



An
Coimisiún
Pleanála

Inspector's Report

ABP-322764-25

Development	Modifications to apartment block permitted under ABP-311000-21 – additional fifth storey (6 no. units)
Location	Blackhorse Avenue, Dublin 7
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2653/24
Applicant(s)	Greenspace Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Margaret Robson and Darryl Jones
Observer(s)	(1) Phillip McMahon (2) Joe and Lisa Fernandez
Date of Site Inspection	18 th September 2025
Inspector	Philip Maguire

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1.0 Introduction

- 1.1. This case relates to an appeal by M. Robson and D. Jones under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of permission by Dublin City Council in accordance with Section 34.
- 1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 146(2) of the Act. The Commission is required to consider both before determining the case.

2.0 Site Location and Description

- 2.1. Situated along and to the south-western side of Blackhorse Avenue (R806), opposite and the Skreen Road junction, the appeal site adjoins the Phoenix Park, some 3km north-west of Dublin City Centre. The site has a stated area of 0.13ha and a primary frontage of c. 75m along Blackhorse Avenue where the posted speed limit is 50kph.
- 2.2. Known as 'The Pallet Yard', owing to a previous use, this brownfield site is mostly flat, triangular shaped and consists of a derelict, utilitarian building with shallow pitched roof and corrugated metal finishes. It is accessed via a gated entrance to the south. The rest of the site includes recolonised vegetation and remnants of hardstand areas.
- 2.3. The surrounding area to the north is predominantly residential in nature, typified by a mix of single and two-storey houses. Park Crescent House, a three-storey apartment complex, adjoins the site to the northwest where the boundary is defined by a belt of mature trees sandwiched between heras-style security fencing and a block wall. Other boundaries include stone walls along Blackhorse Avenue and the tree-lined North Road. The latter, a protected structure, forms part of the perimeter wall of the Park.
- 2.4. The surrounding area to the south is dominated by the Phoenix Park, a national historic park. The pedestrian turnstile to the east provides access to the North Road, which runs generally parallel to Blackhorse Avenue and links Chesterfield Avenue, the central spine road in the Park, with the North Circular Road to the east. To the west of the site, and to the southern side of North Road, lies a lodge and former laundry building. Both are listed in the Record of Protected Structures (RPS ref. 6779). The appeal site also bounds the Phoenix Park Conservation Area. Áras an Uachtaráin, the official residence of the President of Ireland, a protected structure (RPS ref. 6742) and recorded monument (SMR ref. DU018-007006), is located c. 500m southwest.

3.0 Proposed Development

3.1. Planning permission is sought for modifications to a previously permitted apartment development consisting of an additional fifth storey and comprising 6 no. apartments.

3.2. The proposed development is described in the statutory notices as:

“The site bounds the wall of the Phoenix Park, which is a Protected Structure (Ref. 6781).

The development will consist of modifications to planning permission granted under Ref. 3705/20 (ABP Ref. 311000-21). Modifications will include an additional floor providing 6 no. units consisting of 2 no. 1-bed apartments and 4 no. 2-bed apartments and all associated adjustments to the elevations and sections.”

3.3. The following tables summarise the key elements of the overall apartment block:

Site Area	0.13ha (1300sq.m)
Dwelling Units	25 no. apartments
Density	192dph
Building Height	5-storey (16.5m above ground floor level)
Floor Demolition Areas	140.70sq.m
Proposed	2,594.90sq.m
Site Coverage	c. 44%
Plot Ratio	1.9
Dual Aspect	68% (17 of 25 no. apartments)
Open Space / Amenities	13% communal open space (170sq.m of site area)
Car Parking Spaces	16 no. spaces (incl. 1 no. visitor and 1 no. accessible) 0.6 spaces per residential unit
Cycle Parking Spaces	74 (60 no. residential and 14 no. visitor) 2.4 spaces per residential unit

Table 1 – Key Figures

	1-bed	2-bed (3P)	2-bed (4P)	3-bed	Total
Apartments	9	-	16	-	25
Houses	-	-	-	-	-
Total	9 (36%)	-	16 (64%)	-	25 (100%)

Table 2 – Unit Mix

3.4. In addition to a supporting statement (SCA, December 2024), the application documents include:

- Conservation Method Statement (Crawford Architects, November 2024)
- Daylight Impact Assessment (GV8, November 2024)
- HQA (Crawford Architects, October 2024)
- Sunlight Access Assessment (GV8, November 2024)
- Engineering Services Letter (JJ Campbell & Associates, November 2024)
- Part V Validation Letter

3.5. Further Information

3.5.1. The proposed development was amended by further information to include EV charging facility details, a car share space and additional cycle parking. Along with a response statement (SCA, April 2024), the further information included:

- Car Sharing letter (DriveYou, April 2025)
- Mobility Management Plan (Transport Insights, April 2025)
- Verified Views (3D Design Bureau, April 2025)

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Permission was granted on 20th May 2025, subject to 12 no. conditions. The conditions are generally of a standard nature; however, the following are of note:

Condition 4 tethers the permission to the parent permission ABP-311000-21.

- Condition 5 financial contribution in lieu of public open space – 6 no. units.
- Condition 6(b) requires increased provision of Sheffield bike stands – revised plans demonstrating a minimum 41 no. bike spaces etc.
- Condition 6(c) relates to the implementation of the Mobility Management Plan, including the appointment of a Travel Plan Coordinator etc.
- Condition 6(d) EV charging for minimum of 50% of communal spaces etc.

