth of no. 49B.
- If the garden area preserved for the main house was proportional it would reduce the scale and intensity of development resulting in a subsidiary development.
- The site is restricted and the density of 195uph and scale and intensity of development represents overdevelopment on a substandard laneway. This results in severe adverse impacts on residential amenities in the vicinity.
- An apartment building of 6 units as opposed to the single mews unit granted at No. 57 is gross overdevelopment.
- The overall size, scale and massing is far more intense than the precedents on the laneway.
- Regard should be had to the main house being sub-divided into 11 units and a three bed annex.
- The development is at odds with the established pattern of development.
- The density of 195uph is grossly excessive and is equal to 11,590sqm per ha.
- The width of the laneway opposite is only 3m.

- The F.I. request for a reduction in scale and depth was not addressed in a meaningful way and the full width of the site is used.

Built Heritage

- This is not an urban infill site but the grounds of a protected structure.
- The view of the CO that the garden depth is too short for the protected structure was not changed by the design revisions.
- The design is to maximise the development of the site with no evidence of special care taken in the design or in relation to neighbouring amenity.
- The development, in terms of its scale, height and density, cannot be considered to be sensitively designed and it will materially contravene policy BHA 2 of the CDP.
- The Conservation Method Statement is inadequate confining itself to the boundary walls and fails to assess the heritage impact of the building, the severance of the site and the effect on the conservation area and failure to comply with the Architectural Heritage Guidelines.
- The surfacing and external materials for the remaining open spaces are discordant and unsuitable.
- It will be visually prominent and intrusive in the rear garden setting.
- The proposal is not proportional and subservient to the main dwelling and the Conservation Officer (CO) recommended refusal of permission.
- It is not clear why permission was granted in light of the CO's concerns.
- The development is taller than houses opposite on Grosvenor Square (see reg. ref. 3514/12) contrary to policy and is not subordinate to Leinster Road houses.
- No. 49B adjacent was the home of Constance Markievicz and is steeped in the history of 1916 preparations.
- The new development will be highly visible from Grosvenor Square and Leinster Road and will impact on views from the public realm.

- The scale and intensity of development will prevent the protected structure from being returned to family home use.
- The severance of the rear garden of the protected structure results in a serious loss of amenity and is injurious to its character contrary to Section 13.3 of the Architectural Heritage Guidelines.
- The historic maps do not show mews stables to the rear and the lane is free of buildings.

Impact on Character and Residential Amenity

- The rationale for assessing the proposal as a mews development is a fundamental error of interpretation as it fails to assess the nature of the development and design as a three storey structure.
- The scale of development to a height of 38.075m over GL in contrast to the neighbouring mews studio of height 32.8m over GL results in a massive difference of 5.23m demonstrating the overbearing scale and height.
- Two first floor units will directly overlook and encroach on no. 80-89 Grosvenor Square with no trees to be planted on the boundaries and reciprocal overlooking would also result.
- There are no sections through the site showing Grosvenor Square (two storeys) such that the development cannot properly be assessed.
- Insufficient separation distances from the main house, first floors between 15.5m and 16.1m and failure to comply with SPPR 1 of the Compact Settlement Guidelines with good design required.
- The potential for overlooking is high given the intensity of development.
- The location of the cycle parking and bins on the rear boundary will introduce significant noise, disturbance, intrusion, odours and overlooking of adjacent properties.
- There will be a reliance on planters at second floor level to avoid overlooking of the protected structure and neighbouring properties.
- The planters were not considered in the daylight assessment and it appears unlikely they will be maintained.

- The scheme includes no landscaping proposals.
- There has been no consideration of noise and the fin balconies for the rear terraces will not block noise.
- The site is elevated by c.0.7m above the adjacent garden level at 49B Leinster Rd and together with the boundary wall this will result in more pronounced overlooking, overbearing and overshadowing impacts
- Failure to respond to the character of the area in terms of height and form as well as external materials.
- The development pushes c.19m into the garden of no. 50 with overbearing visual presence on the garden, the mews studio and on the protected structure.
- The building line would not align with the adjacent mews and it is out of scale by comparison.
- There is no consent for the drainage channel on the boundary with No. 49B and which could adversely impact on the heritage character of the wall.

Daylight and Sunlight

- The Daylight Impact Assessment at F.I. stage concludes that the adjacent studio accommodation fails to meet the BRE guidelines for skylight testing and there is no basis for disregarding this issue.
- The F.I. assessment incorrectly label the studio accommodation as 'GYM' and therefore there is no assessment of daylight or sunlight for these rooms. The attached Digital Dimensions report highlights these issues.
- The impact on the adjacent mews studio property on 21st March is unacceptable given the projection beyond the rear building line.
- The amenity of the mews studio is critical as it comprises an art studio, an established professional artist and it will be turned into a dark tunnel.
- The blocking of sunlight from the southwest over the main part of the day would adversely impact the energy efficiency of the solar panels on the roof of the adjacent mews studio.

- The daylight assessment is inadequate and does not address the impact of the loss of sunlight to the adjacent solar array and this would have an adverse impact on the generation of electricity (increase of 26.2% of CO2 output) and this would materially contravene policies CA7, CA 11, CA 12 and BHA 22 of the CDP. Refer to report from KR Renewables.
- The proposal will result in a significant reduction in the carbon output, reduction in the BER rating of the property and risk permanent damage to the panels.
- There is likely to be a noticeable reduction in available morning daylight and sunlight to the living spaces and gardens of no. 80-85 Grosvenor Square.
- There would be significant detrimental shadowing of the adjacent houses at no. 49A and 49B Leinster Road.
- 49B contains an artist studio where light is absolutely critical.

Build to Rent Policy

- The Development Plan (policies QHSN 40 and QHSN 41) restricts the location of BTR development to key locations and the site does not meet the relevant criteria.
- The proposal materially contravenes Policy QHSN 41 which precludes BTR schemes given the need to provide meaningful community facilities and there is no justification noting the main house comprises 11 studios with an overconcentration proposed.
- This would lead to a more transient community of renters contrary to policy and the design is insular with a failure to integrate.
- The proposal materially contravenes Policy QHSN 42 which requires evidence that resident support facilities are appropriate and which discourages BTR schemes of less than 10 units.
- Material contravention of QHSN 40 due to an overconcentration on the site and failure to avoid an overconcentration of one housing tenure.

Material Contravention of CDP Zoning Objective

- Due to excessive scale and height, density and intensity of development on a backland lane and due to visual overbearing and dominance, overlooking and overshadowing and adverse impacts on residential amenities, the Z2 zoning objective to protect and/or improve the amenities of residential conservation areas would be materially contravened.
- The zoning objective requires special care for development and the scale of development is not subsidiary to the main house.
- The third storey roof element is discordant with the area and the design is of no design merit or aesthetic quality with similar adverse impacts to those found at no. 57.
- Build to rent use is only open for consideration and is not appropriate for the area.

Unit Mix

- The 6 studio units materially contravenes SPPR 1 of the Apartment Guidelines and fails to comply with Section 15.9.1 of the CDP. While SPPR 2 allows some flexibility this is not merited given the overdevelopment of the site and there are already 8 studio apartments in the existing house and SPPR 2 is materially contravened.

Residential Standards

- The floor space standards cannot be satisfied as the development is for 100% studio units and is substandard in the absence of one and two bedroom units.
- All apartments are single aspect and units 1 and 4 face north-west contrary to Section 15.9.3 (Dual Aspect) of the CDP and SPPR 4 where 50% dual aspect is required. Material contravention of SPPR 4.
- The communal open space cannot provide functional outdoor amenity space given the interference with access to the bin stores and cycle parking.
- The 33sqm communal open space is inadequate in area with no regard for the actual one bed unit sizes of some units and the internal floor areas of the stairs are excluded from the calculation.
- Insufficient cycle parking and storage.

Private Open Space

- The existing 12 apartments require 230sqm of private open space with 168sqm proposed giving rise to a 72sqm shortfall.
- The 40sqm private open space in the front garden for the annex house is not appropriate as this has always been a parking area and the Coach House has a side walkway to the rear garden.

Unsustainable Precedent

- The proposal cannot be considered to be a mews development. There are precedents for refusal in relation to overdevelopment and impact on existing protected structures at 37 and 38 Mountpleasant Avenue Lower, Dublin 6 (Reg. Ref. 2938/16 and ABP Ref. PL.29S.247009), 75 Clontarf Park, Dublin 3 (Reg. Ref. 2522/17 and ABP Ref. PL29N.249200) and at 64 Grosvenor Road, Dublin 6 (Reg. Ref. 3476/17 and ABP Ref. PL29S.249385).
- An undesirable precedent would be set by a grant of permission.
- No. 59 is not a comparable development – it is a single family unit at the intersection of two laneways, is not directly overlooking other properties, is not as bulky or close to other dwellings, differing laneway widths and garden depths.
- There are issues with no. 59 including its visual prominence and its adverse impact on the residential conservation area.
- The plans for 51 and 52 Leinster Road show a much shorter depth.

Car Parking and Access

- Endangerment of pedestrians and cyclists on the laneway where there is an existing school access for Harold's Cross ETS.
- The previous refusal on the site for a two storey mews related to the inadequate laneway width and restricted visibility for vehicular movements giving rise to a traffic hazard.
- The intensity of development will significantly increase pedestrian and vehicular traffic on the laneway.

