



An
Coimisiún
Pleanála

Inspector's Report ABP-322633-25

Development	Residential news property with associated site works.
Location	10 Prospect Road, Glasnevin, Dublin 9.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1567/24
Applicant(s)	Ruadhán Mac Aodháin and Marie O'Connor
Type of Application	Permission.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Brendan and Pauline Ryan.
Observer(s)	Rachael Reary.
Date of Site Inspection	27 th August 2025.
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site refers to the rear of 10 Prospect Road, Glasnevin, Dublin 9. No. 10 Prospect Road is a two storey, mid-terrace, traditional red brick dwellinghouse that is in commercial use as a solicitor office. The subject site is located to the rear of No. 10 and accessed from a lane off Lindsay Road that also provides access to the rear of the properties along Prospect Road, some dwellings on Lindsay Road, an existing mews style dwelling that is located on the lane itself to the rear of No.15 Prospect Road, and an ESB substation. The lane is characterised by large, detached garages providing off street parking as well as the aforementioned access points.
- 1.2. The site is bounded to the north by No.2A Lindsay Road which is a residential property incorporating at two storey return in addition to single storey elements and a single storey pitched roof garage. The existing access laneway from Lindsay Road forms the eastern boundary. Opposite the site on the other side of the laneway is the flank elevation of the dwelling at No. 2 Lindsay Road and its two storey rear return. The southern boundary is marked by the plot of No. 11 Prospect Road, a residential property with a large single storey garage fronting onto the laneway. The western boundary of the site is formed by the parent building at No. 10 Prospect Road and its rear return. No. 10 Prospect Road and the wider terrace it sits within is part of the neighbourhood centre. Lindsay Road is a Residential Conservation Area.

2.0 Proposed Development

- 2.1. Planning permission is sought for the sub-division of the existing plot in order to facilitate the provision of a two storey detached mews style dwelling. The dwelling would provide two bedrooms, private rear garden ground, and maintained access to the rear lane for No. 10 Prospect Road. The dwelling would be brick built with a shallow pitch roof. As part of amendments made at Further Information stage, the proposed dwelling was set back from the lane edge by 750mm and the private rear amenity space was reconfigured.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued by Dublin City Council on the 7th May 2025 subject to 11 standard conditions.

3.2. Planning Authority Reports

- 3.2.1. The first Planner's Report noted that whilst permission was being sought for a mews house, having regard to the definition of a mews dwelling provided in the CDP, the Planning Authority considered the proposal to be an 'infill house' and 'backland housing' and assessed the proposed development on that basis. The development was considered acceptable in zoning terms. Design, scale, massing and positioning were generally considered acceptable. Some concern was raised regarding the balcony facing the flank window of No. 2 Lindsay Road across the laneway but it was considered that this could be dealt with by amendments. The first Planner's Report concluded in a request for Further Information as follows:

- Transportation Planning Division - requests the following information:
 - (a) Mews laneways must have a minimum carriageway width of 4.8 metres or 5.5 metres where no verges or footpaths are provided. Revised drawings required showing amendments to the laneway width along the site frontage. Where stipulated widths can't be achieved, safe access and egress for all vehicles (including fire, ambulance and refuse) and must be demonstrated.
 - (b) Provide a Service Delivery and Access Strategy.
 - (c) The Applicant shall contact the Transportation Planning Division to ensure the above issues are fully addressed.
- The Drainage Division requests the applicant provide the following information:
 - (a) Submission of a drainage layout for foul and surface water incorporating Sustainable Drainage Systems in the management of surface water.

(b) Carry out a Flood Risk Assessment.

- Planning Authority - Concerns regarding the quality and usability of the private amenity space due to its inappropriate relationship with, and lack of a defensible boundary to, the proposed pedestrian passageway to be shared with the parent property and the current layout which places cycle parking in the location of highest sunlight. The proposal should be revised to address SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and Sections 15.11.3 (Private Open Space) and 15.13.4 (Backland Housing) of the 2022-2028 Dublin City Development Plan.