4.2. Planning Authority Reports

4.2.1. The Planning Officer's Report (29/01/25) can be summarised as follows:

Principle of Development

- Notes the Z1 zoning under which residential development is permissible.
- Notes the interim amending permissions under PA refs. 3285/24 and 3286/24, which resulted in a 19-unit apartment block, but states that clarification is required in relation to the description of the proposed development in this regard.
- Notes the engagement of an AHB who welcome the additional units.

Density of Development

- States that the site is located within the City Centre & Canal Belt as per Table 1 of Appendix 3 of the Development Plan, suggesting that the following metrics apply: 100-250dph (density); 1.5-3.0 (plot ratio); and 40-60% (site coverage) – elsewhere indicating that 2.5-3.0 (plot ratio) and 60-90% (site coverage) applies.
- In terms of urban consolidation, the proposal represents a more efficient use of scarce zoned and serviced urban lands.
- Notes the commentary in section 7.4.3 of the planning inspector's report under ABP-311000-21 in relation to density and infill sites.
- Notes the provisions of the Compact Settlements Guidelines in terms of defining a location, density exceptions and refining density.
- States that plot ratio of 1.9 and site coverage of 44% are consistent with the Development Plan for Central Area's.

- States that the densities would fall within the Development Plan and the Compact Settlements Guidelines thresholds for the central city and canal area.
- Considers the densities for the scheme generally acceptable due to its central location inside the city canal area, proximity to public transport and reflects the compact nature of the site, with local and recent precedent.

Design & Integration

- Notes that there will be no change in footprint or site coverage and states that the elevational detailing is similar to the amended parent scheme.
- Considers that the feature brickwork is not required given the low-rise nature of the building with a uniform high-quality brick finish preferable, noting that detailing can be agreed at compliance stage.
- Notes the concerns raised by the conservation section in relation to built heritage.
- Notes the commentary in section 7.4.2 of the planning inspector's report under ABP-311000-21 in relation to potential visual impacts and the streetscape.
- States that the 5-storey development, at 17 metres, is marginally above the 16-metres recommended for such locations under the previous Development Plan and notes recent precedent decisions for increased height along Blackhorse Avenue.
- Notes that the default position of 6-storeys will be promoted within the city centre and canal ring but states that clearer details should be provided with the adjoining 3-storey development to assess any transitional requirements.
- Notes that the proposal does not generate significant overshadowing or loss of daylight over and above the permitted baseline conditions, and will not affect aircraft safety, bird flight paths or local telecoms.

Conservation

- Notes the comments of the conservation officer who states that the proposal would have a significant further visual impact on the special character and setting of Phoenix Park and thus contravene policy BHA2 (a, b, d, e, h, and i).

Roof Plant

- New solar panels within the Solar Safety Zones but below the exemption.

Apartment Mix / Standards

- Notes that the mix of units is consistent with SPPR 1 of the 2023 Apartment Guidelines, notwithstanding the derogation available under SPPR 2.
- Considers that the proposal should not be considered in isolation of the surrounding residential area which includes own-door suburban-type housing and as such will add to the wider profile, variety and mix of units in the local area.
- States that 5 of the 6-no. apartments exceed the minimum floor areas by 10% and 21 no. units, or 84% overall, as per SPPR 3 of the 2023 Apartment Guidelines.
- Notes that the internal accommodation complies with Appendix 1 and ceiling heights are met but states that universal access should be addressed.
- States that 4 of the 6-no. units will be dual aspect and 17 no. units, or 68% overall.
- Notes the building lifecycle report submitted with the parent permission and states that the AHB end-user has experience in managing such facilities.
- States the proposed floor plan is similar to the amended 3rd floor plan permitted under PA ref. 3286/24 but considers that the omission of a balcony to the northwest corner 2-bed unit, including the floors below, requires clarification.
- No amendments to the permitted communal open space, 170sq.m, at ground level and notes that this area is compliant with BRE 209 (3rd Ed.).
- States that there is no dedicated play area but notes that none was sought with the parent permission and whilst a resident's room was omitted under PA ref. 3285/24, a ground floor gym remains.

Public open space

- Notes that no public open space was provided in the parent permission with extensive open space in the Phoenix Park accessible via the nearby turnstile.
- States that the financial contribution condition in lieu of open space be reattached.

Landscaping

- Indicates that no new landscaping is proposed and the conditions of the parent permission still apply, with boundary disputes being a civil matter.

Impact on 3rd Parties

- States that impact from the additional floor level will be minimal and within best practice tolerance, according to the sunlight and daylight analysis.
- Notes the provisions of the Compact Settlements Guidelines in terms of separation distance and the proximity of the apartment block to the development to the northwest, 11 metres, albeit side-on to bathroom window openings.

Traffic / Access / Parking

- Notes the issues raised by the roads section in relation to car parking, including mobility management and car sharing, EV charging, and cycle parking.

Archaeology

- Notes city archaeologist report and monitoring condition under ABP-311000-21.

AA and EIA

- Screened out for AA and EIA.

