



An
Coimisiún
Pleanála

Inspector's Report ABP-322450-25

Development	Demolition of existing structures and construction of 32 apartments. Associated site development.
Location	5 and 6 Malahide Road, Newtown Cottages, Priorswood, Dublin 17 D17ND25 and D17N634
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4278/24
Applicant(s)	Focus Housing Association CLG.
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	First Party
Appellant(s)	Focus Housing Association CLG
Observer(s)	None
Date of Site Inspection	7 August 2025
Inspector	Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site, 0.191ha stated area, is located on the north-western side of the R107 Malahide Road, Priorswood in Dublin 17. There are two detached bungalows on the site with pedestrian and vehicular access onto Malahide Road. There is no boundary between these two properties in the front garden area. Immediately adjacent the sites northwestern boundary is an existing single storey residential dwelling with Newtown Cottages further north.
- 1.2. Directly to the west and southwest of the site are former industrial lands, with the former Crown Paints Facility and then Stafford's Funeral Home on the Former Tayto Factory site. Opposite the appeal site is the Odean cinema complex with fast-food drive through with a large area of surface car parking adjoining the road.

2.0 Proposed Development

- 2.1. The proposed development comprises of the demolition of 2 no. single storey existing bungalow dwellings on the site (c. 203.3 sq.m) and the construction of a new apartment building ranging in height from 5-6 storeys comprising 32 no. 'Housing for Older People' one bedroom apartment units. The applicant Focus Housing Association, the property arm of Focus Ireland is an Approved Housing Body (AHB)
- 2.2. Communal amenity space of (555 sq. m landscaped communal open space and c. 23 sq.m internal communal amenity area) is proposed. 32 no. bicycle spaces are proposed to serve the apartments and 16 no. bicycle parking spaces for visitors. Surface level car parking for 9 no. spaces including 1 no. wheelchair accessible space. It is proposed to have photovoltaic panels at roof level (32 no.).
- 2.3. Other works proposed include the provision of bin storage, ESB substation and switch room and hard and soft landscaping. Vehicular access and pedestrian access to the development is prospect from new access points along Malahide Road.
- 2.4. I highlight to the Commission that following a request for further information there were minor changes made to the private open space provision and provision of 8 no. Universal Design compliant apartments.

3.0 Planning Authority Decision

3.1. Decision

On the 14 April 2024 the planning authority granted permission subject to 19 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Report, dated 30 October 2024, incorporates the internal Dublin City Council (DCC) reports on this development noting concerns regarding the density, height and transition in scale between the 6 storey development and the adjacent row of single storey cottages and bungalows to the northeast and seeks further information in relation to compliance with the performance criteria as outlined in Table 3, Appendix 3 Height Strategy, Volume 2, Dublin City Development Plan 2022-2028 and requests that a reduction in height of the scheme by one floor is considered. In addition, details sought to clarify what elements of the elevations are proposed to be finished in render, details of the percentage of apartments meet the Universal Design requirements set out in Policy QHSN011 and revised private open space to ensure that balconies/terraces meet the minimum standards set out in the apartment guidelines.
- Report, dated 11 April 2025, considers the applicant has satisfactorily addressed all items of further information required with exception to the concerns raised with respect to the height and density of the proposed scheme and considers that it would be appropriate to reduce the height by one floor (reducing the scheme by 6 no. units).

3.2.2. Other Technical Reports

- Transportation Planning Division, dated 21 October 2024, grant recommended subject to conditions.
- Air Quality & Noise Control, dated 1 October 2024, recommend a grant subject to conditions.

3.2.3. Conditions

- Condition No. 2: Prior to the commencement of the development, the developer shall submit revised drawings of the scheme for the written agreement of the planning authority reducing the height of the development by one floor (one of the floors 1-4 shall be omitted) while maintaining a 5th floor setback. Reason: In the interest of visual amenity.
- Condition no. 3: The occupation of the development hereby approved is restricted to age cohort 55 years and older, unless otherwise agreed in writing with the planning authority and shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission. Reason: To ensure occupation of the units is restricted to older persons/occupants.