3.2.2. Further Information was submitted on the 25th April 2025 and assessed in the second Planner's Report which considered the matters to have been suitably addressed. Permission was then granted, subject to conditions.

3.2.3. **Other Technical Reports**

3.2.4. **Drainage Division (26.06.2024 and 07.05.2025):** Initially requested Further Information regarding the management of foul and surface water, incorporating SuDS. It was also requested that the developer undertake a Flood Risk Assessment. Following the receipt of Further Information, the Drainage Division recommended permission be granted, subject to conditions.

3.2.5. **Transport Planning Division (20.06.2024 and 25.04.2025):** Initially requested Further Information to increase laneway width across the site frontage and provide a Service Delivery and Access Strategy. Following the receipt of Further Information, the Transport Planning Division recommended granting permission, subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. **Transport Infrastructure Ireland (23.05.2024):** A Section 49 contribution condition should be imposed if planning is granted and the scheme is not exempt.

3.4. **Third Party Observations**

3.4.1. A total of four Third Party observations were received. These are summarised in the Planner's Report and are on file for the Commission's information. The points raised

are similar to the issues raised in the grounds of appeal which are set out in detail in Section 6 of this report.

4.0 Planning History

Subject Site

- 4.1. No planning history of relevance.

Adjacent Sites

14 Prospect Road

- 4.2. **Planning Authority Reference 2702/15:** Permission was refused by Dublin City Council for a new two storey mews with off-street car parking consisting of garage, kitchen/living room on ground floor and for two bedrooms and bathroom to first floor with open space to rear. Permission refused for four reasons:

1. The proposed development would be contrary to the provisions of Section 17.9.14 of Dublin City Development Plan 2011-2017 by reason of proximity to the main building at No14 Prospect Road, insufficient remaining private open space for the main building, inadequate private open space for the proposed mews, unacceptable effects on the residential amenities of the existing occupants of the residential units over the existing dry cleaners in the main building, unacceptable effects on the residential amenity of the future occupants of the mews development, and of property in the vicinity, inadequate separation distance of windows affecting existing occupants privacy, and unacceptable depreciation in the value of neighbouring properties. The proposed development would represent substantial overdevelopment of the site and would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would be contrary to the Dublin City Development Plan 2011-2017, which requires a minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) for mews developments. The subject laneway is approx. 4.5m in width for 30m in length (with no verges or footpath) and is therefore substandard.

3. The proposed development is accessed via a narrow substandard laneway, which does not allow for two cars to pass therefore resulting in cars reversing onto Lindsay Road. The proposed development would therefore endanger public safety by reason of traffic hazard and obstruction to road users.
4. The proposed development would set an undesirable precedent for further similar developments in the vicinity and throughout the city and would therefore be contrary to the proper planning and sustainable development of the area.

4.3. **Planning Authority Reference 2645/09:** Permission refused by Dublin City Council for the construction of a single detached two-storey dwelling with access off the laneway perpendicular to Lindsay Road consisting of 2 bedrooms, a single garage with 1 no. car space, private walled garden, 1 no. roof light over living room and 3 no. lights over corridor and demolition of an existing single storey garage. Permission refused for the following reason:

1. The proposed mews dwelling due to the extent of its footprint would constitute overdevelopment of the site as it would be substandard in regard to provision of satisfactory usable open space for future residents. The proposed development would be in close proximity to the existing main building at No.14 Prospect Road and would have a negative impact on the residential amenities and privacy of the existing apartments in that building by reason of excessively encroaching on the visual amenity and separation provided by the existing area of open space. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

15 Prospect Road

4.4. **Planning Authority Reference 4971/04:** Permission was granted by Dublin City Council for a change the use from commercial to residential with the construction of a two storey mews house with integral car parking to laneway.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