4.2.2. The Planning Officer's Report (16/05/25) can be summarised as follows:

Further Information – Item 1 (comparative photomontages / CGIs)

- Notes the applicant's response, including CGIs and commentary in relation to context of the Phoenix Park, as a city park, and the lack of direct views towards Áras an Uachtaráin, thus there are no amenity or security concerns.
- Notes the conservation officer report and the recommended refusal reason but considers that the proposed additional floor does not overly alter the visual impacts upon the Park wall or on the setting of the Park over and above the baseline impacts established by the parent permission.
- States that there are no adjacent key prospects, protected views or cones of vision that the proposal would interfere with or obstruct.

Further Information – Item 2 (contiguous views / development transition)

- Considers that a set back from the northwest for the proposed floor is not required having regard to CGI's and the gap between the existing and permitted blocks.

Further Information – Item 3 (clarification of the development description)

- Notes the applicant's response which states that all interim modifications were described in the supporting documents and it is the parent permission to be altered.

Further Information – Item 4 (rationale for omission of various balconies)

- Notes the applicant's response which clarifies that the north facing bedroom only accessible balconies were omitted under PA ref. 4370/23 on the first, second and third floors and the proposed floor replicates the floors below.

Further Information – Item 5 (universal access issues)

- Notes the applicant's response in relation to compliance with the 2022 Apartment Guidelines and Part M of the Building Regulations for access and use, and the responsibility of the AHB end-user for the allocation of units based on needs.

Further Information – Item 6 (comparative transport and parking issues)

- Notes the roads section report, including recommendations in relation to mobility management, car parking allocation, and residential cycle parking.

Conclusion

- States that the proposal would be unlikely to have a significant negative impact on the amenities of the area and would be in accordance with the Z1 zoning objective.

4.2.3. Other Technical Reports

- Archaeology (13/01/25) No objection subject to condition.
- Conservation (09/05/25) Refusal recommended:
Addition of a fifth storey would have a seriously injurious visual impact on the special character and setting of the nationally significant Phoenix Park, which has already been severely compromised by inappropriate development along its perimeter. The proposal would therefore contravene policy BHA2 (a, b, d, e, h, i) of the City Development Plan.
- Drainage (28/01/25) No objection subject to condition.
- Roads (14/05/20) No objection subject to condition.

4.3. Prescribed Bodies

None.

4.4. Third Party Observations

4.4.1. Some 13-no. observations received. The issues raised are similar to the grounds of appeal and observations received. They can be summarised as follows:

- Building will visually dominate the area, due to the very small site on which it is proposed, and is out of scale with the surroundings.
- No objection to residential development; urgent need for housing understood.
- Constitutes overdevelopment – density is in excess range for Outer Suburbs i.e. 60-120dph and plot ratio is 2.04 which is at the upper end of the range 1-2.5.
- Out of character with the area – will be visually dominant/an eyesore – area is mainly made up of bungalows.
- Existing permitted building is already too high – five stories with the roof line in places reaching the equivalent of six stories is much higher than other buildings in the area including Park Crescent House, which is not comparable.
- Will overshadow the Park and surrounding 3rd parties and their amenity spaces.
- Park Crescent House is situated on a large site, and is set back more than 20 metres from the wall of the Phoenix Park and is barely visible from within the Park itself whereas proposal will be placed close to the wall.
- Will overlook Áras An Uachtaráin – and therefore could have security implications.
- The tree line marks the shared boundary with Park Crescent House and the site owners do not have authority to remove any of the trees on the shared boundary without agreement from both parties – consent is not given to the destruction of healthy long living trees, which help to reduce pollution, act as sound barriers and privacy for this development and enhance the beauty of the area.
- Replacement of the mature trees, c. 20 metres high, with semi mature specimens, c. 4 metres high, is not acceptable to Park Crescent OMC.
- There is no passive surveillance of the children's potential play area.

4.4.2. The Office of Public Works (OPW) observation can be summarised as follows:

- States that the proposal has no visual barriers between it and the Phoenix Park.
- Considers that the structure will limit the public's enjoyment of the Park due to potential overlooking by residents of the apartment block.
- Considers that light intrusion in the evenings has the potential to affect Park users.
- States that the setting and security of significant institutions within the Park may be compromised by the scale and proximity of the proposal.
- OPW is concerned that the scale will diminish the historical, archaeological and architectural character of the Phoenix Park.

5.0 Planning History

5.1. Appeal site:

5.1.1. PA ref. 3705/20 – in May 2022, the decision of the planning authority was upheld on appeal and permission granted (ABP-311000-21) for four-storey, **17-unit apartment block**. A departure from a previous appeal decision (ABP-300456-17) at the site from July 2018, where a floor was conditioned out and the building limited to three-storeys, and subsequent Council refusal in August 2020 (PA ref. 2901/20) for four-storeys.

5.1.2. PA ref. 4370/23 – in April 2024, the planning authority granted permission for modifications to the apartment block permitted under ABP-311000-21 (PA ref. 3705/20) including adjustments to the parking layout and some elevational changes. Condition 2 of this permission tethered the development to the parent permission.

5.1.3. PA ref. 3285/24 – in August 2024, the planning authority granted permission for modifications to the apartment block permitted under ABP-311000-21 (PA ref. 3705/20) including an additional 1-bed unit, resulting in an **18-unit apartment block**. Condition 5 of this permission tethered the development to the parent permission.

5.1.4. PA ref. 3286/24 – in August 2024, the planning authority granted permission for modifications to the apartment block permitted under ABP-311000-21 (PA ref. 3705/20) including an additional 2-bed unit, resulting in a **19-unit apartment block**. Condition 4 of this permission tethered the development to the parent permission.

