



An
Coimisiún
Pleanála

Inspector's Report ABP-322291-25

Development

Amendment to the permitted residential development granted under Reg. Ref. D21A/1137 (ABP-314896-22) consisting of an increase in the number of apartment units from 8 to 13 and all associated site works.

Location

Tivoli Lodge, Tivoli Road, Dun Laoghaire, Co. Dublin, A96 DR53

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D25A/0092/WEB

Applicant(s)

Atria Living Ltd

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Tivoli Road Residents

Observer(s)

None

Date of Site Inspection

1 July 2025

Inspector

Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site is located at the junction of York Road and Tivoli Road in Dun Laoghaire. The corner site measures c. 0.085 Hectares (850 sqm) and contains a vacant single-storey former nursing home, Tivoli Lodge. The site includes part of the rear garden of a vacant two-storey house, York House, to the north. York house is the subject of a concurrent live planning application, also under appeal. To the north of this is a two-storey detached house, Avila.
- 1.2. The area is largely residential with single- and two-storey housing, with Saint John the Evangelist Roman Catholic Church located at the busy crossroads junction, to the south-west, and St Helen's (former monastery) located across the road and to the north. The site is c. 1.3 kilometre's walk from Dun Laoghaire Dart Station, and a similar distance from Salthill and Monkstown Dart Station. A bus stop on York Road provides high frequency bus services, including local services and services to Dublin city via UCD.

2.0 Proposed Development

- 2.1. The proposed development is an amendment to a permitted but unimplemented planning permission, (D21A/1137), which permitted the demolition of the single-storey building (205 sqm), and the construction of a part-two- part-three-storey over partial basement apartment block (c. 705 sqm), comprising 4 one-bedroom units, 3 two-bedroom units (of which one is a live-work unit over two levels), and 1 three-bedroom unit. The permitted development also includes car and cycle parking, bin storage, and all associated works.
- 2.2. The proposed amendments are summarised as follows:
 - an increase in the number of apartments from 8 units (4 No. 1-bed units, 3 No. 2-bed units and 1 No. 3-bed unit) to 13 units (9 No. 1- bed units and 4 No. 2-bed units). This is achieved by subdividing the 3-bed unit and the larger 2-bed unit, and by providing 3 apartments at lower ground floor level);
 - Change of use of live-work unit to entirely residential use;
 - Increase in floor area at lower ground floor level (total increase in gross floor area from 705 sqm to 831 sqm);

- Changes to floor plans and elevations;
- No increase in maximum height (10.6 metres)
- Amendments to landscaping, parking layout, and associated works.

The main changes are as follows:

	Permitted	Proposed	Change
Site area	860 sqm	849 sqm	-11
Density (units per hectare)	92 uph	153 uph	n/a
Apartments	8 (of which one live/work unit)	13	+5
Total gfa	705 sqm	831 sqm	+126 sqm
Lower Ground Floor	75 sqm	200 sqm	+125 sqm
Ground Floor	203 sqm	197 sqm	-6 sqm
First Floor	238 sqm	251 sqm	+13 sqm
Second Floor	189 sqm	183 sqm	-6 sqm
Maximum Height	3 storeys 10.5 metres	3 storeys 10.675 metres	+ 0.175 metres
Communal Amenity Space	73 sqm	95	+22 sqm
Car Parking	8 spaces	8 spaces	Reconfigured
Cycle parking	8 resident spaces, 2 visitor spaces	16 residents spaces, 4 visitor spaces	+10 spaces

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- One report, noting the site context; the objections from neighbouring residents; the planning history and the permitted development on site; the reports from other departments; the Development Plan and national policy; the principle of development; unit mix and residential density; residential amenity and impacts on neighbouring amenity.
- The report noted the density of 153 uph was within an acceptable margin of tolerance relative to national policy on density in accessible suburban/urban extension areas; the daylight and sunlight report showed acceptable provision, and the lower ground floor apartments were unusual, but not dissimilar to nearby period houses with basements; the communal open space was acceptable (notwithstanding that the area at lower ground floor was discounted given its small and dark nature); and the changes were not significant compared with the permitted scheme, having regard to overlooking and overshadowing.

3.2.2. Other Technical Reports

- Drainage Planning – no objection subject to compliance with conditions of parent permission, and provision of additional SuDS measures (additional rainwater planters and rain garden) as per drawings.
- Transportation Planning – further information/pre-commencement conditions requested on accessible car parking space and secure cycle parking for residents.