- 5.1.1. The relevant Development Plan is the Dublin City Development Plan 2022-2028, which came into effect on 14th December 2022.
- 5.1.2. The site itself is zoned Z3 – Neighbourhood Centres - with the stated objective 'To provide for and improve neighbourhood facilities'. 'Residential' is identified as a permissible use under the Z3 zoning. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level.
- 5.1.3. The lands adjacent to the site on Lindsay Road are zoned 'Z2' Residential Neighbourhoods (Conservation Areas) with a stated objective 'to protect and / or improve the amenities of residential conservation areas'. The principal land-use encouraged in residential conservation areas is housing.
- 5.1.4. It is the Policy of Dublin City Council under Section 5.5.2 Regeneration, Compact Growth and Densification: - QHSN5 Urban Consolidation: To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.
- 5.1.5. Section 15.5.2 relates to infill development, which should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. Dublin City Council will require infill development:
- To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
 - To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.

- Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.
- Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.

5.1.6. Section 15.13.4 addresses 'Backland Housing' which can comprise of larger scale redevelopment with an overall site access, mews dwellings with access from a rear laneway or detached habitable dwellings to the rear of existing housing with and independent vehicular access. Applications for backland housing should consider the following:

- Compliance with relevant residential design standards in relation to unit size, room size, private open space etc.
- Provision of adequate separation distances to ensure privacy is maintained and overlooking is minimised.
- That safe and secure access for car parking and service and maintenance vehicles is provided.
- The scale, form and massing of the existing properties and interrelationship with the proposed backland development.
- The impacts on the either the amenity of the existing properties in terms of daylight, sunlight, visual impact etc. or on the amenity obtained with the unit itself.
- The materials and finishes proposed with regard to existing character of the area.
- A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.

- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling, and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

5.1.7. Section 15.13.5 'Mews Developments' addresses Design and Layout, Height, Scale and Massing, Roofs and Access.

5.1.8. Section 15.13.5.1 'Design and Layout' states that the distance between the opposing windows of mews dwellings and of the main houses shall ensure a high level of privacy is provided and potential overlooking is minimised. Private open space shall be provided to the rear of the mews building to provide for adequate amenity space for both the original and proposed dwelling and shall be landscaped so as to provide for a quality residential environment. If the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for the main house divided into multiple dwellings and for mews development

5.1.9. Section 15.13.5.3 'Roofs' states that 'The roof profile for mews buildings should be simple and in keeping with the character of the area. The following roofs are suitable: flat green or low-pitch metal roofs and double pitched slate roofs similar to the surviving mews building. All pitched roofs should run parallel with the mews lane with no ridge lines running perpendicular to the lane'.

5.1.10. Further details with regards to access is provided in Appendix 5 of the CDP which states for mews parking that all parking will be off-street in garages, forecourts and courtyards but notes that car free mews may be permitted where there are certain site constraints and alternative modes of transport. Potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. A minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) is required. In circumstances where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated.

5.2. Section 28 Ministerial Guidance

- 5.2.1. Design Manual for Urban Roads and Streets (DMURS) - The total carriageway width on Local streets where a shared surface is provided should not exceed 4.8m.
- 5.2.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. The Guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages. They will also allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.

5.3. Natural Heritage Designations

- 5.3.1. None of relevance.

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Third Party appeal by Pauline and Brendan Ryan of 12 Prospect Road, Glasnevin, Dublin 9. The main points of the grounds of appeal can be summarised as follows:
- 6.1.2. Quantum of Development and Amenity
- Undue weight has been given to the commercial use of No. 10. It could revert back to residential, and the decision does not account for amenity impacts that

could arise in terms of overlooking and inadequate separation distances from the proposed mews house.

- The proposal would set an unwelcome precedent for backland development along the lane at Nos. 11, 13, and 14. This would lead to overdevelopment, encroachment, loss of privacy, overshadowing and reduced amenity. There would be a devaluation of property.
- The site is not suitable for two dwellings and constitutes overdevelopment that compromises surrounding amenity.
- The neighbouring garage at No. 11 has an asbestos roof. The application does not address how this would be managed.