5.2. Surrounding area:

353 and 363 Blackhorse Avenue

- 5.2.1. PA ref. 4237/19 – in July 2025, the decision of the planning authority was upheld on appeal and permission granted (ABP-320640-24) for the construction of 4-storey, 31-unit apartment block following the High Court quashing / remittal of ABP-308308-20.
- 5.2.2. PA ref. 3792/22 – in April 2024, the decision of the planning authority was upheld on appeal and was permission granted (ABP-315001-22) for the construction of 4-storey, 31-unit apartment block. This decision is before the High Court (No. 2024 781 JR).

375 Blackhorse Avenue

- 5.2.3. PA ref. 3603/14 – in January 2015, the planning authority granted permission for 7 no. 3-bed, two-storey houses. This housing development is now known as 'Martin Close'.
- 5.2.4. PA ref. 3435/09 – in October 2010, the decision of the planning authority was overturned on appeal and permission refused (PL29N.236504) for a three-storey, 15-unit, apartment block. The refusal reason referred to the pattern of existing residential development in the vicinity and to the size and shape of the site. It was considered that the proposal, by reason of its scale and layout significantly forward of the building line with inadequate separation from the public road would constitute overdevelopment of the site, which would be incongruous in the streetscape, would seriously injure the amenities of property in the vicinity and the residential amenity of future occupants.

Park Springs, Nephin Road

- 5.2.5. PA ref. 4181/17 – in July 2018, the decision of the planning authority was upheld on appeal and permission refused (ABP-300813-18) for two additional apartments. It considered that the proposed second floor level apartments would, by reason of the distance to boundaries of the building, the design of the additional level, and proximity of windows and balconies to rear gardens adjoining the boundaries, be visually obtrusive and overbearing and would lead to overlooking and a general loss of privacy.

5.3. Other relevant history:

BusConnects

- 5.3.1. ABP-313892-22 – in June 2024, An Bord Pleanála approved the Blanchardstown to City Centre Core Bus Corridor Scheme, which is within 370m of the appeal site, along the Navan Road and accessible via Nephin Road or Skreen Road, both 500m walk.

DART+ West

- 5.3.2. ABP-314232-22 – in July 2024, An Bord Pleanála granted a Railway Order (DART+ West Electrified Heavy Rail Order) for the Dublin City to Maynooth and M3 Parkway lines. Broombridge, which is also a Luas terminus, is within c. 1.4km (1.7km walk).

Blackhorse Avenue Industrial Estate

- 5.3.3. PA ref. 2370/20 – in May 2021, the decision of the planning authority was overturned on appeal and permission granted (ABP-308424-20) for a 6-storey apartment building.

6.0 Policy Context

6.1. Local Planning Policy

Dublin City Development Plan 2022-2028

- 6.1.1. The current City Development Plan, as varied, came into effect on 14th December 2022. The planning authority decision of 20th May 2025 was made under the provisions of this Plan. This appeal shall also be determined under the current Plan.
- 6.1.2. The appeal site is zoned ‘Z1 – Sustainable Residential Neighbourhoods’ with a land use zoning objective *‘to protect, provide and improve residential amenities’*. Residential uses are permissible in this zoning subject to normal planning considerations as detailed in section 14.3.1 of the Plan, including that related to policy.
- 6.1.3. Section 14.6 of the Plan relates to transitional zone areas and states that it is important to avoid abrupt transitions in scale and land-use between zones, and in dealing with development proposals in these areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.
- 6.1.4. The site backs onto the North Road in the Phoenix Park. The Park is zoned ‘Z9 – Amenity / Open Space Lands / Green Network’, with a zoning objective *‘to preserve, provide and improve recreational amenity, open space and ecosystem services’*.
- 6.1.5. The Phoenix Park is a protected archaeological complex and conservation area (CA), with lodge / former laundry (ref. 6772), walls (ref. 6781) and Áras an Uachtaráin (ref. 6742) all listed in the Record of Protected Structures. The latter is also a monument.

6.1.6. Further northwest along Blackhorse Avenue, and immediately outside the Phoenix Park walls, lies another recorded monument known as 'Poor Man's Well' (SMR ref. DU018-021), with Cabra Gate and Lodge (ref. 6772) adjacent, c. 370m from the site.

6.1.7. The main policies and objectives are set out under chapters 2 (Core Strategy), 4 (City structure), 5 (housing and sustainable neighbourhoods), 8 (sustainable movement), 10 (green infrastructure), 11 (built heritage and archaeology) and 15 (development standards). Appendices 3 and 5 are also relevant in terms of height and parking.

6.1.8. The following sections are relevant to the appeal:

- 2.4 – The Core Strategy (Table 2-8)
- 4.5.2 – Approach to the Inner Suburbs and Outer City as Part of the Metro. Area
- 4.5.3 – Urban Density
- 4.5.4 – Increased Height as Part of the Urban Form and Spatial Structure
- 4.5.5 – Urban Design and Architecture
- 5.2.2 – Regeneration, Compact Growth and Densification
- 8.5.7 – Car Parking
- 10.5.3 – Landscape
- 10.5.4 – Parks and Open Spaces
- 11.5.3 – Built Heritage Assets of the City (Red-Hatched Conservation Areas)
- 11.5.5 – Archaeological Heritage
- 15.5 – Site Characteristics and Design Parameters (15.5.2 Infill Development)
- 15.6 – Green Infrastructure and Landscaping
- 15.8 – Residential Development
- 15.9 – Apartment Standards (incl. separation distances, overlooking etc.)