- Table 2 of Appendix 5 of the CDP sets out a maximum provision of 1 space per dwelling in zone 2 and no justification is provided in relation to absence of provision although there is no room for provision or vehicular access. This is contrary to SMT 27.
- 6 spaces would overwhelm the lane generating excess traffic that could not be provided for on site.
- Laneway parking is at capacity and is used by residents of Grosvenor Square, Leinster Road, adjacent roads, the local school and workers from Rathmines.
- The character and width of the laneway mean there is no on-lane parking available and no area for set down or drop off.
- Access could be blocked for other vehicular traffic and emergency vehicles.
- Even without parking there would be demand for drop off of deliveries and this will lead to the obstruction of the laneway to other users with no set down area in an area where this is overspill parking from existing mews.
- The laneway of varying widths fails the minimum carriageway width standard of the CDP and this test was upheld under ABP-315982-23 (Rear 10 Leinster Road).
- Refuse collection will cause a hazard particularly as there are communal bins.
- During construction the full site would be hoarded such that the laneway width of 3.26m would operate for up to 18 months notwithstanding construction traffic and result in obstructions.
- The swept path analysis confirms the need to use part of the hoarded-off site during construction.

Irregularities

- There is no evidence of any planning permission for the rearrangement of the garden curtilage and the severance from the protected structure in a disproportionate manner where the larger area of the garden is allocated to the subject development.

- The development description in the public notices is seriously deficient and misleading as the proposal is not for a mews building and gives rise to a misinterpretation of CDP policy.
- The accurate development description would be build to rent apartment complex of 6 studio apartments. This raises issues regarding:
 - Compliance with the 2001 Regulations (Arts 17 and 18(1)(d)).
 - The validity of the application.
 - Different policies and standards apply to build to rent accommodation.
 - The appropriateness of the laneway for such accommodation.
 - Tenure is a material consideration.
- There is no reference in the notices to subdivision of the curtilage of No. 50 and the severance of the protected structure from the garden.
- The severance of the rear garden from the main protected structure and the paving of the rear garden has taken place without a grant of permission.
- There is no planning permission for the sub-division of the protected structure or the recent window changes.
- The application should be invalidated per Article 26 due to misleading and inadequate public notices.

6.2. **Planning Authority Response – dated 17th April 2025**

The P.A. response requested that the P.A. decision be upheld and that conditions in relation to Section 48 Development Contribution, the payment of a bond, the contribution in lieu of open space, the naming and numbering condition and the management company condition be upheld.

6.3. **Applicant Response – dated 6th May 2025**

A response to the third party appeals was submitted and this can be summarised as follows:

- The plot size is significantly wider than the adjacent properties allowing for greater density.

- There is policy support for three storey development and increased density across the city.
- There are three storey mews building along the laneway at no.s 57 and 65 Grosvenor Lane (Reg. Ref. 5498/06) and there are two no. part two to three storey developments on the lane.
- The proposed density of 171 uph is consistent with the range for an 'urban neighbourhood' given the accessibility to bus stops per the Compact Settlement Guidelines.
- The rear laneway width would be 5.5m with the building line taken from the line of the permitted mews buildings at no. 51 and 52.
- There is no overdevelopment as supported by the Planner's Report FI assessment in relation to backland development policy.
- The Development Plan and Section 28 guidelines support suitable densities in backland developments, including mews sites.
- A Housing Quality Assessment has been prepared for the revised design demonstrating compliance with all standards.
- The removal of the concrete slab and rear breeze block wall will enhance the setting of the protected structure.
- The current site does not contribute to the character of the protected structure.
- The proposal will enhance the visual amenity thus enhancing the setting of the protected structure and wider conservation area.
- Conditions 4, 5 and 6 are sufficient to protect the character of the protected structure and site.
- The P.A. could have requested a Heritage Impact Assessment but did not deem it necessary.
- The application makes no reference to Build to Rent and it also does not meet the BTR definition of the CDP. The development will not be managed or serviced in an institutional manner by an institutional landlord.

- The CDP mews definition attaches no significance to the absence of stables but notes the location on a lane in the rear garden of an existing house.
- The site notice referenced the lands to the rear of 50 Leinster Road with the site plan clearly outlining the site sub-division. A similar approach was undertaken at no.s 51 and 52 Leinster Road with decisions upheld by the Board.
- There have been no planning breaches on the site as alleged.
- The revised development complies with the standards for apartments and the appellant raises issues with the original design.
- The depth of the mews has been reduced and the separation distances are compliant with SPPR 1 of the Compact Settlement Guidelines.
- The widening of the lane will enhance safety and is consistent with previous applications.
- There is no car parking requirement per SPPR 3 of the Compact Settlement Guidelines.
- The small tenures will result in an minimal influx of cars and this is offset with cycle parking provision.
- There is a car-share facility at Grosvenor Square.
- To avoid unregulated parking the P.A. conditioned double yellow lines to the front of the site.
- In relation to refuse collection, refer to the Servicing and Waste Management Plan prepared by NRB submitted at F.I. stage.
- The Outline Construction and Traffic Management Plan noted how the works can be carried out without obstructing access to Grosvenor Lane.
- The preparation of a Construction Management Plan was conditioned by the P.A..
- The site is well supported by public transport routes within 500m to 700m of the site.

- The communal open space meets the CDP requirements with the appellants referencing the previous design.
- The development at no. 49B is a home gym /work shed per the planning documentation and the rooms are not habitable with no requirement daylight / sunlight.
- Condition no. 2 for no. 49B required no human habitation and commercial use is not allowed per the permission.
- KRA renewables have provided a report on the impact of the development prior to the F.I. response per its date and it cannot be relied upon.
- Digital Dimensions have reviewed the daylight report associated with the original application and all of Digital Dimensions findings must be fully discounted. Refer to subsequent GV8 report.
- Similar forms of development have been implemented such that there is no unsustainable precedent and the site is significantly larger.
- In relation to overlooking, the section drawings demonstrate the FFL will be 350mm lower than the level of the current concrete slab.
- No significant new issues have been raised and the development has been subject to an in-depth assessment by the P.A. and the site can readily absorb the development.
- Report attached by GV8 in relation to daylight and sunlight. In summary it highlights the following:
 - In relation to no.s 85 to 87 Grosvenor Square there would be no substantial changes in terms of impacts from the proposal.
 - In relation to 49B Leinster Road,
 - the zones identified as falling short of skylight access was by small margins of 0.3% and 2.9%;
 - the room uses in the mews have a reduced sensitivity to light levels such at the negligible/minor to minor classification for VSC is well founded;

- the BRE guide only requires sunlight access testing for main windows serving living room accommodation;
- the garden area assessment split was based on the observed site conditions but assessed as a whole it still meets the BRE conditions being not less than 0.8 times its former value, i.e. 46% of the area would receive at least 2 hours of sunlight on March 21st;
- Digital Dimensions have raised a matter of presentational style in relation to VSC results.
- It remains appropriate to assess the impact by reference to the permitted use.
- The information in Figure 1 (page 3) of the Digital Dimensions report relates to the GV8 assessment of the original scheme and the tables and findings on page 3 must be summarily discounted.
- The GV8 assessment lodged at F.I. stage is an accurate and fair reflection of the impacts that would be experienced by the building permitted in 2021.
- The impacts are within tolerable bounds having regard to the acute need for housing in the city.

6.4. Third Party Responses

6.4.1. A response to the first party appeal response was received on behalf of Anthony O' Driscoll, Philipp Rahn and Niall Lynch dated 27th May 2025 and 9th May 2025 respectively. This response can be summarised as follows:

- The site is not an end of terrace development and its location between residential development and the small plot size makes it more sensitive.
- The height must be assessed in the context of the overall height of buildings in the vicinity.
- The development is at odds with the established pattern of development on Grosvenor Lane.
- Access on to Grosvenor Lane remains narrow and very restricted.

- The omission of car parking will undermine the operation of the laneway and will give rise to vehicular and pedestrian conflict.
- Since the 2002 refusal in relation to traffic hazard the use of the lane has been significantly intensified to unacceptable and unsafe levels.
- The permissions at no.s 51 and 52 Leinster Road were for individual dwellings and the proposal differs considerably given the high level of intensification and would set an undesirable precedent as noted by the Conservation Officer.

6.4.2. A response to the first party appeal response dated 29th May 2025 was received on behalf of James McCarthy and Elizabeth Kelly, third party appellants. This response can be summarised as follows:

- The public notices continue to fail to describe the nature of the development.
- The nature of the site is not urban infill.
- The applicant refers to a “mews building” comprising “properties rented on long leases” and therefore acknowledges it is a build to rent scheme.
- The density is grossly excessive in such a constrained setting.
- Other mews development on the lane are located in less constrained sections with wider lane widths and amidst higher three to four storey houses.
- The revised design failed to address the P.A. concerns in relation to overdevelopment.
- The reduction in unit numbers does not address the issues with the form and intensity of the development.
- The three storey development will be particularly incongruous in the context of the single storey mews building and adjacent two storey protected structures.
- The Compact guidelines do not support substandard development in terms of design, character and amenity.
- The existing mews development on the lane shows this is out of character.
- If the Board were to accept urban neighbourhood designation, it would fall within the lower density threshold of 50uph, in the region of two units.

- There is a failure to apply a positive conservation approach and reference to the existing concrete slab and improvement thereon is not acceptable.
- The height is at least equal to the height of buildings on Grosvenor Square.
- The Board upheld the reduction of the scale and depth of the extension at 50 Grosvenor Lane (ABP-312871-22) and similar applies here.
- The development forms part of a portfolio managed in the manner of an institutional investment with no definition of institution noted.
- There is no survey of the extent of BTR within 1km.
- The development would materially contravene Policy QHSN40, QHSN41 and QHSN42 in relation to build to rent accommodation given the location and absence of required facilities.
- The assessment should be of the entire site per conservation principles.
- The planning breaches on the site and lack of amenity for existing renters are indicative of the conduct of the applicant.
- The site is not accessible to large vehicles without creating a traffic hazard and obstruction and adherence to the construction management plan is not possible.
- The Council need to address traffic flow, on-street parking and infrastructure issues on the laneway before further development can proceed.
- The claims that the adjacent mews is not habitable is an admission of the scale and adverse impact.
- The mews clearly functions as an art studio ancillary to the use and enjoyment of the main house.
- The design revisions do not ameliorate the impact of overshadowing on the art studio and supplementary reports from Digital Dimensions and KRA Renewables are submitted.
- The daylight assessment from GV8 concludes that the art studio fails to meet the BRE guidelines and this impact is an egregious injury to residential amenity of the neighbouring mews.