3.3. Prescribed Bodies

Dublin Airport (daa) no comment to make in respect of the application other than to recommend consultation with the IAA and AirNav Ireland.

3.4. Third Party Observations

One submission was received from Alana Blennerhassett requesting that DCC ensure that adequate bicycle facilities are provided within the proposed development.

4.0 Planning History

Planning register reference: 4153/22/ABP314445-22: Planning permission refused (19 January 2024) for the demolition of two number single storey existing bungalow dwellings on site (circa 203.3 sqm GFA total) and the construction of an apartment building ranging in height from four to six storeys comprising 47 number one bed 'Housing for Older People' apartment units. The development also proposes approximately 366 sqm of communal amenity space (278 sqm landscaped communal open space and 88 sqm internal communal amenity area), balconies/terraces associated with individual apartment units, associated secure

bicycle parking (54 number spaces), surface level car parking (four number spaces), Bin storage, ESB substation, Boundary treatments, hard and soft landscaping and all other associated site works above and below ground on an overall site area of circa 1,910 sq.m. Vehicular and pedestrian access to the development will be from new access points along Malahide Road, all at 5 and 6 Malahide Road, Newtown Cottages, Priorswood, Dublin.

The reasons for refusal are as follows:

1. It is considered that, by reason of its proximity to the southwest and northwest boundaries of the site, the proposed development would seriously impact on the future development potential of the adjoining site and would depreciate its value. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The quantum of one-bedroom units within the proposed development would contravene the requirements of Specific Planning Policy Requirement 1 and Specific Planning Policy Requirement 2 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2022). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that by reason of:
 - (a) The proximity of windows and balconies/terraces of some southwest and northwest facing units to the site boundaries, which would result in over shadowing from a building and trees on the adjoining site,
 - (b) The necessity for squint windows to serve the windows of 10 bedrooms, which would offer a poor outlook for occupants of those bedrooms, and
 - (c) The position of the communal open space area immediately adjacent to Malahide Road, which would result in overlooking of this space by passing traffic and, if secluded by a high wall, would diminish the degree of passive surveillance of the adjoining footpath and road,

The proposed development would result in a poor level of residential amenity for future occupants of the scheme and would, therefore, be contrary to the proper planning and sustainable development of the area.

Planning register reference 3753/19: Permission refused for a residential development consisting of the demolition of existing 2 no. houses and the construction of 8 no. semi-detached and 1 no. detached two/three storey houses with dormer to rear including all associated site works, car parking and landscaping. The new vehicular access to the development is via Malahide Road, all on a 0.19-hectare site at 5-6 Malahide Road, Coolock, Dublin 17.

Reasons for refusal are as follows:

1. Having regard to the recent planning history in the area, in particular plan ref no. 2921/18/An Bord Pleanála Reg Ref (APB-302155-18), and the location of the site within an area zoned Z6 in the Dublin City Development Plan 2016-2022, where the objective is to provide for the creation and protection of enterprise and facilitate opportunities for employment, it is considered that the development of residential uses exclusively would not provide employment generation uses and would therefore contravene materially a development objective indicated in the development plan for the zoning of the land for use solely or primarily of particular areas for the purpose of employment/enterprise, and would conflict with the objective to develop the area as an employment centre in accordance with the strategic direction set down in section 14.8.6 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would significantly breach the building line established by Newtown Cottages on the Malahide Road. The proposed layout of the scheme involving the construction of two parallel lines of houses facing in the same direction, would result in an incoherent and incongruous housing layout. Therefore, the proposed development would be seriously injurious to the residential amenity of future residents and would be contrary to the proper planning and sustainable development of the area.