3.2.3. Conditions

- Thirteen conditions, including conditions regarding car and cycle parking, and SuDS. Condition 2 attached the conditions of the parent permission. Condition 3 limited the duration of the permission to that of the parent permission.

3.3. Prescribed Bodies

No reports on file.

3.4. Third Party Observations

Six on file. Issues raised included the following concerns;

- Dereliction and neglect of property over 20 years
- The proposed development is contrary to Policy Objective PHP18 and PHP27 of the Dun Laoghaire Rathdown Development Plan, removing the 2-bed live work unit and the only three-bed unit, and replacing them with 1-bed units of minimal dimensions and unusable internal storage.
- Floor voids have been introduced to provide light to the basement apartments, reducing circulation space and amenity areas at ground level, providing poor design, and necessitating the omission of soft landscaping.
- The development does not comply with Part M of the building regulations on disability access, with inadequate passing places, a lack of wheelchair refuges, and separate entrances for wheelchair users and others
- The underground basement apartments (not lower ground floor as stated) will be inadequately lit, as they are set behind the building line, and with a continuous boundary wall and a continuous vertical louvred wall at first and second floor level to the enclosed circulation area.
- The realignment of the boundary with York House will cause a significant reduction in the main ground floor entrance lobby, omitting an amenity area and creating a long narrow constricted entrance area.
- The internal ground floor level, 900 mm above street level, appears to have been designed not to give ground floor apartments better separation and privacy from the public street, but in anticipation of this application for

basement apartments. This chosen internal ground floor level has prevented step free access, created a barrier and restriction to wheelchair users, creating a fundamental problem for universal access, and necessitating a separate wheelchair entrance via a convoluted path.

- There is no increase to the PV panels at roof level, and no provision for service risers shown in the drawings.
- Traffic, congestion, and parking – no increase to car parking risks overspill car parking
- Overlooking, privacy and noise impacts
- Risk of subsidence impacts to neighbouring property
- Environmental and drainage implications

4.0 Planning History

- Parent permission – ABP-314896-22 (D21A/1137)

Permission granted for demolition of single-storey building (205 sqm) and construction of part-two- part-three-storey over partial basement apartment block, with 4 one-bedroom units, 2 two-bedroom units, and one 3-bedroom unit, and 1 two-bedroom live-work unit.

- On York House (site to north)
- ABP-322290-25 (D25A/0091/WEB)

Live current application for amendment to the permitted development granted under Reg. Ref. D21A/1135 consisting of amendments to site boundary, omission of basement, and reduction in gfa.

- DLRCC D21A/1135 (Parent permission)

Permission granted for works to the existing vacant York House (330 sq. m) to provide a 2 No. storey over part basement, 4 No. bedroom house with an attic floor level (428 sq. m). The works proposed include (a) the demolition of the existing rear extensions (225 sq. m) and the removal of the existing roof; (b) the construction of new-build floor area including a two storey extension to the rear (164.1 sq. m), a new

basement under the new build element (97.6 sq.) and a new pitched roof and attic level (62.4 sq. m) incorporating a west facing terrace; and (c) the rationalisation of the internal layout. The development will increase the height of the building from c. 8.73 No. metres to c. 11.2 No. metres. The proposed development also includes a total of 79.6 sq. of private amenity space, comprising a private rear garden (c. 42.2 sq. m), a garden at basement level (c.25.7 sq. m) and a roof terrace at attic level (c. 11.7 sq. m); 2 No. car parking spaces; the provision of 2 No. pedestrian entrances off York Road; an upgraded and widened vehicular entrance; hard and soft landscaping; and all other associated site works above and below ground at York House, 30 York Road

- On combined site (Tivoli Lodge and York House)
- D18A/0370 Permission refused for demolition of Tivoli Lodge and construction of 3-4 storey apartment block with 7 apartments, and partial demolition of York House to provide a 4-bedroom 2-storey house.
- ABP PL.06D.219573 (D06A/0072) – Permission granted for demolition of Tivoli Lodge and construction of 14 apartments in a three-storey block, and for change of use of York House from nursing home to two apartments.
- ABP PL06D.211265 (D05A/0001) – Permission refused for demolition of all buildings on site and construction of five-storey building comprising 20 apartments in 2005.

5.0 Policy Context

5.1. National Planning Context

5.1.1. Project Ireland 2040 – National Planning Framework (2018, updated 2025)

5.1.2. A key element of the NPF is a commitment towards ‘compact growth’, which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth.