6.1.9. Summary of relevant policies and objectives:

SC8 Seeks to support the development of the inner suburbs in accordance with the MASP and fully maximise opportunities for intensification of infill, brownfield and underutilised land where it aligns with existing and pipeline public transport services etc.

- SC10 Seeks to ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in the relevant planning guidelines, and any amendment thereof.
- SC11 Seeks to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors etc.
- SC16 Seeks to recognise the predominantly low-rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations and other locations identified in Appendix 3 etc.
- QHSN6 Seeks to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development subject to the provision of good quality accommodation.
- QHSN10 Seeks to promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, subject to successful integration etc.
- QHSN36 Seeks to promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development.
- SMT27 Seeks to provide sustainable levels of car parking as per Appendix 5.
- GI26 Provides for a financial contribution in lieu of provision of appropriate open space in the vicinity where it is not feasible or realistic on site.
- GIO27 Seeks to support the implementation of the Phoenix Park Management Plan by the Office of Public Works so as to protect and conserve the historic landscape of the Phoenix Park and its archaeological, architectural and natural heritage whilst facilitating visitor access etc.
- BHA2 Seeks to *inter alia* protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- BHA9 Seeks to protect the special interest and character of all Conservation Areas – development within or affecting such an area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character, appearance and setting etc.

6.2. Regional Planning Policy

Regional Spatial and Economic Strategy (RSES)

- 6.2.1. The Eastern and Midland RSES 2019-2031 (EMRA, 2019) sets the regional policy context. Regional Strategic Outcome (RSO) 1 supports sustainable settlement patterns and RSO 2 promotes the concept of compact growth and urban regeneration.
- 6.2.2. In this regard, the key enablers for growth include promoting compact urban growth to realise targets of at least 50% of new homes within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- 6.2.3. Regional Policy Objective (RPO) 3.2 requires that local authorities, in their core strategies, set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas. Allied to this, RPO 4.3 supports the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- 6.2.4. In similar regard, and noting the site's location within the Dublin MASP boundary, one of the 'Guiding Principles' is to promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve this stated target of 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements; and to support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built-up areas, supported by improved services and public transport. In this regard, the RSES acknowledges the significant role of the planned '*BusConnects*' projects.

6.3. National Planning Policy and Guidelines

National Planning Framework (NPF)

- 6.3.1. Project Ireland 2040, the National Planning Framework *First Revision* (DHLGH, April 2025), sets the national planning policy context. National Strategic Outcome (NSO) 1 promotes the concept of compact growth, noting that achieving effective density and consolidation, rather than more sprawl of urban development, is a top NPF priority.

- 6.3.2. In this regard, National Policy Objective (NPO) 5 targets 50% of future population and employment growth in the existing five cities and their suburbs and NPO 8 seeks to deliver at least 50% of all new homes targeted in the five cities and suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- 6.3.3. The NPF also signals a move away from rigidly applied planning policies and standards in relation to building design, in favour of performance-based criteria, to ensure well-designed, high-quality outcomes. It emphasises that general restrictions on building height may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to the general location.
- 6.3.4. In this regard, NPO 22 provides that in urban areas, planning and related standards, including building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes order to achieve targeted growth.
- 6.3.5. Section 6.6 (Housing) of the revised NPF details a significant departure from its predecessor in terms of annual housing output. It considered that an average output of 25,000 new home between 2018 and 2040 would be required in order to deliver 550,000 households to 2040 (NPO 32), whereas NPO 42 of the current revised NPF targets the delivery of approximately 50,000 additional homes per annum to 2040.
- 6.3.6. In this regard, NPO 43 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale relative to location. NPO 45 seeks to increase residential density in settlements, through a range of measures including infill development schemes, regeneration and increased building heights.

Compact Settlements Guidelines

- 6.3.7. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DHLGH, 2024) sets out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. They are accompanied by a non-statutory Design Manual, albeit unpublished at time of writing.
- 6.3.8. Section 2.2 notes that these Guidelines should be read in conjunction with other guidelines where there is overlapping policy and guidance. Where there are differences between these Guidelines and other previously issued Section 28

Guidelines, it is intended that the policies and objectives and specific planning policy requirements (SPPR's) of the Compact Settlements Guidelines will take precedence.

- 6.3.9. In this regard, section 3.0 of the Guidelines deals with settlement, place and density. Section 3.3.1 relates specifically to the five cities and MASP areas. Amongst the key priorities is to deliver brownfield and infill development within the existing built-up footprint and in a sequential manner closest to the urban core. Table 3.1 states that it is a policy and objective of these Guidelines that net residential densities in the range of 50-250dph shall generally be applied in 'urban neighbourhoods' of Dublin and Cork.
- 6.3.10. Table 3.8 characterises a 'high-capacity public transport node or interchange' as including locations within 500m walking distance of an existing or planned *BusConnects* 'Core Bus Corridor' stop and 'accessible locations' as lands within 500m (up to 5-6 min. walk) of existing or planned high frequency (10-min. peak hr.) urban bus services. Table 3.8 is not exhaustive and a local assessment is advocated.
- 6.3.11. Section 5.0 of the Guidelines sets out the standards for new housing, including SPPR 1 (separation distances), SPPR 2 (private open space) and SPPR 3 (car parking).