Land to the west and southwest of the subject site

Planning register reference 0417/24 Section 5 Declaration:

Determined that a change of use, at the former Crown Paints Facility, Malahide Road, Coolock, Dublin 17, from wholesale warehouse/repository and light industrial

use to temporary accommodation for displaced persons seeking international protection under S.I No. 376/2023 is or is not exempted development? Whether the ancillary works, including (i) removal of internal walls and structures; (ii) removal of part of the existing roof (iv) removal of part of the rear elevation of Block J; (v) removal of part of the side elevation of Block D; (vi) provision of new fire escape opes to elevations; (vii) foul and surface water outfall to existing connections on the site; that would be carried out to facilitate the temporary change of use, is exempted development.

In respect to (iii) the provision of pv panels to part of the remaining roof area considered that the quantum of panels in excess of 200 sq. metres is not exempted development.

Planning register reference 2921/18 ABP 302155-18 Planning permission refused for the demolition of existing warehouse structures and construction of a mixed-use development of apartments, aparthotel, office/incubator units, retail and creche in 3-5 storey blocks at The Crown Paints Facility, Nos. 1-3 Malahide Road, Coolock, Dublin 17.

The reasons for refusal are as follows:

1. Having regard to the location of the site within an area zoned Z6 in the Dublin City Development Plan 2016 – 2022, where the objective is to provide for the creation and protection of enterprise and facilitate opportunities for employment, it is considered that the proportion and quantum of residential development proposed as part of the mixed use development envisaged in this application would not be sufficiently subsidiary to employment generation uses and would, therefore, contravene materially a development objective indicated in the Development Plan for the zoning of land for the use solely or primarily of particular areas for the purpose of employment/enterprise, and would conflict with the objective to develop the area as an employment centre in accordance with the strategic direction set down in section 14.8.6 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. By reason of the close proximity of the development to adjoining third party sites, and notwithstanding the minor amendment to this proximity as submitted with the appeal, it is considered that the proposed development would unduly diminish neighbouring development potential and thus the consolidated and comprehensive development of the area. The proposed development would, therefore, be contrary to the land use zoning objective for the site and adjoining area and would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the outlook for those apartments which overlook the surrounding dated industrial landscape would seriously injure the residential amenity of future occupants of such apartment units. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Planning register reference 4988/22 (ABP-315439-22) Decision quashed and remitted to An Coimisiún Pleanála (ACP-322939-25) decision pending at the former Tayto Factory, Greencastle Road, Coolock, Dublin 17.

5.0 Policy Context

5.1. National Policy and Guidelines

- **National Planning Framework First Revision (April 2025).**

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.

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 sequential patterns of growth.

National Policy Objective 22 In urban areas, planning and related standards, including in particular building height and car parking will be based

on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

National Policy Objective 42 To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.

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

National Policy Objective 44 Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.

National Policy Objective 45 Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development

Section 6.4 An Age Friendly Ireland:

In providing a more seamless and appropriate continuum of housing choices with appropriate supports for older people and a built environment that is attractive, accessible and safe, older people will be supported and motivated to enjoy more active, healthy and connected lives and to age confidently and comfortably in their community. This further reinforces the need for well-designed lifetime adaptable infill and brownfield development close to existing services and facilities, supported by universal design and improved urban amenities, including public spaces and parks as well as direct and accessible walking routes. The provision of such accommodation can provide opportunities for older people to downsize from larger houses within their existing communities. This may be integrated with more supportive communal and specialist care accommodation that will be required by some older people

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

3.4 Refining Density The application of the density ranges in the preparation of statutory development plans and in the consideration of individual planning applications will be subject to local determination by the planning authority, or by An Bord Pleanála in the case of an appeal or direct application. The density ranges set out in Section 3.3 should be considered and refined, generally within the ranges set out, based on consideration of centrality and accessibility to services and public transport; and considerations of character, amenity and the natural environment (Figure 3.3 refers). Section 3.3.6 addresses exceptional circumstances.