5.1.3. National Policy Objective 4

A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

5.1.4. National Policy Objective 8

Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

5.1.5. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)

5.1.6. This sets out Specific Planning Policy Requirements (SPPRs) on unit mix; unit sizes, aspects, and floor-to-ceiling heights; lift and stair cores; and co-living. These SPPRs take precedence over any conflicting policies and objectives of development plans, and the Board and Local Authorities are obliged to apply these SPPRs.

5.1.7. It also sets required minimums for room widths and floor areas, storage space, and private and communal open space, and provides guidance on communal facilities, play areas, and parking and access. It notes that planning authorities should have regard to quantitative performance approaches set out in guides such as A New European Standard for Daylighting in Buildings EN17037 or the UK National Annex BS EN17037 and the associated BRE Guide 209 2022, in the assessment of daylight.

5.1.8. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

5.1.9. These guidelines set out SPPRs and Policies and Objectives on separation distances; private, semi-private, and public open space; and car and cycle parking. The standards are aimed at consolidating existing settlements and avoiding sprawl, and creating compact settlements.

5.1.10. They replace the *Guidelines for Planning Authorities Sustainable Residential Development in Urban Areas* (2009) which are referred to in the Development Plan, which was adopted in 2022. As noted above, planning authorities are required to apply these SPPRs in making decisions on planning applications.

5.2. Regional Planning Context

5.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

5.3.1. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) for Dublin City and its wider suburbs. The following regional policy objective (RPO) of the RSES is considered relevant to this appeal:

- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.

5.4. Dun Laoghaire Rathdown County Development Plan 2022-28

5.4.1. The site is zoned 'Objective A' in the Development Plan where the stated objective is to *"provide residential development and improve residential amenity while protecting the existing residential amenities."*

5.4.2. Chapter 4 Neighbourhood – People, Homes and Place has a number of policy objectives of relevance.

Policy Objective PHP18: Residential Density

Policy Objective PHP19: Existing Housing Stock – Adaptation

Policy Objective PHP20: Protection of Existing Residential Amenity

Policy Objective PHP27: Housing Mix

5.4.3. Chapter 12 Development Management provides further detailed guidance

Section 12.3 Neighbourhood – People, Homes and Place

Section 12.3.1 Quality Design

Section 12.3.1.1 Design Criteria

Section 12.3.3 Quantitative Standards for All Residential Development

Section 12.3.4 Residential Development – General Requirements

Section 12.3.5 Apartment Development

Section 12.4.5 Car Parking Standards

Section 12.4.6 Cycle Parking

Section 12.4.11 Electrically Operated Vehicles

Section 12.8.1 Landscape Design Rationale

Section 12.8.2 Open Space Categories for Residential Development

Section 12.8.3 Open Space Quantity for Residential Development

Section 12.8.5.3 Communal Open Space – Quality

Section 12.8.5.4 Roof Gardens

Section 12.8.6 Biodiversity and SuDS in both Public and Communal Open Space

12.8.7 Private Amenity Space – Quality Standards

5.5. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA 004024 – 850 metres

South Dublin Bay SAC 000210 – 850 metres

South Dublin Bay pNHA 000210 – 850 metres

5.6. EIA Screening

- 5.6.1. 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.

5.7. Water Framework Directive Screening

- 5.7.1. The subject site is located in a built up area in the Greater Dublin Area, c. 600 metres southeast of the Brewery Stream, within the Brewery Stream_010 sub basin

(IE_EA_09B130400). The site is located on top of the ground water body Kilcullen (IE-EA-G-003). It is c. 800 metres south of the coastal waterbody Dublin Bay.

- 5.7.2. The proposed development comprises amendments to a permitted apartment development.
- 5.7.3. No water deterioration concerns were raised in the planning appeal.
- 5.7.4. I have assessed the 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.
- 5.7.5. The reason for this conclusion is as follows:
- the small scale and nature of the development
 - the distance from the nearest water bodies and the lack of hydrological connections
- 5.7.6. 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.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received, from a third party (Tivoli Road Residents c/o Raglan) against a grant of permission. The main issues raised were as follows:

- None of the concerns expressed in the attached third party submission were addressed in the decision to grant permission.