Apartment Guidelines

- 6.3.12. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DHLGH, 2022, updated July 2023) focus on the locational and planning specific aspects of apartment development. Design parameters include locational considerations and internal space standards for different apartment types including amenity spaces etc. Many of these parameters are subject to SPPRs which take precedence over any conflicting Development Plan policies and objectives.
- 6.3.13. In terms of location, these Guidelines suggest that the appeal site falls within a 'central and/or accessible urban location' i.e., within easy walking distance (up to 5-min or 400-500m) to/from high frequency (min. 10-min. peak hr. frequency) urban bus services. It notes that such locations are generally suitable for small- to large-scale and higher density development, albeit subject to location, that may wholly comprise apartments.
- 6.3.14. Section 6.6 of the Guidelines states that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like *A New European Standard for Daylighting in Buildings* (IS EN 17037:2018), *UK National Annex* (BS EN 17037:2019) and the associated practice guide BRE 209 2022 (3rd ed.,

June 2022), or any relevant future standards or guidance specific to the Irish context. Section 6.7 relates to alternative, compensatory design solutions where an applicant cannot fully meet all of the requirements of the daylight provisions outlined above.

- 6.3.15. The *Planning Design Standards for Apartments Guidelines for Planning Authorities* (DHLGH, July 2025) set out policy and guidance in relation to apartment development in all housing or mixed-use schemes that include apartments that may be made available for sale, whether for owner occupation, individual lease or rental purposes. These Guidelines apply to applications submitted after their issuing i.e., 8th July 2025.

Building Heights Guidelines

- 6.3.16. The Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG, 2018) reflects the policy direction espoused in the NPF in terms of achieving compact growth through urban infill and brownfield development. Section 1.10 states that it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective in major town centres identified in the RSES, subject to the criteria in Section 2 and Section 3 of these Guidelines.
- 6.3.17. Section 3.1 of the Guidelines sets a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. It also outlines some broad principles that should be applied when considering proposals for taller buildings including whether such proposals positively assist in securing NPF objectives such as fulfilling targets related to brownfield etc.
- 6.3.18. Section 3.2 of the Guidelines sets out criteria that the proposal should satisfy at the scale of the relevant city/town; at the scale of district/neighbourhood/street; at the scale of the site/building; and other specific assessments. SPPR 3 gives primacy to these criteria even where objectives of the Development Plan may indicate otherwise.

6.4. Other National Policy and Guidance

Housing for All

- 6.4.1. *Housing for All*, a New Housing Plan for Ireland (DHLGH, 2021) is the government's housing policy to 2030. In this regard, it notes that Ireland needs an average of 33,000 homes built per annum until 2030 to meet the NPF targets. These homes need to be affordable, built in the right place, to the right standard and in support of climate action.

Climate Action Plans

- 6.4.2. The Climate Action and Low Carbon Development Act 2015, as amended, ('the Climate Act'), commits the State to a legally binding 51% reduction in overall GHG emissions by 2030 and to achieving net zero emissions by 2050. Section 15 places an obligation on the Board to make all decisions in a manner consistent with this Act.
- 6.4.3. The Climate Action Plan 2024 (CAP24) follows the commitment in the Climate Act, and sets out the range of emissions reductions required for each sector to achieve the committed targets. Measures to reach a 50% reduction in transport emissions include a 20% reduction in total vehicle kilometres and a 50% increase in daily active travel.
- 6.4.4. The Climate Action Plan 2025 (CAP25) was published in April 2025 (DECC) and builds upon CAP24 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and states that it should be read in conjunction with CAP24. As with CAP24, the CAP25 Annex of Actions contains only new, high-impact actions for delivery in 2025. In terms of reduction in total vehicle kilometres, Action TR/25/9 relates to *BusConnects*, and the commencement of works.

Design Manual for Urban Roads and Streets (DMURS)

- 6.4.5. Guidance relating to the design of urban roads and streets is set out in DMURS (DTTS and DHPLG, 2013, updated May 2019). Section 3.3.2 of DMURS notes that on larger and / or irregular shaped blocks short cul-de-sacs may be used to serve a small number of dwellings and to enable more compact/efficient forms of development.
- 6.4.6. Section 4.4.1 notes that the standard carriageway width on local streets should be between 5 and 5.5m (i.e. lane widths of 2.50-2.75m) and states that total carriageway width on local streets where a shared surface is provided should not exceed 4.8m.
- 6.4.7. Section 4.4.4 indicates that the stopping sight distance (SSD) for a road design speed of 50kph is 45m; 40kph is 33m; and 30kph is 23m. Section 4.4.5 notes that priority junctions in urban areas should have a maximum X-distance of 2.4m but this can be reduced to 2m where vehicle speeds are slow and flows on the minor arm are low.

National Biodiversity Action Plan 2023 – 2030

- 6.4.8. Ireland's 4th National Biodiversity Action Plan (NBAP) was launched on 25th January 2024. It sets the national biodiversity agenda until 2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.