3.3.6 Exceptions (c) In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.

Sustainable Urban Housing: Design Standards for new Apartments Guidelines for Planning Authorities (2023)

Paragraph 1.8 While a range of factors are key to increasing housing output generally and apartments specifically, such as securing development finance for residential development generally and ensuring a pipeline of ready to go sites at reasonable cost, including brownfield sites, the overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output.

For a point of clarity, I note that the Design Standards for Apartments, Guidelines for Planning Authorities (July 2025) were published on 08.07.2025. Section 1.1 of this document states that the guidelines only apply to planning applications submitted after the publication of the guidelines. I am therefore satisfied that these guidelines are not relevant to the current appeal.

Urban Development and Building Heights Guidelines for Planning Authorities (2018)

Paragraph 3.1 In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.

SPPR 1 In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

5.2. Dublin City Development Plan 2022-2028

The subject site is zoned Z1 'Sustainable Residential Neighbourhoods'. The land use zoning objective is: To protect, provide and improve residential amenities.

Chapter 14: Land Use Zoning.

Appendix 1 – Housing Strategy, Volume 2

Appendix 3 – Height Strategy, Volume 2

Density within the ranges of 60-120 uph supported within the outer suburbs. Former Z6 density range of 100-150 uph.

5.3. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site. The nearest Natura sites are the North Dublin Bay SAC (000206), the North Bull Island SPA (004006), South Dublin Bay SAC (Site Code 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) some 3km to the southeast and separated from the subject site.

Santry River, which is connected to the Natura 2000 sites, is located approx. 150m southwest of the site.

Proposed Natural Heritage Areas: North Dublin Bay (Site Code 000206) is located approximately 3km.

6.0 Environmental Impact Assessment (EIA) Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The applicant has submitted a first party appeal against condition no. 2 and seeks the removal of this condition from the decision to grant permission; in summary the grounds of appeal are:

- The development as proposed represents an appropriate form of development on the subject site and the removal of one no. floor is not justified.
- Refers the Commission to the application pack and also refers to the applicant's response, 'Further Information Pack', which defends the height and density of the scheme.

7.2. Planning Authority Response

- None received.

7.3. Observations

- None received.

8.0 Assessment

- 8.1. I consider that the factors of the appeal are such that a de novo assessment is not justified, and I intend to limit consideration to the matters raised in relation to the terms of condition no. 2.

Therefore, 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 issue in this appeal to be considered is:

8.2. **Condition no. 2 – Density, Height and Transition in Scale (including impact on visual amenities).**

- 8.2.1. The planner's report confirms that the proposed development of 32 no. apartments (Housing for older persons) has a stated site coverage of 24% and a plot ratio of 1.09 which accords with the indicative standards outlined in Appendix 3 for this outer city area. Notwithstanding the proposed density of the development at 168 uph significantly exceeds the development plan supported density range of between 60-120 uph, for the outer suburbs, and results in a building of six storeys.
- 8.2.2. Table 1 of the Height Strategy contained in Appendix 3 of the development plan sets out density ranges supported in the city in six bands, as copied below:

Table 1: Density Ranges (As taken from Height Strategy Appendix 3 of the Dublin City Development Plan 2022-2028)	
Location	Net Density Range (units per ha)
City Centre and Canal Belt	100-250
SDRA	100-250
SDZ/LAP	As per SDZ Planning Scheme/LAP
Key Urban Village	60-150
Former Z6	100-150
Outer Suburbs	60-120