- The permitted development with 8 units on the Tivoli Lodge site was an appropriate mix of unit types, which would support the emergency of a coherent and stable residential community.
- The proposed shoehorning of 5 additional one-bed units within the unchanged building envelope is at the expense of amenity areas and circulation areas, and with no additional car parking or amenities.
- The applicant did not address condition 11 of the parent permission (a requirement for a waste management plan) in this application. The refuse store is not accessible from within the development, only from the public pavement, and does not comply with relevant policy on waste collection. The waste store has not been increased in size, despite the increase in apartments. The store should be relocated to within the carpark.
- The Board is referred to the original third party objection.

6.2. Applicant Response

A response was received on behalf of the first party, summarised as follows:

- The principle of development is acceptable, as noted by the case planner. The case planner considered the unit mix and density to be appropriate and acceptable, the changes to be beneficial to residential and visual amenity, and the location of the bin store to be satisfactory.
- The proposed unit mix will broaden the choice of unit size in the area, which is dominated by larger dwellings. The proposed unit mix aligns with the guidance set out in the relevant apartment guidelines and the National Planning Framework. The appellant's assertion that the unit mix will not contribute to a coherent and stable residential community is unfounded. Communal amenity space is adequately provided, and the proportion of car parking is reduced in line with policy on reduced parking in proximity to public transport to encourage a shift away from private car usage.
- Regarding waste management, the applicant has no problem submitting an updated Operational Waste Management Plan in line with condition 11 of the parent permission. The waste storage area is within the curtilage of the site,

not on the public street, and is compliant with relevant national and local authority policies. The original waste storage area was overprovided due to the standard sizing of waste storage receptacles, and no increase is required to provide for the increase in apartments.

- The Board is requested to uphold the grant of permission.

6.3. Planning Authority Response

The Planning Authority did not consider that the grounds of appeal raised any new matter which would justify a change of their attitude, and referred the Board to their previous report.

6.4. Observations

None received.

6.5. Further Responses

None received.

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 and the report 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:

- Unit mix and Density
- Residential amenity
- Waste management

7.2. Unit Mix and Density

- 7.2.1. The appellant contends that the proposed development, which increases the number of units while decreasing their size, will not contribute to a coherent and stable residential community within the building, to become part of the broader community.
- 7.2.2. Regarding Development Plan policy, *Policy Objective PHP27: Housing Mix* is to encourage *‘the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.*
- 7.2.3. The HNDA (appendix 2 of the Plan) sets out mix requirements for schemes of 50+ units, but not for schemes of this size. As such, SPPR1 and SPPR2 of the Apartment Guidelines (2023) apply. For sites of less than 0.25 ha such as this one, the first nine units can be of any type, so long as no more than four are studios. Where 10-49 units are proposed, the balance of apartments (over and above the first 9) must have no more than 50% one-bedroom units, with no requirement for three-bedroom units. As such, the requirement for a development of 13 units is at least two two-bedroom apartments, with up to 11 one-bedroom units (some of which can be studios). The proposed development mix of 9 one-bedroom apartments and 4 two-bedroom apartments complies with the standards.
- 7.2.4. While the apartments are smaller (having regard to the number of bedrooms), all the two-bedroom apartments can accommodate four people. (The permitted design had three two-bedroom apartments, two of which accommodated 3 people only).
- 7.2.5. Additionally, I note that the site is located in a mature residential area where the predominant dwelling type is larger, with a mix of semi-detached, detached, and older terraced housing, with few small units. The provision of one-bedroom and two-bedroom units will add to choice and variety in the area.
- 7.2.6. Regarding density, this is an accessible location as defined by Table 3.8 of the Sustainable and Compact Settlement Guidelines (due to its proximity to high frequency urban bus services) and a *Suburban/Urban Extension* area of Dublin as set out in Table 3.1 of those guidelines. Densities of up to 150 units per hectare are

open for consideration at such locations, and the case planner's view that a density of 153 units per hectare is within the margin of tolerance of this figure is reasonable.