- The Digital Dimensions report noted issues and gaps with the GV8 report including:
 - The BRE guidelines apply to structures where there is a reasonable expectation of daylight.
 - Substantial reduction in daylight for window IDs 26 and 27 at 68.8% of the existing value is considerably below the 80% threshold.
 - For the outdoor space, the sunlight diagram only indicates the 2 hour contour.
 - Failure to provide APSH results for window IDs 25, 26 and 27 and there is a high probability these windows fall below the levels recommended by BRE. The report notes a high likelihood of noticeable reduction in daylight and sunlight.
- The design fails to address overlooking issues including from the intensity of development.
- The precedents cited do not address the issue of unsustainable design.
- The proposal adversely affects the adjacent renewable energy system.
- Photomontage of proposal from adjacent property submitted.
- Report attached from KRA Renewables which notes that despite revised design, the new structure continues to cause significant shading, particularly during afternoon hours.
- The new building will reduce the performance of the solar panels from 90% to 82% resulting in an annual energy loss of 1,126kWh and the system is projected to suffer a 21% loss of energy yield.
- The reduction in energy yield for the solar panels poses risk of thermal stress and accelerated degradation of the panels and is likely to reduce the BER from B3 to C1.
- The revised design fails to mitigate the impact on the solar panels.

6.5. Applicant's Further Response

6.5.1. The response on behalf of the applicant dated 30th June 2025 to the third party response on behalf of James McCarthy and Elizabeth Kelly can be summarised as follows:

- The response continues to reference permission for 8 no. units when permission was granted for 6 no. units only.

Density, Scale, Height and Character

- The development of equal height to the neighbouring buildings is not overbearing in nature.
- The P.A. accepted that the development aligns with Section 15.13.5.2 of the CDP and it is in line with national policy objectives to increase densities.
- The wide plot allows comfortably for a higher residential density.
- The lane will be widened to 5.5m as part of the site development.
- The established pattern is that rear gardens host substantial buildings and structures ranging from single to three storeys.
- The allowable density range is from 50 to 250 such that 171 uph is within acceptable parameters within walking distance of multiple high-frequency public transport routes.
- The revised layout meets the requirements of Section 15.13.4 of the CDP.

Conservation

- The development is not taller than the existing structure such that no overbearing will occur.
- Brickwork and render façade, zinc roofing and planting will incorporate the building into the existing Z2 conservation area.
- No concerns were raised by prescribed bodies and within the Planner's Report or Conservation Report in response to the F.I. submission.
- The design will offset the current unsightly concrete wall present.

Nature of Use

- The P.A. correctly noted that this is not a BTR development and it will not be managed in an institutional manner and this BTR claim is unfounded.

Planning Breaches

- Enforcement matters and standard of accommodation issues raised in relation to the main house are not relevant to this application.
- The concrete slab will be removed enhancing the setting of the adjacent protected structure.

Traffic Hazard

- The CMP and the Servicing and Waste Management Plan will be fully implemented when development commences ensuring management in accordance with agreed protocols.
- The new building line is setback to achieve a minimum laneway width of 5.5m and it aligns with the rear buildings of no.s 51 and 52.
- Current activity on the laneway is not a relevant consideration.

Overshadowing

- The permitted use of the adjacent building is relevant to the significance of the impact on it and it is ancillary to the main dwelling and incidental to the enjoyment of the home.
- Habitable rooms such as bedrooms and living rooms having higher safeguarding standards.
- The adjacent gym with large sections of south facing windows would receive adequate lighting for a large part of the day for a building granted on the basis of ancillary / incidental uses only and this is supported by the updated Daylight / Sunlight analysis technical noted prepared by GV8.
- The CDP makes no reference to the efficiency of solar panels and position of the outbuilding is such that it would still receive good levels of sunlight.

- PV panels should be positioned in high level positions to maximise efficiency and respond to Irish weather and the position on single storey buildings will be less effective in urban areas.
- The new building includes an array of PV panels at roof level which will contribute to the microgeneration of electricity in the area and energy efficient homes.

Overlooking

- The separation distances together with the mitigation measures and lower ground level would preclude undue overlooking of existing houses.

Unsustainable Precedent

- The scale, height and massing of the referenced precedents closely align with the proposed development.
- Given the 4 no. one bed units and two no. studios, the overall occupancy will be modest.
- The development promotes compact growth and sustainable urban intensification.
- The application must be considered in the context of the existing urban form, plot size and local character, which support the proposed scale and density.
- In relation to the photomontage submitted, the design accords with relevant policies and guidelines including appropriate setbacks and heights.

Daylight / Sunlight Report by GV8

- In relation to VSC for zones 24, 25 and 26 at 49B Leinster Road, the impacts fall within acceptable bounds and such departures must be accommodated when sustainable development and urban consolidation is pursued as a priority.
- The absence of an APSH assessment for windows 25, 26 and 27 is appropriate as the associated rooms are not in use as residential living rooms but are uses consistent with the permitted uses.

- The sunlight access testing for neighbouring gardens is consistent with the BRE guidance and there is no requirement for a supplementary false colour mapping as suggested.

6.6. Third Party Further Response

A further response dated 15th July 2025 to the first party appeal further response of the applicant was received on behalf of James McCarthy and Elizabeth Kelly, third party appellants. This response can be summarised as follows:

- The previous submission is to be read together with their previous appeal responses and their previous submission and does not replace their previous appeal submissions.
- There is no basis for the assertions that the previous appeal submissions are incorrect and updated technical reports were submitted to reflect the scheme changes.
- The applicant has failed to address the grounds of appeal and there is no mitigation to overcome this.
- The applicant acknowledges that the properties will be rented on long leases thereby admitting it is a build to rent scheme and the development description is incorrect.
- Mews structures should be subordinate to the main structure and not be at the same height.
- Despite the limited lane widening, the 3.1m pinch point would remain at the entrance of the laneway and the laneway would not be further widened.
- The development would be overbearing on the laneway and on the adjacent property to the north-east and special care should be taken.
- The wider site width can only accommodate a maximum of two mews dwellings at a maximum height of two storeys.
- The Z2 zoning objective is of paramount importance in requiring special care to protect the special conservation character of this area.
- The applicant has not addressed the qualitative assessment necessary to justify the proposed density.

- The substandard design fails to reinforce the character of the area.
- An equivalent floor area of 11,590sqm per hectare is grossly excessive within the curtilage of a protected structure and in a conservation area.
- The two storey nature of Grosvenor Square makes the three storey height inappropriate.
- The revised design fails to address the initial concerns of the P.A..
- The incongruous form of development is shown in the image from Digital Dimensions from the adjacent property to the north-east.
- The revised reports from KRA and Digital Dimensions addressed the revised plans and demonstrate the significance of the adverse impact.
- The development is at variance with CDP policy 15.13.5.2 which requires the maintenance of the height of existing mews roof ridge lines.
- The Compact Guidelines do not support substandard development in terms of design, character and amenity.
- The availability of bus transport does not transform the site limitations.
- If the urban neighbourhood site classification were accepted, it would fall within the lower density threshold of 50uph.
- The applicant has failed to submit plans of the section between the site and Grosvenor Square.
- The submitted Method Statement is a distraction to focus attention on the boundary wall rather than on the impact of the incongruous scale and height of the proposed development.
- No Heritage Impact Assessment was submitted and the failure to request same is related to the Conservation Officer's initial refusal recommendation. Justification on a 'less bad' approach fails to apply a positive approach.
- The recent decision at 49 Leinster Road required a reduction in scale and depth due to visual conspicuousness and the same is required here.

- Tenure and occupancy are valid considerations regarding transitional use and intensity of impacts and there is no assessment of BTR development in the vicinity.
- CDP policy QHSN40 would be materially contravened.
- The development description of a mews as part of a protected structure shows that the site is not separate from the protected structure.
- Planning irregularities are the responsibility of the site owner.
- The applicant has failed to address the traffic hazard issues including via conflict with pedestrian and cycle movements along an access to a school with the laneway failing the minimum width test of 5.5m.
- The contention that the adjacent mews structure is not habitable is an admission of the significant scale of the overshadowing impact on the art studio, a home-based activity.
- Minor setback revisions do not ameliorate the overshadowing impact.
- The GV8 submission fails to engage in a meaningful way with the fact the client's studio accommodation fails to meet the BRE guidelines as a result of the proposal. This should not be overlooked for housing development.
- The Digital Dimensions review of the GV8 report concluded there is likely to be a noticeable reduction in available daylight and sunlight to the living space and artist studio to the rear of no. 49B.
- The departures from BRE standards do not have to be accommodated by ACP and they can choose to determine that the impact on adjacent residential amenity is injurious within a conservation area.
- The response that the PV panels should be located at a higher level is not reasonable.
- In relation to overlooking, the applicant fails to address the difference in site levels with the adjacent site to the north-east. 6 separate dwellings result in a greater loss of privacy of habitable rooms, bedrooms, garden etc.