- 8.2.3. The planning authority in their report, dated 30 October 2024, express concerns regarding the transition in scale to the adjoining single storey cottages and two storey dwellings and, following consideration of the further information submitted, attached condition no. 2 which requires a reduction in height of the proposed six storey block by one floor (omitting one of the floors 1-4) to provide a maximum of five storeys only, and a total of 26 no. apartments instead of 32 no. apartments. Such a reduction would equate to a density of 136uph.
- 8.2.4. The Height Strategy contained in Appendix 3 of the development plan sets out that in general heights of 3-4 storeys will be promoted as a minimum on sites within the 'Outer City'. As such I note that the proposed residential height and density exceeds the existing prevailing pattern of development, characterised by low rise residential development and campus style warehouse/industrial buildings, and proposed density range supported in the development plan for the Outer City (suburbs) area and is denser than the existing prevailing pattern of development.
- 8.2.5. I highlight to the Commission that previously the subject lands were formerly zoned Z6 under the previous Dublin City Development Plan 2016-2022 (Please refer to Section 4.0 of my report for further detail). Volume 2 Appendix 3 'Height Strategy' of the development plan sets out that:

“Some of these sites have been zoned for residential or mixed-use development and provide opportunities to develop significant new mixed use and residential neighbourhoods that will contribute to the overall sustainable growth of the city. Such areas have the capacity to provide a variety of housing typologies including apartments, houses and duplex units to provide sustainable neighbourhoods. In general, heights of 4-6 storeys is supported on such sites, subject to compliance with the key criteria set out above and the performance criteria set out in Table 3. Where such sites abut existing lower density residential areas, appropriate transition of scale and separation distances must be provided in order to protect existing amenities. Heights greater than 6 storeys may be considered on a case by case basis where there is a strong placemaking and urban design rationale”.

- 8.2.6. As part of the current plan the subject site was zoned from Z6 to Z1, whereas the adjoining former Z6 lands (west and south-west of the subject site referred to as the

former Crown Paints Facility) are zoned Z10 Inner Suburban and Inner City Sustainable Mixed-Use. The former Z6 lands are identified as Key Locations in which in accordance with SPPR 1 are generally suitable and appropriate for accommodating a more intensive form of development, including increased height.

8.2.7. In my assessment, noting the previous Z6 zoning and the current Z1 zoning of the subject site I am taking an interpretation of the change in zoning that the intention of the planning authority is to reflect the existing land-use at the subject site and to provide a buffer/transitional zone to protect the amenities of existing low-scaled residential cluster of development (Newtown Cottages) from the future planned redevelopment of the remaining former Z6 lands now Z10 Inner Suburban and Inner City Mixed-Use. As such, I draw the Commissions attention to the zoning approach incorporated into the current development plan and the requirement for a Masterplan to be prepared in respect of future development on the Z10 lands at Malahide Road/Greencastle Road.

8.2.8. Accepting this interpretation, I nevertheless note that the development plan does allow for greater heights to be considered on a case by case basis, having regard to the prevailing site context and character, public transport capacity and compliance with all the performance criteria set out in Table 3. I highlight to the Commission that the applicant has submitted in Appendix 1 of their Further Information Response Report a table to evidence how in their opinion the proposed scheme design is in compliance with the 10 no. performance criteria. Please refer to Table 8.2 below for my assessment of the scheme against the 10 performance criteria.

Performance Criteria

8.2.9. As already addressed above I am of the view that the six-storey building, and proposed density is higher than the prevailing context and I shall focus on these factors in my assessment for the proposed scheme against the performance criteria.

Table 8.2: Assessment of the proposed scheme against the performance criteria as taken from Table 3 Appendix 3 of Dublin City Development Plan 2022-2028 Volume 2.

No.	Objective	Assessment/commentary
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1	To promote development with a sense of place and character.	<p>The subject site, formerly zoned Z6 where the development plan establishes that such lands are key locations, which in accordance with SPPR 1 of the Building Height Guidelines increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.</p> <p>The immediate site context is in transition from traditional low density residential suburban area with campus style industrial/retail parks to an area of targeted future compact growth along the important transport corridor (BusConnects). As noted in 8.2.7 of my report a masterplan has to be prepared for the Z10 lands immediately abutting the subject site, as such, in the absence of a masterplan for the adjoining lands as future planned context the proposed development must be assessed on its merits and the development plan objective to provide an appropriate transition of scale.</p>
2	To promote appropriate legibility.	<p>I am of the view that the proposed development as a standalone proposal, mid-urban block along Malahide Road, would not meet the locational criteria for a landmark structure. Whilst I agree with the applicant that the area has potential to absorb a taller element of design, I do not agree that the</p>