6.1.3. Design and Heritage

- The proposal is excessive in scale and would dominate surrounding properties, particularly No. 2 Lindsay Road, which is in a Conservation Area.
- Height, bulk and massing would be overbearing when viewed from the rear bedrooms of Nos. 2 and 8 Lindsay Road and would undermine the residential character.
- The development risks encouraging a pattern of overcrowded/intense plots, contrary to the character of the Conservation Area.

6.1.4. Access, Parking, and Safety

- The laneway does not meet requirements for mews development set out in the CDP.
- The laneway is narrow and congested. The width and nature of the laneway is a safety concern, especially with regard to emergency vehicles. Access to the laneway is frequently blocked by bins. Parking pressures would increase and there would be cumulative impacts in terms of traffic and safety issues.
- The proposed set back is not meaningful and it introduces a pinch point and potential black spot and blind spots on a constrained section of the lane. There would be a threat to the safety of pedestrians and unacceptable risk to public safety.
- There have previously been collisions with buildings and the gas meter, which has required repairs. This could lead to a catastrophic accident/explosion.

- Traffic on the lane is often at speed and undertaking unsafe manoeuvres. Future residents would be put at risk.
- There is no unified or coordinated plan among the various property owners to dedicate the land needed to create the minimum carriageway width to enable development. The Applicants proposed set back is therefore meaningless and creates an opportunity for informal parking in front of the house.
- Parking would lead to obstructions.
- Large trucks deliver to businesses along the lane making it difficult and unsafe to pass, this would be a risk to future residents/children and makes the land unsuitable to support residential use.
- The plans are inaccurate and misrepresent the laneway entrance which is narrower and frequently obstructed by excessive and illegal parking. The swept paths are therefore not realistic. The setup is wholly unsuitable to emergency vehicles where delays could prove life threatening.
- Parking and access issues are particularly bad on Croke Park event days.

6.1.5. Previous Decisions

- The Commission have previously refused news development on the basis of substandard access, overdevelopment, and impact on residential amenities (eg. No. 28 Bengal Road). This creates a precedent for refusing permission on constrained sites with an unsuitable surrounding context. These issues are relevant to the current case which should be refused on the same grounds.
- There are precedent cases for refusals that are relevant to the case (Ref. 4881/07, 2702/15 and ABP-317857-23). The Planning Authority have ignored its own history of refusals when the planning context has not materially changed.

6.2. **Applicant Response**

6.2.1. A First Party response has been received from Foundation Management Consultants Ltd, for and on behalf of the Applicants Ruadhán Mac Aodháin and Marie O'Connor. The main points can be summarised as follows:

- Objections on the basis that No. 10 might revert to residential use are irrelevant and hypothetical. No. 10 is in ongoing and viable office use, the site is within a

Neighbourhood Centre, a change of use to residential would require planning permission.

- In terms of precedent, each case must be decided on its own merits. The proposal would not set a precedent given its site circumstances with No. 10. Examples provided by the Appellant are in different contexts and surroundings.
- Previous refusals referred to by the Appellant were prior to the Compact Settlement Guidelines.
- Adequate open space has been retained at No. 10 in line with the Guidelines should there be a future desire to change to the use to residential.
- Height, scale and massing are appropriate and subsidiary in height. The proposal would not dominate the rear return at 2 Lindsay Road and sufficient information has been provided with the application to allow a full understanding of the relationship between neighbours.
- The proposal would not be visible from the rear bedrooms of No. 2 and 8 Lindsay Road, the Appellant has misunderstood the development.
- The development has been carefully considered in terms of footprint, height, scale, design and context and would have no material negative impact on residential amenity or property value.
- The proposal is subsidiary, meets floorspace requirements with appropriate open space and bicycle parking and does not represent overdevelopment.
- The Council are clear that the relationship between the main property and the proposed dwelling is acceptable. It is considered that it meets requirements in terms of open space provision, separation distances, zoning objectives and is an appropriate form of backland/infill development.
- Presence of asbestos on a neighbouring garage roof is not a planning matter and not a material consideration relevant to the appeal.
- The gas infrastructure referred to is small and can be easily protected. The proposal does not include parking and as such will not increase operational traffic on the laneway.