- The developments at 51 and 52 Leinster Road are of lower intensity and lesser depth and mass. Other precedents referred to relate to less constrained site contexts and are not comparable.
- The immediate lane context is of single storey development and a three storey building in the midst of these will be visually obtrusive and incongruous.
- The applicant has failed to address the appeal grounds and has failed to justify the proposed development.
- The applicant effectively accepts the photomontage shows significant impacts on visual and residential amenities but they contend it complies with policy.
- The applicant cannot rebut the 21% loss of energy yield of the solar array.

7.0 **Assessment**

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

- Principle of Development.
- Density.
- Built Heritage and Visual Amenity.
- Residential Standards.
- Adjacent Residential Amenity.
- Climate.
- Access and Car Parking
- Infrastructure.
- Other Matters.

7.2. Principle of Development

- 7.2.1. Residential is listed as a 'permissible use' under the 'Z2 Residential Neighbourhoods (Conservation Area)' which is to *"To protect and/or improve the amenities of residential conservation areas"*. I note the appellants' assertions that this is in fact a build to rent development and type of use. I note the definition of BTR from the Apartment Guidelines per Section 5.2 as *"Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord"*. While the application documentation suggests the intended use of the apartment units is for rental, there is no indication specifically that it is intended for *"long-term rental that is managed and serviced in an institutional manner by an institutional landlord"*. There is also no intention to enter into a long-term legal 15 year agreement as required for BTR type development.
- 7.2.2. Section 5.8 of the Apartment Guidelines also notes that *"there is no longer a planning rationale to have BTR as a distinct development type for planning purposes, i.e. that is specifically identified as such as part of the planning process with its own flexible design Standards"*. I note that Section 5.5.7 per variation no. 5 of the CDP reflects the updates made to the Apartment Guidelines in respect of BTR units. This variation deleted BTR as an open for consideration use under the Z2 zoning matrix.
- 7.2.3. I also note that there is nothing to restrict the sale of the proposed apartment units either individually or collectively should the owner wish to do so. Accordingly, given that the minimum internal floor area standards are also met for the proposed apartments, I consider the dwellings to be standard residential units. No relaxation of such standards is sought in this case. I do not consider their intended rental use would give rise to significantly different planning impacts by comparison with an owner occupier tenure and I am satisfied that the units proposed cannot be considered to be BTR units and that the development cannot be considered a BTR development, for example also noting that it would not be a large development with internal residential facilities. I note no material contravention of CDP policy in this regard.

- 7.2.4. Noting the above, I consider the proposed residential apartments, whether for rental or sale, to be a 'permissible use' under the site's zoning objective and I am satisfied that the principle of development is acceptable.
- 7.2.5. I note the issues raised by the appellants asserting that a material contravention of the zoning objective arises. Noting the findings in my below report, I do not consider the adverse effects I have noted below to be of such import that they would materially contravene the zoning objective.

7.3. Density

- 7.3.1. The proposed density would be 171uph given the site area of 0.0351ha. for the revised 6 no. units. The strategic approach in relation to density under Appendix 3 of the CDP states that "*sustainable densities in accordance with the standards set out in the Guidelines on Sustainable Residential Development in Urban Areas 2009 will be supported*". I note Table 1 of Appendix 3 of the CDP sets a density range of 100-250 in the City Centre and Canal Belt, 60-150 in the Key Urban Villages and 60-120uph in the outer suburbs. While I note there is no set range for the inner suburbs, I note the density of 171uph would be materially in excess of that provided for in both the outer suburbs and the key urban villages and noting these classifications I would expect the density range for the inner suburbs to fall between these two ranges.
- 7.3.2. I also note the 2009 guidelines in relation to density referred to in the CDP. They note in relation to public transport corridors that "*It is recommended that increased densities should be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes*". I note the site location is just outside the 500m walking distance of a bus stop (stop no. 1342) to the west on the R317 radial route to the city centre, to a bus stop (no. 4527) on Rathgar Road to the south and it is outside this distance to the Rathmines bus stop (stop no. 1070) on the R114 route to the city centre, factoring in

the walk from the laneway access. I also note Appendix 6.8 of the Design Statement submitted at F.I. stage shows the bus stops on the radial routes to the east and west to be just within a 10 minute walking distance of the site.

- 7.3.3. In relation to urban infill sites, the 2009 guidelines state that *“in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill”*. Noting my assessment below in relation to residential and visual amenity and the protection of the established character and built heritage, I note that that an appropriate balance has been struck, particularly noting the unit mix of two studio units and 4 no. one bed units. However notwithstanding the 2009 guidelines, noting CDP policy in relation to density which provides for ranges, I note the proposed density would be in excess of the ranges set out in Table 1 of Appendix 3.
- 7.3.4. I also note that Appendix 3 of the CDP refers to the requirement for an assessment under the Performance Criteria under Table 3 for proposals where the density/height is in excess of the prevailing density of the area. I consider this to apply given the significant increase in density proposed for the Rathmines suburban area, a lower density residential area.
- 7.3.5. The below table is my assessment of the requirements of Table 3, Appendix 3 of the CDP.

	Objective	Performance Criteria Assessment for Enhanced Height, Density and Scale
1	<i>To promote development with a sense of place and character</i>	As noted elsewhere in this assessment I consider that the proposed design as it relates to the laneway and surrounding context would sufficiently respect and not be out of character with the urban structure, built heritage and the site constraints. It would provide a distinctive design that would aid in enclosing the laneway and would have sufficient vertical emphasis through the

		window design and other elements to not appear monolithic.
2	<i>To provide appropriate legibility</i>	The distinctive design with vertical emphasis, enclosure and three storey height facing the laneway would mark the site appropriately and emphasise the evolving laneway as it becomes more street like and would aid laneway users in reading and navigating the street.
3	<i>To provide appropriate continuity and enclosure of streets and spaces</i>	While there would be less continuity due to the lower height to the north-east and parts of the south-west along the laneway, I note that the height and scale along the laneway is evolving in the direction of increased height and scale and I consider the building would provide an appropriate level of enclosure for this part of the laneway without appearing excessively scaled and overbearing, which would be aided by the setback from the existing rear boundary.
4	<i>To provide well connected, high quality and active public and communal spaces</i>	The proposal would not compromise the use of the laneway for pedestrians and cyclists and would result in increased use by such modes given the absence of car parking provision. I note elsewhere in this assessment daylight and sunlight impacts on open spaces in the vicinity have been considered acceptable. I consider the site would be connected to the street network in the vicinity.
5	<i>To promote high quality, attractive and useable private spaces</i>	I note elsewhere in this report I have assessed the private and communal open space to be acceptable in the urban infill context and I consider it would be sufficiently attractive and

		useable having regard to CDP policies which encourage compact development.
6	<i>To promote mix of use and diversity of activities</i>	Noting the modest site size, I do not consider it practical to provide for a greater mix of uses other than residential use. I consider the unit typology would add to the typology mix in the area and provide smaller units in contrast to the main houses on the streets in the vicinity constructed as large single family dwellings. I do not consider that building or site size to be sufficiently large to provide for a range of housing typologies on the site.
7	<i>To ensure high quality and environmentally sustainable buildings</i>	I note the building would be required to be constructed to the near zero energy rating required by the current building regulations such that it would be sustainable in energy use terms. High quality external material would be used and the provision of a compact development would be sustainable at this location given its proximity to Rathmines and in relation to public transport services. While it would result in some overshadowing, as noted in my assessment in relation to the impact on the adjacent solar panels, I consider this to be acceptable given the energy gains on aggregate. While there would be minimal internal adaptability and the fins for the ground floor bedrooms would not be ideal in relation to the outlook for these rooms, overall I consider this compromise to be justified having regard to the other sustainable qualities of the building.

8	<i>To secure sustainable density, intensity at locations of high accessibility</i>	I consider that the layout would constitute very efficient use of the site and that it would be marginally outside of a 500m walking distance from high quality radial bus corridors with frequent services such that this would be sustainable.
9	<i>To protect historic environments from insensitive development</i>	As noted in the built heritage and visual amenity section of my assessment, I consider that the protected structure and its setting and the setting of the conservation area would be sufficiently protected having regard to CDP policy and the established precedents for mews developments in the area.
10	<i>To ensure appropriate management and maintenance</i>	Should permission be granted, I consider that appropriate management plans in relation to security, management of public areas and waste management can be provided for. I note that the manner in which the laneway facing windows face would provide passive surveillance security of the public realm.

7.3.6. Based on my above assessment of the Table 3 criteria, I consider that overall the proposed increase in density, noting the overall number of bedspaces proposed, above the prevailing density is acceptable based on CDP policy.

7.3.7. I also note the density standards of the Compact Settlement Guidelines have not been incorporated into the CDP but having regard to these I note that per Table 3.1 of same, the location could initially be considered a ‘City – Urban Neighbourhood’ based on “*the compact medium density residential neighbourhoods around the city centre*” and as “*lands around existing or planned high-capacity public transport nodes or interchanges*”. In these areas, it notes that “*it is a policy and objective of these Guidelines that residential densities in the range 50 mph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork*”. Table 3.8 in

relation to accessibility states that *“Highest densities should be applied at the node or interchange and decrease with distance”*.