		<p>building should act as a landmark. As such I consider that a lower range of 3-4 storeys in height is appropriate to this mid-urban block site location to avoid an abrupt transition between it and the low scaled residential area.</p> <p>The proposed use of brick with zinc standing seam metal cladding provides a sensitively and well considered designed through a choice of materials that would not jar with the immediate context.</p>
3	To provide appropriate continuity and enclosure of streets and spaces.	<p>Good spatial definition is provided by the tree canopy along the Malahide Road currently, however, the setbacks and campus style development along this busy arterial road do weaken the sense of enclosure of the street. I note that no new streets are provided as part of the proposal.</p> <p>As an exercise to look at height to width ratio more broadly the proposed development height is stated as 21.15m at its tallest point which at approximately 11m from the building elevation of the existing residential dwelling would result in a building height to width ratio of almost 2:1 of the vehicular access (in excess of the ratio range of 1:1.15 -1:3). I am of the view that this demonstrates the abrupt change in scale.</p>
4	To provide well connected, high quality and active public and communal spaces.	<p>There is no public realm proposed as part of the development.</p> <p>The submitted Planning Application Report (prepared by Brock McClure) outlines that the site is located within 1500m (15 min walk) of</p>

		<p>high quality landscaped public open spaces including Ayrfield Park, Stardust Memorial Park and Darndale Park.</p> <p>A high quality landscaped communal open space is proposed with a separate pedestrian connectivity to Malahide Road.</p>
5	To provide high quality, attractive and useable private spaces.	Each apartment has dedicated private amenity space in the form of terraces at ground level and balconies at the upper levels.
6	To promote a mix of use and diversity of activities.	The proposed development comprises a residential apartment (1 no. bedroom units only) to be provided as social housing for independent living for older people operated by Focus Ireland. The proposed development provides specialised housing for independent older people which will contribute to the provision of housing for a cohort of people that is not currently being provided at an adequate rate, noting that the housing needs of persons over 65 is 1061 in 2020 (Table 40 of Appendix 1 Dublin City Development Plan).
7	To ensure high quality and environmentally sustainable buildings.	The architectural design is a contemporary building with a legible urban form. I note the submitted 'Climate Action and Energy Statement' which outlines the preferred solution of Exhaust Air Heat Pumps in conjunction with Photovoltaic Cells to reduce carbon emissions, provide enhanced energy efficiency and compliance to the Nearly Zero Energy Building Standards.

8	To secure sustainable density, intensity at locations of high accessibility.	The subject site is well served by high-capacity public transport, within walking distance of and well served by a range of services including local shops and services within easy walking distance of the subject site. I note the submitted 'Outline Residential Travel Plan prepared by Stephen Reid Consulting.
9	To protect historic environments from insensitive development.	The proposed development is not within the immediate vicinity of any Architectural Conservation Area (ACA), protected structures or National Monuments. I do not consider that the proposed development would have an adverse impact on any protected /important views or vistas.
10	To ensure appropriate management and maintenance.	The submitted supporting documentation includes an Operational Management Statement, Building Lifecycle report and Outline Waste Operational Waste Management Plan to ensure appropriate management and maintenance.

Having undertaken an assessment of the proposed scheme against the performance criteria contained in the development plan I am of the view that the scheme can demonstrate substantial compliance with the criterion. The area has potential to absorb a taller element of design, however, I do not agree with the applicant that the building should act as a landmark (as per submitted Further Information Response Report).