- As no parking is proposed, vehicular access to the laneway would be reduced from the current situation. The setback of 750mm would not create a negative impact to the laneway.
- The Appellants images contradict the heavily trafficked claim regarding the laneway and it is noted that parked vehicles restrict speeds. One image shows cars parked on the laneway, pedestrians walking on the laneway and cyclists in front of the laneway. Authorities often use restricted width to control speeds.
- The set back would not facilitate inappropriate car parking. Double yellow lines can be provided if necessary. The set back would provide space for occupants to step out without interfering with traffic as has been claimed.
- No vehicles would be accessing or egressing the lane from within the site and as such risk to the gas meter is significantly reduced.
- Swept paths demonstrate access for emergency vehicles.
- The Appellant suggests that small rigid trucks and large delivery vehicles regularly access the lane at speed. It is not possible to access at speed if they have to undertake multiple manoeuvres to access the site.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority request that the Commission uphold the decision to grant permission and apply Section 48 and 49 contribution conditions and a naming and numbering condition.

6.4. Observations

- 6.4.1. Observation from Rachael Reary of No. 2 Lindsay Road, Glasnevin, Dublin 9. The issues raised are similar to the grounds of appeal. Additional substantive points raised include:
- The lane is narrow, constrained and heavily used, providing an important means of access to many properties for vehicles and pedestrians.
 - There is an ESB substation that requires 24 hour access.

- The development would remove vehicular access from 10 Prospect Road and require vehicle access from the main road.
- The development would place an additional delivery burden on the lane which is already overcapacity.
- It is difficult to imagine how construction traffic will manage to deliver to the site. There is no consideration for pedestrian safety during construction.
- There has been damage to the gable wall of No. 2 Lindsay Road caused by delivery trucks
- There would be significant disturbance, disruption and traffic issues during construction.
- There is a window in the gable of No. 2 Lindsay Road that would be directly overlooked from the first floor balcony of the proposed mews. This would impact on residential amenity in terms of overlooking and loss of privacy.
- The height, scale, massing and proximity to No. 2 Lindsay Road is excessive. The scale and design are out of character with the area.
- There would be a devaluation of No. 2 Lindsay Road.
- There are no contextual elevations with No. 2 Lindsay Road.
- Proposed amenity space is insufficient and doesn't meet minimum requirements.
- The developer has not demonstrated that the development would not result in negative impacts to the house and open space at No. 2 Lindsay Road.
- No consideration has been given to No. 10 going back to residential use. Would there be enough open space? Where would bins go? How will deliveries be made? How will refurbishment take place without parking? If No. 10 is sold would access from the rear be retained.
- The proposal will remove existing parking, and further parking pressures in the area, including on the land and within pay and display.
- It is not clear how the existing business obtained parking permits.
- The setback is a guise to evade the minimum lane widths set out in the CDP and would encourage parking, storage of bins and would lead to obstruction and reduced safety.
- The development does not meet the minimum provisions of the development plan on lane width or private amenity space.

- There are several new developments in the area providing new accommodation with sufficient and safe vehicular and pedestrian access.