- 7.3.8. In the context of the just over c.550m walking distance to an existing or planned bus corridor, I note the walking distance in this case is above 500m when the rear laneway access is factored in. Accordingly, I consider that the appropriate density would be at the lower end of the 50uph to 250uph range, i.e. below the mid-point of 150uph. This would effectively mean the location is more akin to the intermediate location category, i.e. *“lands within 500-1,000 metres... of existing or planned high frequency”* urban bus services. Furthermore, Step 2 in the guidelines requires considerations of character, amenity and the natural environment including *“the prevailing scale and mass of buildings”* and *“built heritage character”*. I do not consider that Step 2 would require a further reduction in the density significantly towards the 50uph level of the density range.
- 7.3.9. Having regard to the Compact Settlement Guidelines, and noting CDP policy which takes precedence, overall, having regard to Table 1 of Appendix 3 of the CDP, where a density range of 120uph to 150uph would be appropriate, I consider the proposed density of 171 uph to be justified for the site and location. I therefore am satisfied that it would represent an appropriate intensification of development at this location.
- 7.3.10. I note that the proposed plot ratio of 1.05 would be below the standard for a conservation area and that the site coverage would be above it at 52%. I note the site coverage would indicate a marginal exceedance of this indicator. I do not consider these indicators to require an adjustment to my above density assessment.

7.4. Built Heritage and Visual Amenity

- 7.4.1. I note the Conservation Method Statement report submitted by way of F.I. prepared by Diarmaid Brophy Architects. In terms of assessment, it includes a section on the visual impact of the proposal and it notes that *“we are of the opinion that this variety of storey heights and reduced depth of the mews building, coupled with the articulation of the symmetrical plan arrangement, results in a proposed mews building with a scale and massing which respects the existing character, context and urban form of the area”*. It notes that a detailed landscaping proposal has been

prepared for the remaining garden of the protected structure as part of the F.I. submission with the spaces separated by a *“high quality boundary treatment”*.

- 7.4.2. The report notes that no historic fabric will be removed or lost as part of the works with the works to the side boundary walls most affected in this regard. The proposal is only for repairs/repointing where necessary to these walls to take place. A minimum intervention strategy is proposed according to the report. I consider the Conservation Method Statement submitted, together with the other information on file, sufficient for this assessment.
- 7.4.3. While noting this, I also note the initial report from the Conservation Officer recommended refusal and noted the initial two storey projection beyond the mews building line *“upsets the balance and proportionality between the ‘mews’ development and the Protected Structure”*. It considered the shared bin/plant/bike storage areas questionable. It considered the building height to be subservient to the protected structure but noted the building *“poses as significant threat to the harmonious and orderly development of new residential ‘mews’ buildings along Grosvenor Lane, and to the setting, architectural character and amenity of the Protected Structures on Leinster Road”*. The Conservation Officer recommended a reduction in the building footprint to reflect the consistency with the previously permitted developments along Grosvenor Lane and a reduction in the number of units to provide better quality accommodation and amenity spaces for the individual units that is proportional to the protected structure.
- 7.4.4. In its response to the F.I. response, the CO noted that *“the subdivision of the historic plot to create the new development, is insufficient as it leaves the Protected Structure with a garden that is only 10.016m in depth – this dimension is the same as was submitted in the original planning drawings. In the opinion of the CO, this distance is too short to provide appropriate garden space to the protected Structure – which has previously been subdivided”*.
- 7.4.5. Moreover, the report noted that *“serious concerns regarding the capacity of these [18th/19th century] terraces to provide appropriate, sustainable long-term residential use and associated amenities in such an intensive arrangement as it exists within the host Protected Structure and its respective curtilage. I raise serious concerns over the adverse impacts such development may have on the special character and*

setting in this instance of the principal Protected Structure and on adjoining and adjacent Protected Structures on Leinster Road and Grosvenor Square in which the subject site is located”.

- 7.4.6. The C.O. response report noted that the historic boundary walls could be protected by condition. The report concluded by recommending a grant of permission subject to conditions. I note a lack of clarity as to how this conclusion was arrived at. I note the absence of a clear stated rationale as to how the previous serious concerns raised in the F.I. report have been overcome in relation to the impact of the subdivision on the garden layouts, the shortness of the gardens, the intensity of development and the capacity of the site to provide associated amenities and the stated adverse impacts on the special character and setting of the protected structure and on adjoining protected structures.
- 7.4.7. In relation to the proposed layout and site sub-division, I note the depths of the rear open space for the protected structure and the new building would be close to equal. I note that the grants of permission in the vicinity at no. 51 and 52 included arrangements for site subdivision where the main house retained longer gardens and at no.s 62/63 where the area of private open space for the main houses was larger. However, I also note the sub-divisions to the rear of 46 to 48 Leinster Road where the garden depths are similar to the protected structure and I consider that the differences in garden depths in relation to the other properties along Grosvenor Lane to be marginal.
- 7.4.8. I note the C.O.’s concerns in this regard, particularly that there should be a greater rear garden depth for the protected structure. However, on balance having regard to the pattern of development of the area, the photomontage submitted by an appellant, the somewhat wider site context and the scale of the two to three storey development in the rear garden context, and the general policy to provide for infill development and intensification of development in urban areas, I consider that the site sub-division arrangement would adequately protect the setting and character of the protected structure.
- 7.4.9. Noting the subservient height relative to the protected structure, I do not consider that there would be an overbearing and intrusive appearance in this setting. Following F.I., I note the C.O. raised no objections in this regard. I consider this

would adequately protect the grounds of the protected structure and I agree with the applicant that the removal of the existing concrete slab would enhance the setting. In relation to the intensity of the development, I will assess impacts relating to residential amenity separately below.

- 7.4.10. In relation to the existing rear garden boundary walls, I note these would be preserved, cleaned, repaired and re-pointed where required per the Conservation Method Statement and submitted drawings and per the recommendation of the C.O.. I recommend a standard condition, should permission be granted, that would ensure this in order to protect the historic setting of the protected structure. In relation to the new rear site boundary between the rear garden of the protected structure and the rear communal open space for the new building, I note the proposed timber cladding for the external walls of this boundary and I consider that it would integrate with the setting of the protected structure and the surroundings and would read as a modern intervention. Noting the site landscaping plan, I am satisfied that this sensitive design would be sufficiently in keeping with the character of the site and setting in the context of the new mews building.
- 7.4.11. In relation to the scale of the mews building relative to the houses on Grosvenor Lane, I note the similar two storey height with pitched roof. I note the rear gardens of these dwellings would be separated from the proposed dwelling by the laneway such that I do not consider the proposed building to be a mews dwelling attached to the Grosvenor Lane dwellings such that there is no specific requirement for a subservient dwelling in relation to mews dwelling CDP policy (Section 15.13.5.2 Height, Scale and Massing) in this regard. Matters relating to residential amenity will be separately assessed below.
- 7.4.12. Overall, notwithstanding the concerns of the Conservation Officer, I am satisfied in relation to conservation matters that per Policy BHA 2, Policy BHA 9 and Policy BHA 14 (mews), that the proposed development would be sufficiently sensitively designed in terms of its scale and position on the site and would be sufficiently subordinate in relation to the protected structure and its setting and thus would sufficiently conserve and enhance the protected structure and its curtilage while positively contributing to its character and setting. Noting the proposed external finishes specified on the elevations, I do not consider a specific condition for external finishes is required.

Should permission be granted, I recommend a condition for a naming scheme consisting with the local area and/or its history.

- 7.4.13. In relation to condition no.s 5(a) and 6 of the P.A. grant of permission, I have largely incorporated these into condition no. 2 below at the end of this report.

7.5. Residential Standards

- 7.5.1. In relation to Section 15.9.1 (Unit Mix) of the CDP, the proposal is for 4. no. one bedroom units and two no. studio units. Per SPPR 2 of the Apartment Guidelines, flexibility is provided for schemes up to 9 units and on urban infill sites of up to 0.25ha. and I note the site area is 0.0351 ha. In this context, I consider that the flexibility allowed for should be applied in relation to unit mix given the relatively small site size and that the nature of the development is infill, albeit in the context of a mews structure in the grounds of a protected structure.
- 7.5.2. In relation to Section 15.9.2 (Unit Size/Layout) of the CDP, I note the floor areas of the two no. studio units would be 38sqm. and the floor areas of the 4 no. one bedroom units would be 48, 49, 50 and 51sqm as demonstrated on the floor plans. I note the minimum floor areas required are 37sqm. for a studio and 45 sqm. for a one bed unit such that the required minimum floor area standards would be met including in relation to storage and room widths.
- 7.5.3. In relation to Section 15.9.4 (Floor to Ceiling Height) of the CDP, SPPR 5 requires a minimum ground floor height of 2.7m and for upper floors a minimum height of 2.4m is required. This standard would be met as demonstrated on submitted section B-B. I note in relation to private amenity space for the apartments that the studios would have an area of 5.5sqm of such space and the one bed units would have 6.5 sqm on the ground floor and 5.5sqm on the second floor in excess of the 4sqm. and 5sqm required for studios and one beds respectively.
- 7.5.4. I note that while indoor floor space standards would be met, the north facing bedrooms of unit no.s 1 and 2, there would be a lack of sufficient privacy for these units noting the absence of any setback or privacy strip from the laneway. The absence of a privacy buffer of 1.5m depth would be contrary to Section 15.9.11 (Security) of the CDP. However, given the proposed privacy fins for the windows of these units, I consider that this design addition would be sufficient to ensure privacy for these rooms also noting that they are bedrooms that would mainly be used for

sleeping and overall having regard to wider CDP policies providing for compact and sustainable development.