6.5. Other Guidance

Phoenix Park Conservation Management Plan

- 6.5.1. The Phoenix Park Conservation Management Plan (OPW, September 2011) aims to balance the responsibility to protect, conserve and enhance the unique landscape, environment, ecology, wildlife, built heritage and views of the Phoenix Park with active and creative policies to facilitate wider access and to increase opportunities for enjoyment, information, education and recreation for now and into the future.
- 6.5.2. Section 6.4 notes that certain developments in and around the Park boundaries have been detrimental to its character and to views, some within Park enclosures, stating that further development could erode the quality of views and the Park setting. In this regard, specific objective SO 6.4 seeks to encourage the planning authorities and neighbouring landowners to protect, enhance and have regard to the landscape setting of the Park so that important views and visual links are sustained or reinstated.

6.6. Natural Heritage Designations

- Royal Canal pNHA (002103) – c. 1.4km north, northeast
- Grand Canal pNHA (002104) – c. 2.7km south, southeast
- Liffey Valley pNHA (000128) – c. 2.9km west, southwest
- South Dublin Bay and River Tolka Estuary SPA (004024) – 5.4km east
- South Dublin Bay SAC (000210) – 7.1km east, southeast
- North Bull Island SPA (004006) – 8.5km east
- North Dublin Bay SAC (000206) – 8.5km east
- Northwest Irish Sea candidate SPA (004236) – 10.9km east

6.7. EIA Screening

- 6.7.1. The proposed development has been subject to preliminary examination for environmental impact assessment (Appendix 1). 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 proposal, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not therefore required.

6.8. WFD Screening

- 6.8.1. 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 (Appendix 2).

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The appeal by Margaret Robson and Darryl Jones can be summarised as follows:
- Refers to the OPW observation and highlights the comment in relation the height, scale and design of the proposal and its inappropriateness at the subject location.
 - Raises concerns in relation to the density of the proposal and refers to the Planning Officer's Report under PA ref. 3705/20 in respect of same.
 - States that the proposal does not follow the guidance in the Urban Design Manual in that the size and height are woefully out of keeping with the dwellings in the neighbourhood i.e., bungalow-style cottages and 3-bed semi's.
 - Residential buildings in the area are all characterised by low boundary walls and an open aspect, contrary to the proposed high-walled, gated enclosure.
 - Submits that Martin Close is a good example of housing with a positive impact on the local community, stating that they would not object to a similar scheme and noting that previous apartment proposals on that site were refused permission.
 - States that the building will be an extremely intrusive and deleterious addition to the character of the area as well as providing a hazardous junction on a busy road.

7.2. Applicant Response

7.2.1. SCA responded on behalf of the applicant, Greenspace Homes Ltd.

7.2.2. The response can be summarised as follows:

- Submits that the appeal grounds, which refer to the 2009 Urban Design Manual and rely on its contents and interpretation, are entirely out of time and step with the latest Government policy i.e., Compact Settlements Guidelines 2024, the NPF, the EMRA RSES, including the Dublin MASP, and the current City Development Plan.
- Notes that Compact Settlements Guidelines replace the 2009 Guidelines and the associated Urban Design Manual.
- The appellants defence of the heretofore low-density, low-level pattern of development in the city and inner suburbs is no longer accepted by Government as being proper or sustainable – thus there is no substance to the appeal grounds.
- Request that the appeal be dismissed and permission granted, noting that the applicants accepted all conditions attached to the grounding parent permission.

7.3. Planning Authority Response

7.3.1. Dublin City Council request that the Commission uphold the decision.

7.3.2. I note that the Council has also requested that the Commission attach a Section 48 development contribution condition in the event of a grant of permission, in addition construction bond and naming / numbering conditions.

7.4. Observations

7.4.1. The observation received from Phillip McMahon, on his own behalf and on behalf of the Management Committee of Park Crescent House, can be summarised as follows:

- Raises concerns regarding density, stating that the range for the 'outer suburbs' is 60-120dph and suggesting that the plot ratio is at the 'upper end' – and disputing the metrics are appropriate to the site / neighbourhood in any event.
- Disputes reference in the Planning Officer's Report that the appeal site is within the 'City Centre and Canal Belt' for the purposes of defining a density range –

suggesting that the 'canal belt' is the area inside the canals bordered by the North and South Circular Roads and stating that it is not a city centre area.

- Refers to a 2018 appeal decision at the site where the building was limited to three stories, suggesting this was reasonable and accepting four stories at most.
- Refers to observations of the Council's parks section in a previous application which considered the development to be excessive in scale and inappropriate in impact on the landscape of the Phoenix Park.
- Submits the proposal will visually intrude into the Phoenix Park and due to its scale, will negatively impact on the landscape character of the Park and its setting.
- Even at 4-stories, the proposal would be overbearing on the Phoenix Park and refers to commentary in section 7.4 of the planning inspector's report under ABP-300456-17 purportedly stating similar.
- Refers to the proximity to public transport as a rationale put forward to grant permission but states that *BusConnects* will not commence until 2027 and existing Dublin Bus services (No. 37) do not stop at peak times having reached capacity.
- Submits that the use of public transport as a reason to grant permission is further compounded by inadequate car parking – referring to the concerns raised by the Council's roads section and analogous example at Park Crescent House.
- States that the building height is excessive, will visually dominate the area, is out of scale with the surroundings and thus contravenes the design standards for infill development in the City Development Plan.
- Submits that any comparison to Park Crescent House in terms of visual impact is misleading i.e., it is situated on a large site some 20 metres from the Park wall.
- References to the development permitted under ABP-308424-20 is misleading i.e., not sited near a conservation area and national monument (Phoenix Park).
- Refers to previous concerns raised by the Council's conservation section and mitigatory conditions recommended (semi-mature trees) but suggests that such mitigation would be insufficient with a 13% height increase.
- Submits that the proposal contravenes policy BHA2.