7.0 Assessment

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

- Design and Amenity
- Transport
- Other Matters

7.2. Design and Amenity

- 7.2.1. The grounds of appeal and observation consider that the height, bulk and massing of the development is excessive, that separation distances are inadequate and that the proposal would be overbearing on the adjacent properties, particularly Nos. 2 and 8 Lindsay Road. It is stated that the site is not suitable for two dwellings, that the proposal would constitute overdevelopment and that it would dominate surrounding properties, including those to the east that are in a conservation area. Concerns are raised that there would be a range of amenity impacts such as a loss of privacy, overlooking, overshadowing and a depreciation in property values. It is argued by the Appellant that undue weight has been given to the commercial nature of No. 10 Prospect Road.
- 7.2.2. Observations on the appeal consider that private open space would be deficient and not in line with standards and also that it has not been demonstrated that the proposal would not result in adverse impacts to the dwelling and open space at No. 2 Lindsay Road, drawing particular attention to the window in the flank elevation of No. 2 Lindsay Road. It is the view of the observer that insufficient information has been submitted with regards to contextual elevations.
- 7.2.3. The Applicant argues that the proposed height, scale and massing are appropriate to the context and that the development would not dominate the rear return at 2 Lindsay

Road. It is argued by the Applicant that there would be no negative material impact on residential amenity or property values and that compliant open space is provided for both the proposed house and the remaining building at No. 10, which is in commercial use and not proposed for residential. It is the view of the Applicant that sufficient information has been provided with the application to allow a full understanding of the relationship between neighbours.

- 7.2.4. At the outset I would acknowledge that the Planning Authority have opted to consider the development as infill/backland rather than mews. This would be contrary to previous decisions by the Planning Authority on this stretch of Prospect Road. Whilst I understand the rationale behind this decision, having regard to the CDP definitions, I am of the opinion that the site has attributes of infill, backland, and mews development and I have considered all three CDP policy sections in my assessment.
- 7.2.5. In terms of scale and massing, the proposed dwelling sits below the height of the dwellings and rear returns on Prospect Road and would be suitably subservient in scale. Whilst I note that the ridge height of the proposed dwelling would be broadly consistent with the rear return of 2 Lindsay Road, I do not consider that this would be highly discernible or harmful in townscape terms, and it would be adequately compensated for by the lower eaves level proposed at the lane edge in addition to the fact that the proposed dwelling would sit well below the overall ridge height of No. 2 Lindsay Road. In any event, I do not consider that they would be read in the same context.
- 7.2.6. In design terms I consider the proposal to be acceptable. The use of a pitched roof, albeit shallow to minimise overall height, contextualises well with the immediate surrounding dwellings and detached garages. Subject to appropriate materials being employed, such as red brick, I am of the view that the proposed dwelling would not have any negative visual impact on either the dwellings on Prospect Road or the Lindsay Road Residential Conservation Area.
- 7.2.7. Separation distances between the proposed dwelling and the directly opposing parent building at No. 10 Prospect Road, which is in commercial use, are below the recommended 15 metres (c.13.9m to the façade of the main building and 9.7m to the façade of the return) set out in the CDP and the 16 metres recommended in the Compact Settlement Guidelines. SPPR 1 states that separation distances below 16

metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms. In this respect, the windows of No. 10 directly opposing the proposed development are in commercial use. Furthermore, the window directly opposing the rear return is for a bathroom and would be obscure glazed whilst the proposed bedroom window would be offset from the rear return and a suitable distance from the directly opposing window on the main rear façade to ensure no significant overlooking either from the commercial premises or in the event the No. 10 reverted to residential use. Neighbouring windows at No. 11 are offset, further away, and in use as a kitchen and bathroom. The single window on the rear return of No. 2A Lindsay Road is closer but again it is offset and not directly opposing as well as being a secondary window. On balance, I do not consider there to be any significant amenity issues in terms of the scale, positioning of the dwelling or its relationship to its neighbours and the relationship is generally characteristic of urban environments.