- 7.5.5. In relation to communal open space, Section 15.9.8 of the CDP requires 4sqm per studio and 5sqm per one bed unit per the Apartment Guidelines. This would give a requirement for 28sqm of such space. It also notes that on infill sites of up to 0.25ha., the communal amenity standards may be relaxed on a case-by-case basis. I note there would be a total of c.62sqm of such space to the rear of the building excluding the heat pumps, bike shed and bin storage areas. However, the access requirements for the bin store and bike sheds would be such that I consider only the western half of the area to be useable and this area would be c.35sqm. with significant portions of this area taken up by raised planter areas and trees. Given the urban infill context and small site size, I consider that this would be an acceptable level of provision for the new building.
- 7.5.6. In relation to this communal space, I note that BRE daylight and sunlight guidance standard is for at least 50% of the space to receive sunlight on the 21st March. The submitted Daylight and Sunlight Assessment report at F.I. stage demonstrates that 85% of the area would be capable of achieving at least two hours of sunlight on the 21st March and I am satisfied that this would be adequate for such a space notwithstanding the assertions made in the appeal including in the expert report prepared by Digital Dimensions.
- 7.5.7. In relation to the open space remaining for the existing dwelling, I note there would be 142sqm with a rear garden depth of 10m which meets the minimum CDP standard for private open space. I note the reference in the application documentation to the subdivision of the existing dwelling such that 11 residential units are provided. I note reference to these units in the application documentation notwithstanding that there is no evidence of permission having been granted for same. Therefore, I consider a requirement for communal open space also arises for the existing buildings in this regard and this would be exceeded given the 142sqm garden area remaining per Section 15.9.8 of the CDP.
- 7.5.8. In relation to minimum required separation distances from the main house, while Section 15.9.17 (Separation Distances (Apartments)) notes a minimum separation distance of 22m required between opposing first floor windows, it also provides for

reduced separation distances depending on orientation and location and I note Section 15.13.4 (Backland Housing) requires a minimum separation of 15m from the rear façade of the existing building and a rear garden depth of 7 metres. I note the first floor of the new building would be just over 18m from the first floor rear façade of the existing building and the second floor would be just over 21m from the rear façade of the main building. I note also I am required to apply SPPR1 (Separation Distances) of the Compact Settlement Guidelines where the minimum separation distance required is 16m. In this context, and noting the backland location, I am satisfied that the required minimum separation distances in relation to rear windows above ground floor level would be met.

7.5.9. In relation to Section 15.9.3 (Dual Aspect), I note that the requirement is for a minimum of 50% of units in suburban / or intermediate locations (i.e. 500-1,000m of high frequency urban bus services) as defined in Table 3.8 of the Compact Settlement Guidelines). While I note that unit no.s 1 and 2 on the ground floor would be highly limited by the use of screen fins in the main north facing bedroom windows and the narrow size of the other bedroom window, these units can nevertheless be considered to be dual aspect given that Section 15.9.3 of the CDP refers to a dual aspect unit to be *“defined as one with openable windows on two external walls”*. In this context, I consider these units to be dual aspect. Therefore 4 out of the proposed 6 no. units or 33% would be dual aspect. I consider that this approach accords with the CDP and SPPR 4 of the Apartment Guidelines.

7.5.10. I also note Section 15.9.16.1 (Daylight and Sunlight) and that habitable rooms require good access to daylight and sunlight in accordance with the relevant standards. The applicant submitted a Daylight Impact Assessment report at F.I. stage prepared by GV8. In relation to target illuminance for the internal rooms, it notes that *“Appendix C of BR209, recommends that, at a minimum, an illuminance of 100lux, 150lux and 200lux should be provided across at least 50% of the utilized floor area, for at least 50% of daylight hours in bedroom, living rooms and kitchens respectively; see Table 1”*. The study found that of the 10 rooms tested, all achieved or exceeded the minimum required standard and I am satisfied in this regard.

7.5.11. In relation to adequate sunlight provision and the BRE guidance, the submitted daylight assessment states that *“a dwelling will be provided with adequate sunlight access in instances where the main windows serving at least one space are capable*

of receiving at least 1.5hrs of direct sunlight on a test day falling somewhere in the period between the 1st of February and the 21st of March. For the purpose of this testing the 21st of March has been adopted as the relevant test day". All of the 44 windows serving habitable accommodation with the proposed mews building were assessed. The results indicated that all of the apartments achieved the standard such that I am satisfied in this regard.

7.6. Adjacent Residential Amenity

- 7.6.1. In terms of impacts on residential amenities in the vicinity, I note the overlooking concerns raised by the appellants including in relation to adjacent properties at Leinster Road and the properties at Grosvenor Lane and particularly in relation to the intensity issue given the 6 no. units proposed. I note the separation distances and window positions are such that no direct overlooking from the rear windows would arise of the rear gardens and houses to the rear of Leinster Road. In relation to the first floor rear terraces, I note there would be rear/south facing horizontal angled fins to a height of 1.8m to provide screening. Given the intensity of development while noting this would somewhat negatively impact on the private open space and amenity value of the terrace, I consider this to be an acceptable design measure to deal with the intensity of development.
- 7.6.2. In relation to the second floor terraces, I do not consider the landscaping proposed around the edge to be an acceptable design solution on its own to prevent overlooking given the difficulties associated with maintaining plants and the ease of removal and the loss of amenity that would result to the terraces. I consider that additional side screen walls for these terraces to a height of two metres would prevent significant overlooking of adjacent properties and would adequately address the intensity of development. I recommend this be provided for by condition should permission be granted. On this basis, I am satisfied in relation to privacy impacts per Section 15.13.4 (Backland Housing) of the CDP.
- 7.6.3. In relation to overlooking of the adjacent gardens to the east and west, on my site visit I did not note significantly lower garden levels adjacent to the east or west and I note the proposed ground level marginally (0.35m) below the existing slab level. In this regard, I note the proposals in relation to the boundary walls would be based on

conservation principles rather than raising such boundaries to provide additional screening.

- 7.6.4. Noting the position of the bike shed and the terrace space for unit no. 1 adjacent to the north-east site boundary with the bike shed to the south, should permission be granted I recommend the inclusion of a two metre high side screen for the ground floor eastern terrace. In relation to the south-western site boundary, I note the proposed ornamental tree planting to a height of 1m. Should permission be granted, I recommend a condition to provide ornamental tree planting to a height of two metres along the south-west side boundary and the inclusion of a two metre high side screen for the ground floor south-west terrace for unit no. 2. On this basis and on balance I consider the proposed boundary treatments, subject to conditions, to be acceptable.
- 7.6.5. In relation to overlooking from the first floor front facing windows towards the rear of the properties at Grosvenor Square, I note there would be c.6.2m to the rear garden boundaries and having regard to the pattern of development in the vicinity and that there would be some direct overlooking of the rear shed roofs in this regard, I am satisfied that that no significant loss of privacy would result noting the intensity of development.
- 7.6.6. In relation to the intensity of development and noise impacts, given the residential nature of the development and its position on the site with good separation distances from the dwellings on Leinster Road, I consider that no significant negative impacts on residential amenity by way of noise would arise.
- 7.6.7. In relation to the position of the new building, its depth and height, I note that it would broadly align with the permitted mews developments to the east and west, and subject to detailed assessment in relation to shadowing and other impacts, I consider that the position of the new mews building would otherwise be appropriately aligned in relation to adjoining development along the laneway.
- 7.6.8. I note the concerns related to overshadowing raised in the appeals. The applicant submitted a Daylight Impact Assessment report at F.I. stage prepared by GV8. For the surrounding properties, of the 62 windows studied, in relation to Vertical Sky Component (VSC), the study demonstrates that 60 of the 62 windows retained skylight levels above advisory minimums on the basis of the relevant BRE guidelines

(the 3rd Edition). The two windows that failed (window no.s 25 and 26 at 49B Leinster Road) were found to be within tolerable bounds.

- 7.6.9. I note the appeal on behalf of 49B Leinster Road included a 'Review of GV8 report on Daylight Impact Assessment' which was prepared by Digital Dimensions. The appeal response included a response to this prepared by GV8. The appellants take issue with the VSC assessment for no. 49B in that it states that *"the rooms to the mews building at no. 49B Leinster Road are used as a art studio and a living room with gym equipment to the north of the room. The rooms have a high requirement for both daylight and sunlight. The GV8 assessment report classifies them as an office and a gym with a low requirement for daylight"*. In particular it notes the results for window 26 at this property to be significantly below standard.
- 7.6.10. The GV8 study found that the impacts are considered to be at the lower end of the scale of impacts and that the mitigating factor of providing an infill housing development at this location over-rides the impacts. The appeal response also noted that the adjoining mews structure is permitted as a home gym/ work shed and not as an artist studio and it is not considered a habitable space where VSC standards apply.
- 7.6.11. I note that window no. 26 would achieve a VSC value of 13.1 which is 50.5% of its former value and below the minimum 27% VSC recommended by the BRE guidelines. For such an impact to be considered at the lower end of the scale, I note the BRE guidelines suggest a reduction of no more than 20% below the former value. However, I note that this room has another south facing window, that it is dual aspect and the appeal response notes that it considers the rooms in this structure to have a reduced sensitivity to changes in light levels given the permitted use and it considered the impact to be *"negligible – negligible/minor"*.
- 7.6.12. I also note in relation to VSC impacts on the adjoining gym / work shed building, that window no. 24 would achieve a value of 31.4 (94% of its former value), window no. 25 would achieve a value of 20.1 (78.8% of its former value) and that window no. 27 would achieve a value of 25 marginally below its existing value of 25.1. On balance noting that the adjoining mews is not considered a habitable structure on the basis of the BRE guidelines and having regard to the policy for densification and compact development, I am not persuaded that the impact is of such significance that

permission should be refused or that the development should be modified. I note that no significant impacts were noted on the windows of adjacent dwellings at no. 50, 50A and 50B Leinster Road or on the windows for no.s 83 to 89 Grosvenor Square.