Therefore, in conclusion on this point I consider that a lower range of four storeys in height with a setback fifth floor is more appropriate to this mid-urban block site location to avoid an abrupt transition between it and the low scaled neighbouring residential area. In addition, I am of the view that the reduction by one storey would provide a building elevation of scale appropriate to the existing tree canopy would

provide a positive sense of enclosure. As such, I am of the opinion that Condition no. 2 should be attached.

9.0 AA Screening

9.1. Screening Determination (Please refer also to Appendix 3 Screening for Appropriate Assessment of my report)

9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay SAC (Site Code 00210) or the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), the North Dublin Bay SAC (Site Code 000206) and North Bull Island SPA (Site Code 004006) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.3. This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of direct connections
- The appropriate assessment screening determination of the planning authority.

10.0 Water Framework Directive

10.1. Please refer to Appendix 4. The river body 'Santry River' (Santry_020) is south of the site and flows southeast into North Dublin Bay (poor water body status) and the groundwater body is Dublin IE_EA_G_008 (good water body status).

10.2. The proposed development is detailed in section 2.0 of my report. No water deterioration concerns were raised in the planning appeal.

10.3. I have assessed the proposed demolition of buildings and erection of an apartment block consisting of 32 no. apartments have considered the objectives as set out in

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

The reason for this conclusion is as follows:

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

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

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to

(a) ATTACH condition number 2 and the reason therefore as follows:

Condition No. 2. Prior to the commencement of the development, the developer shall submit revised drawings of the scheme for the written agreement of the planning authority reducing the height of the development by one floor (one of floors 1-4 shall be omitted) while maintaining a 5th Floor setback.

Reason: In the interest of visual amenity.

12.0 Reasons and Considerations

Having regard to the specific context of the subject site's easily accessible outer suburban location and wide street width, the site has capacity to absorb a greater intensification of development due to its proximity to public transport corridors and existing urban infrastructure. Therefore, taking into account the site's position mid-urban block, it is considered that subject to condition no. 2 being attached to reduce the height by one storey to avoid an abrupt transition between it and the low scaled neighbouring residential area, the proposed development would not adversely impact on the overall composition of the street and would contribute positively to the sense of enclosure created between the proposed building and the existing canopy of street trees.

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

Claire McVeigh
Planning Inspector

7 August 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	322450-25
Proposed Development Summary	Demolition of existing structures and construction of 32 apartments. Associated site development.
Development Address	5 and 6 Malahide Road, Newtown Cottages, Priorswood, Dublin 17, D17ND25 and D17N634
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	N/A

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	N/A
<input checked="" type="checkbox"/> 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) Construction of more than 500 dwelling units of the Planning and Development Regulations 2001 (as amended).

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

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	322450-25
Proposed Development Summary	Demolition of existing structures and construction of 32 apartments. Associated site development.
Development Address	5 and 6 Malahide Road, Newtown Cottages, Priorswood, Dublin 17, D17ND25 and D17N634
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development is for the demolition of two no. existing dwellings and the construction of an apartment block of 32 no. 1 bedroom units over six storeys.</p> <p>The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.</p> <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The subject site is a brownfield site located within Dublin City & Suburbs. The subject site is not located in or immediately adjacent to ecologically sensitive sites.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent,	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p>

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	Demolition of existing structures and construction of 32 apartments and associated site development.
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site comprises a brownfield site within the urban and serviced area of Dublin City & Suburbs. Total area stated as 0.191ha.</p> <p>The site is bordered by and access onto the Malahide Road.</p> <p>The nearest hydrological feature to the site is Santry River_020 approximately 150m south of the site. The site is not located within or directly adjacent to any European Site.</p>
Screening report	Y
Natura Impact Statement	N
Relevant submissions	None relating to AA