- 7.2.8. Observations raise concerns regarding amenity impacts to the window in the flank elevation of No. 2 Lindsay Road. This stems from the proximity of the front balcony of the proposed dwelling. The window at No. 2 Lindsay Road does not appear to serve a habitable space, but a circulation space leading to the bathroom and bedroom in the rear return. In my view there would be no significant impact. However, should the Commission not agree with my conclusion on this matter then a condition could be imposed to omit the balcony and have the access door obscure glazed and fixed shut.
- 7.2.9. In terms of private amenity space, I note that the scheme would provide three amenity spaces. A rear garden space (20sqm), a front courtyard space (5.2sqm) and a front balcony (2.8sqm) equating to c. 28sqm. SPPR 2 of the Compact Settlement Guidelines requires a minimum of 30m² to be provided for a 2-bed dwelling but states this may be relaxed for urban infill schemes on smaller sites such as this. Overall, I am satisfied with the quantum of private amenity space proposed for the dwelling, even accounting for the possibility of the balcony being omitted. In my view the remaining space applied to No. 10 Prospect Road is acceptable, particularly when considering its existing commercial use. In terms of other amenity impacts, I do not consider that the proposed dwelling would be overbearing on its neighbours, nor would there be a significant degree of overshadowing having regard to the orientation and position of the dwelling relative to its neighbours. Having regard to the foregoing, I do not consider that there would be a depreciation of property values.

7.3. Transport

- 7.3.1. The core issue raised in the appeal and observation is that the laneway is unsuitable in width, form and existing use in order to sustain the proposed dwelling, and that there would be traffic and pedestrian safety issues. At the time of my site inspection, there were no significant impediments to either pedestrian or vehicle access and egress to/from the lane. There were no vehicular movements during my time spent there. The lane is not particularly long. It is straight, with good visibility along its length from the access at Lindsay Road. Whilst it is narrow at the Lindsay Road end, c. 4.5m, it increases in width towards the south. The nature of the lane is such that I consider it to be a low-speed environment. Its short length is such that there is little opportunity for vehicles to access and egress at speed. This would also be unlikely given its width.
- 7.3.2. I note that Appendix 5 of the CDP states that, for mews development, a minimum carriageway width of 4.8m (5.5m where no verges or footpaths are provided) is required. However, the CDP acknowledges that this will not be possible in all instances and states that where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated. I further note that DMURS states that the total carriageway width on local streets where a shared surface is provided should not exceed 4.8m. With the proposed set-back, the section of lane across the site frontage exceeds 5m. In my view the width of the lane is not a significant issue in terms of the principle of the proposed dwelling, particularly given that it would be car free and I note that both the Planning Authority and the Commission have granted permission to mews developments in circumstances where the minimum lane widths are not met, subject to site specific circumstances. In my view, the site-specific circumstances in this case indicate that the access is acceptable.
- 7.3.3. The Applicant has provided swept paths for emergency vehicles demonstrating safe access. I am of the view that the proximity of the site to the Lindsay Road access point (which limits the length of pedestrian movement), and the straight nature of the lane with good visibility is such that pedestrian safety would not be compromised. Issues regarding blockages to the lane from Lindsay Road or inappropriate car parking are matters of wider traffic control for Dublin City Council, the proposed development would not in my mind exacerbate these issues and having a car free development in such an accessible location is entirely consistent with the thrust of national policy and would in effect reduce net vehicle trips by removing the existing vehicle access to No.

10. Concerns raised regarding how the existing business obtained parking permits should be directed to Dublin City Council and are not, in my view, matters for the appeal.

7.3.4. In my opinion, the setback from the lane is helpful, it provides somewhat of a refuge for pedestrians on the odd occasion where there would be pedestrian movement at the same time as large vehicles accessing the lane. I do not agree that it would encourage inappropriate parking. However, given that the lane is in the charge of Dublin City Council, measures to restrict and control parking could be employed, if considered necessary. With vehicles no longer accessing or egressing onto the lane from the site, I do not consider that there would be manoeuvres that would be a risk to the gas meter outside No. 2 Lindsay Road.

7.3.5. In terms of bicycle parking, compliant provision would be made. Additionally, I note that a pedestrian access would be maintained from No.10 Prospect Road to the laneway. I have no objection to this provision, and it raises no amenity concerns.