7.3. Residential Amenity

- 7.3.1. The appellant contends that the provision of 5 additional apartments compromises the quality of residential amenity for the development, due to the impacts on circulation and amenity areas, and the lack of any increase to car parking, bin storage, or amenities.
- 7.3.2. I note that the recently published Ministerial Guidelines *Design Standards for Apartments, Guidelines for Planning Authorities (2025)* are applicable only to applications or appeals made after 9 July 2025 when they were issued. The Design Standards for New Apartments (2023) are the relevant standards, and set out standards and guidance for room sizes and widths, overall floor area, private open space, storage space, floor-to-ceiling height, and aspect.
- 7.3.3. Each proposed apartment complies with the minimum quantitative standards for room widths, room sizes, overall floor area, storage areas, and private open space. All apartments have a main south-facing aspect, and the two-bedroom apartments are dual aspect. (While the one-bedroom apartments have north-facing windows, these have limited outlook due to proximity to the site boundary and screening louvres on the outside of the deck access). A Daylight and Sunlight Report has been submitted which states that while not all habitable rooms achieve the daylighting standards set out in the European standard, they all meet the standard set out in the less onerous British standard *BS EN 17037:2018 – Daylight in Buildings*, and all apartments meet the standards for direct sunlight. No assessment has been carried out for sunlight to balconies, but given the south-facing nature of the balconies and the lack of any overshadowing from the south, I do not have concerns in this regard. Two of the proposed communal open spaces enjoy good sunlight, with the area at lower ground floor receiving no sunlight on 21st March. Nonetheless, the quantum of communal open space provided as a roof garden (67 sqm) and at the seating area near the entrance (20 sqm) complies with the quantum required for 13 apartments (73 sqm).

- 7.3.4. Nonetheless, I have concerns regarding the residential amenity of the proposed lower ground floor apartments. As well as recommendations for access to daylight and sunlight *BS EN 17037:2018 – Daylight in Buildings* provides guidance on minimum standards for views out. This requires that views are clear, unobstructed, and naturally coloured. It recommends that views out include three distinct layers; sky, landscape and ground. It sets minimum, medium, and high standards for views, with reference both to the horizontal sight angle (the width of the view), and the distance of the view. The minimum level of recommendation is achieved if the landscape layer (urban and/or natural) is included, if the horizontal sight angle is greater or equal to 14 degrees, and if the outside distance of the view is greater or equal to 6 metres. A medium standard has at least two layers (sky and landscape or landscape and sky), a greater horizontal sight angle (greater than 28 degrees) and a greater distance (greater than 20 metres). A high standard includes all three layers (sky, landscape, and ground) within the view, with a horizontal sight angle of more than 54 degrees, and distances of more than 50 metres visible.
- 7.3.5. The proposed cross section drawing and the south and west elevation drawings indicate the finished floor level of the lower ground floor apartments is between 1.475 metres and 2.175 metres below street level, with a plinth wall with railings enclosing the site. This plinth wall varies in height relative to the street level (which is lowest at the south-west corner), but provides a consistent boundary height some three metres higher than the finished floor level of the lower ground floor. Each lower ground floor apartment looks onto a terrace of c. 2.5 metres depth. While the horizontal sight angle of each living room exceeds the minimum (the windows being nearly the width of the room), the distance of the view from each window is very limited, (between 2.5 and 4.1 metres for the most part) and does not meet the minimum standard of 6 metres. In the case of apartments 2 and 3, it is further compromised and obscured by the staircases running in front of the bedroom and living room windows. Apartments 2 and 3 have kitchen windows to the north elevation; however these look onto a highly enclosed space to the rear, as evidenced by the lack of any sunlight penetration to the communal open space there.
- 7.3.6. While the planning report referenced nearby period houses with basements as a similar development type, in my view there is a significant difference in residential amenity between a larger dwelling which provides a portion of its accommodation at

basement level, and the proposed units which are entirely provided at this lower level, including their private open space. I do not consider that apartments at this level in this location would provide an appropriate level of residential amenity, and recommend that they be omitted by condition.

- 7.3.7. Regarding car parking, I note *SPPR3 – Car Parking of the Compact Settlement Guidelines*, which sets maximum rather than minimum standards, subject to the satisfaction of the planning authority. I note also the report of the Transportation Planning committee, which found no fault with the quantum of parking, and which required the provision of a Part M compliant car parking space and appropriate cycle parking, even if a reduction of standard car parking spaces was required. The site is adjacent to high frequency urban bus services, and reduced car parking provision is appropriate.
- 7.3.8. Regarding cycle parking, both the Compact Settlement Guidelines and the Design Standards for New Apartments recommend one cycle space per bedroom, rather than the standard of one per apartment set out in the Development Plan. Given the reduced provision of car parking, suitable provision should be made for cargo bikes, electric bikes, and non-standard bikes. This could be addressed by condition.