- 7.6.13. I am therefore satisfied that an acceptable level of impact on the adjacent structure in terms of VSC has been demonstrated noting that this structure was permitted as *“a home gym/ work shed, shower/W.C. and home office, all ancillary in use to the existing house”* and not as a habitable space. I agree with the applicant that the adjacent mews building functions as ancillary space for the main dwelling house.
- 7.6.14. In relation to Annual Probable Sunlight Hours (APSH) where the standard is 25% or not less than 80% of the former value where less than this, I note of the 10 relevant zones (83 to 89 Grosvenor Square – windows within 90 degrees of due south), none failed the test. Winter Probable Sunlight Hours (advisory minimum is 5% unless less 0.8 times its former value is lower) were also assessed with no significant issues noted. The appellant’s report noted that APSH for windows 25, 26 and 27 at 49B Leinster Road were not assessed for APSH and *“which face within 90 degrees of due south and should be included”*. It further notes *“a high probability of loss of sunlight to these windows below the recommended levels set out in the BRE guidelines”*. I also note the GV8 appeal response notes that sunlight access testing was not carried out on the adjoining gym/work shed/home office given that the BRE guide only recommends such testing for the main windows serving living room accommodation. On this basis, I am satisfied with the results of the study in relation to daylight impact on properties most affected given the omissions identified above.
- 7.6.15. The appeal submission prepared by Digital Dimensions noted the failure of the report prepared by GV8 to assess the loss of sunlight to the solar array on the roof of the mews building at 49B Leinster Road. I note the BRE guidance does not advise on this issue. Given the policy provisions of the CDP, I do not consider this matter to be related to residential amenity. I propose to assess it below in relation to the climate related policies of the CDP.
- 7.6.16. In relation to the assessment of adjacent amenity areas, the BRE standard is for at least 50% of the area to receive at least two hours of sunlight on the 21st March. 12 neighbouring outdoor recreational areas were identified at 50A, 50, 49B and 49A Leinster Road as well as at 84 to 89 Grosvenor Square. The study found that all the

areas studied would receive sunlight required by the advisory minimum standards. For example, the impact at no. 49B would be that from 73% to 70% of the area would receive at least two hours of sunlight on March 21st.

7.6.17. I note the Digital Dimensions appeal report takes issue with this part of the applicant's assessment as it is limited to an two hour contour and it states that an 8 hour range should be presented. I also note the appeal response notes this assessment in relation to no. 49B was based on a sub-division of the site observed by satellite photo. The response calculated the garden based on one combined area and found that *"the area capable of receiving 2hrs of direct sunlight on the 21st of March would have dropped from 48% to 46% as a consequence...As the proposed figure (46%) comfortably exceeds the advisory minimum (calculated to be 38% in this case, based on the 0.8 times former value criteria) the garden would also have been found to comfortably satisfy the BRE Guidelines when tested"* as a combined space. On this basis noting the BRE standards incorporated into the CDP, I am satisfied with the results of the study in relation to sunlight for adjacent garden spaces.

7.6.18. I note the appeal report by Digital Dimensions also referred to issues with the presentation of the VSC criteria and the failure to break it down. The GV8 report noted no requirement to do this and I note the manner in which the information is presented is sufficient to enable my assessment in relation to the BRE criteria.

7.7. Climate

7.7.1. The appeal on behalf of no. 49B Leinster Road includes a report on the 'Impact of Proposed Neighbouring Construction on PV System Energy Generation' prepared by KRA Renewables. The report is prepared by a Solar Engineer and an NDBER Assessor and is dated 15th July 2024. The application was received on 25th June 2024. It appears that this report is based on the design of the building at application stage and not on the amended design at F.I. stage given the date and given the images presented of the proposed development within it.

7.7.2. The report notes that the PV system on the adjacent mews building consists of 20 solar watt 325kWp panels and an inverter with panels on an east-west orientation. It provides *"green energy to the main house"* at 49B Leinster Road. It notes that the impact of the building was modelled utilizing Aurora Solar software.

- 7.7.3. The modelling noted that the proposed mews building would reduce the system's efficiency by c.9%. Shading losses would escalate from 1.7% to 27.98% and would result in an increase of 10,411kg of CO₂ over the 30-year lifetime or 31,360kwh of foregone electricity generation leading to a loss of €10,317. It also notes that the shading will create hot spots on the panels as the shaded panels will absorb more heat than the unshaded panels can lead to damage to the panels. It also suggests that the BER for the property would be downgraded from B3 to C1 but that a comprehensive dwelling energy assessment would be required to accurately establish the impact on the BER.
- 7.7.4. In relation to the non-climate related impacts suggested above in the report by KRA Renewables, my report in relation to daylight and sunlight impacts has identified no significant daylight and sunlight impacts which are associated with the scale and position of the proposal relative to no. 49B.
- 7.7.5. The appeal response notes that this report cannot be relied upon for the assessment given the date of the report is 7 months before the F.I. response. I note however that issues have been raised by the report in relation to the original proposed scheme such that I consider it possible that issues may arise in relation to the revised scheme. The appellant at no. 49B responded with an updated report from KRA Renewables in relation to the revised design which noted that it continues to cause significant shading particularly during the afternoon. It found a reduction in solar panel performance from 90% to 82% resulting in an energy loss of 1,126kWh and the system is projected to suffer a 21% loss of energy yield. It noted that the reduction in energy yield for the solar panels poses a risk of thermal stress and accelerated degradation of the panels and is likely to reduce the BER from B3 to C1.
- 7.7.6. While the KRA report notes that the revised design fails to mitigate the impact on the solar panels, I note the applicant's response which referred to the proposed solar panels on the roof of the new building contributing to micro generation of electricity and that it would be an energy efficient building. Where there are solar panels on a single storey structure, I consider that any development above ground floor on this site would likely have a negative impact on the performance of the panels. It noted that in urban areas, solar panels should be positioned at a height.

- 7.7.7. I note the Climate Action Plans 2025 and 2024, and CDP policies in relation to climate, particularly BHA 22 where the Council supports the upgrade of the environmental performance of the existing building stock subject to heritage protection, Policy CA 7 which supports renewable energy sources in existing buildings, Policy CA 11 which generally support energy generation from renewable energy sources and Policy CA 12 which supports the development of micro-renewable energy production. I also noted that CDP policy supports compact growth.
- 7.7.8. On balance, considering the totality of the climate impacts associated with the proposed development including the loss of efficiency that would result for the adjacent solar panels, I consider that the inclusion of solar panels for microgeneration of electricity on the site would sufficiently offset any loss in microgeneration from the adjacent site and this would not be inconsistent with the Climate Action Plan 2025 and Climate Action Plan 2024. I also consider that the proposed building would, in accordance with near-zero passive building regulation standards, provide for a high level of energy efficiency that would not be inconsistent with the Climate Action Plan 2025 and Climate Action Plan 2024.
- 7.7.9. I note these plans both set target ceilings for the residential sector and set a National Retrofit Plan, seek reductions in residential energy consumption and seek ambitious targets for solar power generation and the use of on-site renewables. On the basis of national and local climate related policies, I consider that there would be no significant negative impact on the electricity microgeneration capacity of properties in the area that would be contrary to policy to increase such capacity.
- 7.7.10. In relation to climate impacts I have considered these in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

7.8. Access and Car Parking

- 7.8.1. I note the third parties have raised serious concerns regarding the absence of car parking for the proposed development and in relation to access issues on the lane and parking on the lane and its inadequate width. I have previously noted, per the Compact Settlement Guidelines, that I consider the site to be located in an intermediate area given that it is over 500m walking distance to the bus routes on Rathmines Road and the R137 road to Rathfarnham. I note the applicant's appeal response refers to bus stop 1342 to the west being 550m from the site. I note SPPR 3 of the Compact Settlement Guidelines provides for a maximum rate of car parking provision of two spaces where justified to the satisfaction of the P.A..
- 7.8.2. Given the location within the 10 minute walking distance of the high quality radial bus services and noting that the Transportation section of the P.A. were satisfied with the absence of any car parking on the site, and noting the on-street parking controls in the area, the accessibility to the village centre of Rathmines to the east and the mix of units proposed and that cycle parking provision on the site could be addressed by condition to ensure adequate provision per CDP requirements, I concur with the P.A. that the absence of car parking on the site is justified. I note this in the context of a maximum rate of car parking provision under SPPR 3 and that this SPPR explicitly provides for a reduced or no parking provision where an adequate rationale and justification has been provided. I consider that this would contribute towards sustainable development objectives to reduce dependency on car-based transport in the city. I do not consider that the absence of car parking would result in excessive intensification of the use of the lane as it is more likely to result in increased pedestrian and cycle movements rather than vehicular movements.
- 7.8.3. I also note Table 2 of Appendix 5 of the CDP and the site location within parking zone 2 where the maximum standard is 1 parking space per dwelling and where policy allows for the relaxation of parking standards including in relation to "*proximity to high frequency public transport services (10 minutes' walk)*" among other criteria. Accordingly, I do not consider that the absence of car parking on the site would contravene the CDP or result in significant overspill parking in the area noting that this is largely controlled and such controls can be extended to the laneway if deemed necessary by the Council. I also note that Appendix 5 Section 4.3.8 (Mews Parking) of the CDP provides 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” and I note that alternative modes of transport, bus services within a 10-minute walk of the site, are available.