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

The subject site is within the catchment of the Santry River, which drains a portion of North County Dublin and discharges into Dublin Bay. The site is approximately 3km from the boundary of the South Dublin Bay and River Tolka SPA and the North Dublin Bay SAC.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
South Dublin Bay SAC (Site Code 000210)	https://www.npws.ie/protected-sites/sac/000210	3km	Indirect via surface water	Y
South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)	https://www.npws.ie/protected-sites/spa/004024	3km	Indirect via surface water	Y
North Dublin Bay SAC (Site Code 000206)	https://www.npws.ie/protected-sites/sac/000206	3km	Indirect via surface water	Y
North Bull Island SPA (Site Code 004006)	https://www.npws.ie/protected-sites/spa/004006	3km	Indirect via surface water	Y

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

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

³if no connections: N

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

AA Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*
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Qualifying interests		
	Impacts	Effects
South Dublin Bay SAC QI: Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	Direct: None Indirect: Potential risk to water quality during the construction phase. The development will vary marginally the loading to the Ringsend WWTP.	 <

I conclude that the proposed development (alone) would not result in likely significant effects on the Special Area of Conservation: South Dublin Bay SAC (000210)

The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
South Dublin Bay and River Tolka Estuary SPA (004024) QI: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	Direct: None Indirect: Potential risk to water quality during the construction phase. The development will vary marginally the loading to the Ringsend WWTP.	Direct: None Indirect: Negative effect on habitat quality/ function undermine conservation objectives related to water quality.

Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): N	
	If no, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the South Dublin Bay and River Tolka Estuary SPA (004024). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
North Dublin Bay SAC	Direct:	Direct:

<p>QI</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p>	<p>None</p> <p>Indirect:</p> <p>Potential risk to water quality during the construction phase.</p> <p>The development will vary marginally the loading to the Ringsend WWTP.</p>	<p>None</p> <p>Indirect:</p> <p>Negative effect on habitat quality/ function undermine conservation objectives related to water quality.</p>
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Petalophyllum ralfsii (Petalwort) [1395]		
	Likelihood of significant effects from proposed development (alone): N	
	If no, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on the North Dublin Bay SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.		
No mitigation measures are required to come to these conclusions.		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
North Bull Island SPA (Site Code 004006) QI: Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052]	Direct: None Indirect: Potential risk to water quality during the construction phase.	Direct: None Indirect: Negative effect on habitat quality/ function undermine conservation

<p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetland and Waterbirds [A999]</p>	<p>The development will vary marginally the loading to the Ringsend WWTP.</p>	<p>objectives related to water quality.</p>
	<p>Likelihood of significant effects from proposed development (alone): N</p>	
	<p>If no, is there likelihood of significant effects occurring in combination with other plans or projects? N</p>	

	Possibility of significant effects (alone) in view of the conservation objectives of the site* N
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the North Bull Island SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>	
Screening Determination	
<p>Finding of no likely significant effects</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> • Nature of works • Location-distance from nearest European site and lack of connections • Appropriate Assessment Screening of the Planning Authority 	

Appendix 4: WFD IMPACT ASSESSMENT STAGE 1- SCREENING

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

An Bord Pleanála ref. no.	322450-25	Townland, address	5 and 6 Malahide Road, Newtown Cottages, Priorswood, Dublin 17 D17ND25 and D17N634
Description of project		Demolition of existing structures and construction of 32 apartments. Associated site development.	
Brief site description, relevant to WFD Screening,		Site is on serviced urban lands that have been developed.	
Proposed surface water details		The proposed development seeks to connect to the existing public services for water supply, wastewater and surface water.	
Proposed water supply source & available capacity		Uisce Eireann mains water connection.	
Proposed wastewater treatment system & available capacity, other issues		Uisce Eireann wastewater connection. The proposed development seeks to connect to the existing public services for wastewater.	
Others?			

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	150m	‘Santry River’ (Santry_020)	Poor	At Risk	Nutrients, Organic Unknown Impact Type.	No direct, indirect surface water run-off
Groundwater Waterbody	Underlying site	Dublin IE_EA_G_008	Good	Not at Risk	No pressures	No
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

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

4.	Ground	Dublin IE_EA_G_0 08	Drainage	Spillages	Surface Water to drain to separate system.	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						