7.4. Waste Management

- 7.4.1. The application for the parent permission (D21A/1137 ABP 314896-22) included an Operational Waste Management Plan. The Environment Section of the Local Authority considered there was insufficient detail provided and requested a revised plan (as well as a number of other documents). They reiterated this comment following submission of Further Information, and recommended a condition be attached in the event of a grant of permission. The Board attached condition 11, that details of waste management be agreed with the Local Authority. The applicant notes that they have no objection to this condition, and intend to make a pre-commencement compliance submission. This is acceptable, and I do not consider it necessary to submit and agree these details at an early stage of the planning process.
- 7.4.2. Neither the Environment Section nor the Planning Department of the Local Authority expressed any concerns about the location of the bin store, or its size. It is

accessible from the public road, but located wholly within the curtilage of the site. The applicant's response to the appeal notes the benefits of this orientation to facilitate collection, and that the capacity is sufficient, having been previously over-provided. I consider this a reasonable design response to the site.

7.5. Other Issues

- 7.5.1. The proposal includes amendments to materials, including changes to the proposed brick colour, the addition of vertical louvres to the front elevation, and changes to fenestration. There are also amendments to boundary treatments and internal configurations of apartments. None of these amendments would have negative impacts on residential or visual amenity. A condition is attached to the parent permission regarding materials to be agreed.

8.0 AA Screening

The Planning Authority's report screened out appropriate assessment. The site is located within the built-up area of Dun Laoghaire, approximately 850 metres south of the South Dublin Bay and River Tolka Estuary SPA 004024 and the South Dublin Bay SAC 000210. It is considered that the hydrological connection to this SAC and this SPA is indirect, weak and sufficiently remote. Foul runoff and residual surface runoff will ultimately be drained through the public sewerage system.

- 8.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the distance from the nearest European site and the absence of pathways between the application site and any European site it is possible to screen out the requirement for the submission of an NIS at an initial stage.

9.0 Recommendation

I recommend a grant of permission for the following reasons:

10.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2022-28, including the residential zoning objective; the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and the Sustainable Urban Housing: Design Standards for New Apartments (2023); the permitted development on the site; the massing, scale, and form of the proposed amended development; it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed development shall be amended as follows:

(a) The lower ground floor apartments 1, 2, and 3 shall be omitted in their entirety.

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

Reason: In the interests of providing residential development with an adequate standard of residential amenity, and having regard to the standards set out in *A New European Standard for Daylighting in Buildings IS EN17037:2018* for views out of buildings.

3. This permission is for 10 apartments (7 one-bed apartments and 3 two-bed apartments).

Reason: To clarify the extent of the permission.

4. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference D21A/1137 ABP 314896-22 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

5. All transport-related conditions and obligations of the parent permission shall apply. In this respect, the following shall be complied with in full:
 - a. The applicant shall provide a minimum of 1 No. car parking space suitable for use by disabled persons as required in accordance with Condition 2 of the An Bord Pleanála Order ABP-314896-22. A reduction in the proposed provision of car parking is acceptable, if required, to provide the minimum 1 No. car parking Space suitable for use by disabled persons.
 - b. The proposed development shall include electrical infrastructure/ducting to every car parking space to allow their future upgrade to Electric Vehicle Charging Spaces.
- REASON: In the interest of traffic and pedestrian safety and to comply with the relevant standards.

6. (a) Thirteen no. safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This may require the loss of one or more car parking spaces.
(b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development at the rate of one per bedroom, in the interest of sustainable transportation.

7. The applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property as a result of the site construction works and repair any damage to the public road arising from carrying out the works. Storage of construction materials is not permitted on the public road/footway unless agreed in writing with the Planning Authority.

REASON: TO protect the amenities of the area and in the interests of road safety.

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.

Natalie de Róiste
Planning Inspector

18 July 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322291-25
Proposed Development Summary	Amendments to permitted development, to increase from 8 apartments to 13.
Development Address	Tivoli Lodge, Tivoli Road, Dun Laoghaire, Dublin.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here <div style="border: 1px solid black; height: 100px; width: 100%;"></div>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	<div style="border: 1px solid black; height: 100px; width: 100%;"></div>

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

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322291-25
Proposed Development Summary	Amendments to permitted development to increase from eight to 13 apartments
Development Address	Tivoli Lodge, Tivoli Road, Dun Laoghaire, Dublin
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).	The proposed development is an apartment block with 13 apartments (increased from 8) in an urban area, connected to public services. The development would not result in the production of significant waste, emissions, or pollutants
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).	The development is in a built up area, and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The development would not result in the production of significant waste, emissions, or pollutants, and there is no potential for significant effects, either by itself or cumulatively with other developments.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA

There is no real likelihood of significant effects on the environment.	<p>EIA is not required.</p> <p>Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.</p>
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Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)