7.4. Other Matters

7.4.1. I note the precedent examples given by the Appellant in addition to the previous refusals on the subject laneway pertaining to No. 14 Prospect Road. The Appellant's precedent examples, particularly Bengal Road, sit in entirely different contexts and were for larger developments that in my opinion are not directly comparable with the proposal. Additionally, the refusals at No. 14 have specific differences in context and relationship to the parent building/dwelling as well as predating national guidance regarding compact growth. There are other examples where permission has been granted by the Planning Authority and the Commission on sites with narrow access and closer relationships to the parent dwelling/neighbouring dwellings. In any event, each individual case is decided on its own merits, having regard to its specific context and material considerations, relationship to its immediate surrounds and having regard to the relevant policies of the development plan and national guidance. In that respect, on balance I do not consider the impacts of the scheme to outweigh the benefits of bringing forward a new infill home that would make efficient use of a serviced plot in a well located, connected, sustainable urban location.

8.0 AA Screening

8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in north Dublin on a serviced site located c.2.88km from the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), which is the nearest European site. The development comprises a new dwelling as set out in Section 2.1 of this report. No appropriate assessment issues were raised as part of the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and small scale of the works.
- The significant separation distance from the nearest European site and lack of connections.
- The screening determination of the Planning Authority.

8.2. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

9.0 Water Framework Directive

9.1. There are no water courses within the appeal site. The Royal Canal is approximately 150 metres to the south and the River Tolka is c. 750 metres to the north. The proposed development comprises the construction of a new house. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2. 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:

- The nature and scale of the works;
- The location of the site in a serviced urban area and the distance from nearest water bodies and lack of direct hydrological connections.

9.3. 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.

10.0 Recommendation

10.1. I recommend that the Commission grant planning permission, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

11.1. Having regard to the zoning objective of the site and considering the design, scale, form and nature of the proposed development, the location of the site in a serviced urban area, the wider character of the laneway and surrounding streets and properties, the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an acceptable design and would not seriously injure the residential amenities of property in the vicinity or the visual amenities and character of the area, and would, therefore, be in accordance with the provisions of the Dublin City Development Plan 2022-2028 and with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application and amended by Further Information received on 10th April 2025, except as may be otherwise required by the following

conditions.

Reason: To clarify the plans and particulars for which permission is granted.

2. The proposed dwelling shall be retained and occupied as single residential unit and not let or otherwise transferred or conveyed unless permitted by way of a separate planning application.

Reason: To restrict the use of the dwelling in the interest of residential amenity.

3. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of orderly development and the visual amenities of the area

4. The development shall be carried out in accordance with the transport requirements of the Planning Authority.

Reason: In the interests of visual and residential amenity.

3. Water supply and drainage arrangements (including attenuation and disposal of surface water) shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

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

5. Site development and building works shall be carried out between the hours of 8:00 to 19:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

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

Reason: In the interest of public safety and amenity.

7. In relation to individual houses the naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling(s).

Reason: In the interest of orderly street numbering.

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

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

9. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such

phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Terence McLellan
Senior Planning Inspector

3rd September 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322633-25
Proposed Development Summary	Residential news property with associated site works.
Development Address	10 Prospect Road, Glasnevin, Dublin 9.
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.	
<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	

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	
<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 (b) (i) >500 dwellings.

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"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322633-25
Proposed Development Summary	Residential mews property with associated site works.
Development Address	10 Prospect Road, Glasnevin, Dublin 9
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 appeal site is located in an urban area characterised by residential development. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed residential use.</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 site is not located within, or immediately adjoining, any protected areas. The development would be in a serviced urban area and would not have the potential to significantly impact on any ecologically sensitive site or location. The proposal would not give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site. The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>The site is opposite a residential conservation area however, it is not considered to give rise to any significant impacts.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>

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 generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)