- 7.8.4. I note that Appendix 5 Section 4.3.8 (Mews Parking) of the CDP also requires adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. I note the proposed building front line would be setback from the laneway to ensure a 5.5m wide laneway as required.
- 7.8.5. In relation to access to the site which would be via the laneway partially widened to 5.5m, I agree with the applicant’s appeal response that the pattern of permissions on the laneway suggest that the P.A. is providing for mews development while ensuring the upgrade/widening of the laneway as part of such provision in order to improve access in line with CDP standards for such mews laneways.
- 7.8.6. Having visited the site and the laneway and having reviewed the submitted F.I. response including the Servicing and Management Plan prepared by NRB Consulting Engineers, I note the demonstration that the bins would be brought through the central ground floor hallway by the refuse provider and I note the tracking diagram demonstrating that a small refuse lorry can access the laneway. I also note the demonstration in relation to the ability of a larger lorry to pull in along the adjacent road between Leinster Road and Grosvenor Lane and I observed ample space to do so on this wide road with on-street parking on my site visit. I note that the P.A. recommended that the area of the front of the site be provided with double yellow lines and this was conditioned in the grant of permission.
- 7.8.7. I concur with the submitted report findings that conflicts with pedestrians and other vehicles would be minimised and that the level of provision on the laneway is reasonable for a development of this type and, noting the reports of the Council’s Transportation Section, I am satisfied that no significant traffic hazard would arise subject to standard conditions and a condition for the provision of double yellow lines in front of the site should permission be granted..
- 7.8.8. I note the submitted Outline Construction and Traffic Management Plan prepared by NRB which includes provision for communication with neighbours along Grosvenor Lane and Leinster Road, that deliveries and removals from the site will be at off-peak times, that vehicular movements will be managed and marshalled on the laneway

and that unobstructed access will be maintained at all times. I also note the autotrack drawings in the servicing report for a fire tender, ambulance and delivery van which give rise to no significant concerns. Should permission be granted, I recommend a condition for these matters to be agreed in advance with the P.A. such that I do not consider that a traffic hazard would arise as a result of these works. I note this in the context of the laneway access being used by vehicles, pedestrians and cyclists including for access to the school at the end of Grosvenor Lane. I also note that construction related issues in relation to noise, dust and other impacts can be dealt with by standard condition requiring the submission of a Construction Management Plan for agreement with the P.A. should permission be granted.

7.9. Infrastructure

- 7.9.1. I note it is proposed that the proposed development will be connected to the surface water and foul drainage network and that foul waste would drain by gravity to the Uisce Éireann public sewer at the junction of Grosvenor Square and Grosvenor Lane. A Pre-connection letter was submitted (Appendix E – Water Services Report) which notes connection to water is feasible without upgrades and that wastewater connection is feasible subject to upgrades which the applicant will be required to fund. Should permission be granted I recommend a standard condition for connection to the public network.
- 7.9.2. I note the provision included for sustainable urban drainage systems with green/blue roofs to be adopted to the flat roof areas of the proposed development. I note the submitted Water Services Report prepared by Cora Consulting Engineers raises no issues of concern although it references a greater intensity of development i.e. 8 units. Should permission be granted, I recommend the inclusion of a standard SUDS condition and for the detail in relation to this matter to be agreed with the P.A..

7.10. Other Matters

- 7.10.1. I note third parties have asserted that the proposal is a built to rent development and not a mews development having regard to the historic characteristics of mews developments. I agree with the Planner's Report assessment in this regard, while noting there was no historic mews structure to the rear of the site, the location along the laneway where vehicular and pedestrian access is provided, and noting the pattern of development in the vicinity, is that the proposed building has the

characteristics of a mews structure in terms of its location, function and the manner in which it interacts with the laneway.

- 7.10.2. As I consider this to be a mews type development and not a BTR development (noted CDP glossary for BTR definition), I note no irregularities with the public notices and I note that, in any event, these notices did not prevent the third parties from making submissions.
- 7.10.3. I note the area in front of the building would be taken in charge and incorporated into the laneway and that this approach was acceptable to the P.A.. Should permission be granted I recommend a standard condition be included in relation to taking in charge.
- 7.10.4. I note the third parties have referred to the house being sub-divided into 11 units and a three bed annex and the absence of permission for same. I also note that third parties have raised the issue that no permission is in place for the current sub-division and hard landscaping of the site. Regarding these matters and the alleged conduct of the applicant, I note matters relating to enforcement are matters for the P.A. and not the Board and insofar as the subdivision of the house and site is relevant to this report, it has been referred to in the assessment above.

8.0 EIA Screening

- 8.1. 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.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located

c.4.1km south-west of South Dublin Bay SAC (site code 000210) and is c.4.1km south-west of South Dublin Bay and River Tolka Estuary SPA (site code 004024).

- 9.2. The proposed development comprises a two to three storey mews building with 6 no. apartments. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The modest scale and nature of the development.
 - The distance from the nearest European site and lack of connections.
 - Taking into account the screening report/determination by the P.A..
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located at a significant remove from surface water bodies and is above the Dublin (IE_EA_G_008) waterbody (status “good”). The proposed development comprises a new two to three storey mews building with 6 no. apartments.
- 10.2. I have assessed the proposed development 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.
- 10.3. The reason for this conclusion is as follows:

- The small scale nature of the development and the proposed connection to the Uisce Eireann network for water and sewer services with adequate capacity noted at Ringsend WWTP.
- The distance from the nearest surface water bodies and lack of hydrological connections other than to the ground water body.

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that permission be granted subject to the conditions outlined below.

12.0 Reasons and Considerations

Having regard to the Dublin City Development Plan 2022-2028 (as varied) and to the location of the site within the built up environs of the suburbs of Rathmines, the infill nature of the site and associated policy encouraging appropriate infill and compact development, the location within the curtilage of a protected structure and within a residential conservation area, the height, density, scale, layout and form of the development, and the scale of the proposed development with no significant traffic congestion, traffic safety issues or climate effects likely to result, it is considered that subject to compliance with the conditions set out below, the development would be acceptable, would not seriously injure the residential or visual amenities of the area or of property in the vicinity noting appropriate building height and scale and would be acceptable in terms of traffic safety and convenience. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13th day of February 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. Prior to the commencement of development on the applicant/developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:
 - (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht and that the boundary walls are protected, repaired, consolidated and reinstated,
 - (b) methodology for the treatment and careful removal of vegetation, and conservation repairs to consolidate the boundary walls, including a full drawn survey at 1:50 of the boundary walls, and complete a suitable stone capping / lime flaunching to prevent further degradation, and for the raking out and re-pointing of the stonework and associated repair details, together with details of the historic stone coursing, sizes of stone as well as mortar colour,
 - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,

(d) protection of specified features during the construction works,
(e) materials/features of architectural interest to be salvaged,
g) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
Reason: In the interest of the protection of architectural heritage.

3. Proposals for a building name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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 placenames for new residential areas.

4. (a) Screen walls shall be provided along the north-east side boundary of the rear terrace of unit number 1 and along the south-west side boundary of the rear terrace for unit number 02. Such walls shall be two metres in height above ground level.

(b) The screen walls shall be constructed in brick to match the brick used in the building or concrete block or similar durable materials and, if in concrete block, shall be suitably capped and rendered on both sides in a finish that matches the external finish of the building.

(c) Ornamental tree planting to a height of two metres along the south-west side boundary shall be planted and maintained at a height of two metres above ground level.

Reason: In the interest of residential and visual amenity.

5. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the

commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing [landscape plan drawing no. xxx]. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

6. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

7. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. Emergency access to the laneway shall remain available at all times throughout the construction process and no structures or vehicles shall obstruct the laneway in a way that they cannot easily be moved in case of an emergency. The appointed contractor shall liaise with the Dublin City Council Road Works Control Division during the construction period.

Reason: In the interest of sustainable transport and safety.

8. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

9. The applicant/developer shall ensure that electronic communications/digital connectivity infrastructure supporting fixed broadband services as well as mobile network services including ducting or internal conduits, are provided within the scheme prior to occupation of the units hereby approved. Such ducting or internal conduits shall conform to Dublin City Council's 'DCC Guide to the Installation of Telecoms Infrastructure in Residential and Mixed-Use Developments'.

Reason: To ensure open access connectivity arrangements are enabled in accordance with Policy SI 24 of the Dublin City Development Plan 2022 – 2028.

10. The developer shall comply with the following which shall be agreed prior to commencement of development with the Planning Authority:
- a) Double yellow lines shall be placed along the front of the site on Grosvenor Lane within the area to be taken in charge. All costs associated with required works shall be at the expense of the developer.
 - b) Prior to the commencement of development, revised details of the cycle parking shall be submitted for the written agreement of the planning authority.
 - c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of orderly development, residential amenity and sustainable transportation.

11. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

12. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

14. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory

completion of any part of the development. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in the sum of € (****euro), or
- (b) a cash sum of € (****euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion of the development.

16. 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 Coimisiún 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.

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.

Ciarán Daly

Planning Inspector

24th September 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322220-25
Proposed Development Summary	Part two-storey and part three-storey mews building with 8 apartments.
Development Address	Rear of 50 Leinster Road, Dublin 6.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 Infrastructure Projects (b)(i) and (iv). Threshold: Construction of more than 500 dwelling units and urban development greater than 10 hectares in the built-up area outside a business district.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322220-25
Proposed Development Summary	Part two-storey and part three-storey mews building with 8 apartments.
Development Address	Rear of 50 Leinster Road, Dublin 6.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. Excavation of concrete slab and site. Construction of a new building of floor area 424sqm on a site area of 0.0351 ha. Connection to public water and sewer network.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The site is remote from sensitive designated sites with built-up area between and such sites. No significant loss of trees or plants is proposed. The site is within the curtilage of a protected structure and is within a designated conservation area and this has been addressed in the Section 7 (Assessment) above.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Nature of the development with no significant pollution at construction or operational stages. Negligible addition to wastewater treatment system, capacity available at Ringsend WWTP.

cumulative effects and opportunities for mitigation).	Temporary emissions during construction. No significant operational impacts.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)