- Suggests that the proposal falls short of the Council’s design standards in an attempt to shoehorn a building, that is overbearing and out of kilter with the area, into a very small site, thus detracting from the residential amenity of this area.

7.4.2. The observations received from Joe and Lisa Fernandez can be summarised as:

- States that the proposal goes against the requirements of the OPW and there is no other structure on that side of the wall (or opposite it) higher than 3-storey.
- Refers to the Martin Close scheme as fitting in with the neighbourhood.
- Notes that the Phoenix Park wall is a protected structure and it, along with other features of the Park, contribute to its unique character as a designed landscape.
- Outlines the key considerations and specific concerns for the OPW.

8.0 Planning Assessment

8.1. Preliminary Points

8.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal.

8.1.2. The issues can be addressed under the following headings:

- Land Use Zoning and Density
- Residential Amenity
- Visual Amenity
- Traffic Issues
- Other Issues

8.2. Land Use Zoning and Density

8.2.1. As noted, the proposed development relates to the construction of an additional storey to a permitted 4-storey apartment block, comprising 2 no. 1-bed and 4 no. 2-bed units. I note the parent permission was granted during the previous plan period 2016-2022.

- 8.2.2. The proposed development would result in 25 no. apartments in a five-storey block. The additional units would be contained within an identical footprint to the permitted development, each with private amenity space in the form of balconies and accessed via a vertical extension to the central core, located towards the front of the building.
- 8.2.3. The permitted apartment block is wedge-shaped; some 23 metres wide adjacent to the Park Crescent House boundary and tapering to 3.4 metres at the site entrance. The front elevation addressing Blackhorse Avenue has an overall length of c. 51 metres, albeit broken up with angular features. The rear elevation, which addresses the Phoenix Park, is 43 metres long. The additional floor has identical dimensions.
- 8.2.4. The roof plan and parapet levels of the permitted development are 47.850mAOD and 48.60mAOD, respectively. The FFL of the proposed development is therefore 47.850mAOD, with a new parapet level of 51.850mAOD (lift overrun of 53.20mAOD). The proposal will result in an apartment block 3.25m higher than previously permitted.
- 8.2.5. External finishes are unaltered, with feature brickwork proposed at fourth floor level.
- 8.2.6. The appellants and observer raise a number of substantive issues regarding the principle of the proposed development, including that relating to residential density. It is important, however, to address zoning in the first instance given the new plan period.

Land Use Zoning

- 8.2.7. The appeal site remains zoned 'Z1 – Sustainable Residential Neighbourhoods' in the current Development Plan 2022-2028, with a zoning objective 'to protect, provide and improve residential amenities', and where residential uses are permissible subject to 'normal planning considerations', i.e., the policies and objectives outlined in the Plan.
- 8.2.8. I also note that the appeal site lies directly opposite the Phoenix Park which is zoned 'Z9 – Amenity / Open Space Lands / Green Network', as it was when the 4-storey block was permitted. The Development Plan cautions against abrupt transitions in scale and land use between zones, and this concern has been raised in the appeal.
- 8.2.9. However, the crux of the appellant's concerns relates to the impact of the proposal on the local community and neighbourhood. They, along with one of the observers, suggest that a low-rise scheme is more appropriate, whereas the other observer goes further and states that the proposal is overbearing, detracting from residential amenity.

- 8.2.10. Whilst I note that policy SC16 recognises the predominantly low-rise character of the city, it also acknowledges the locational need for increased height and this must be balanced against the zoning objective, and specifically the protection of amenities.
- 8.2.11. At the heart of this issue, it is not therefore whether an apartment scheme is acceptable in this zoning, this has been established by virtue of ABP-311000-21 and there has been no land use changes in the interim, it is rather whether the additional fifth storey would adversely impact on existing residential amenities and the character of this area. In this regard, I am fully satisfied the proposed development is acceptable in principle, subject to a granular consideration of these issues in this transitional Z1 – Z9 zone.

Density and Defining the Area

- 8.2.12. The density, as permitted under parent permission ABP-311000-21, was 131dph based on 17 no. apartments. Two additional units were subsequently permitted under PA refs. 3285/24 and 3286/24, respectively. The extant density is therefore 146dph, and the proposed development, if permitted, would result in a 192dph apartment block.
- 8.2.13. The appellant raises concerns in relation to the residential density. The issue is further articulated and elaborated upon by the observer who disputes the Planning Officer's assertion that the appeal site lies within the 'City Centre and Canal Belt', suggesting instead that the site is in the 'Outer Suburbs', where a range of 60-120dph applies.
- 8.2.14. The applicant does not expressly engage with the density issue, rather refers to the suite of Government policy which now advocates for increased densification and compact growth of our settlements, stating that the heretofore low-density, low-level pattern of development in the city and inner suburbs is no longer viewed as sustainable.
- 8.2.15. Section 4.5.2 of the Development Plan sets out the City Council's approach to the inner suburbs and policy SC8 seeks to support their development in accordance with the MASP and fully maximise opportunities for intensification of infill, brownfield and underutilised lands where it aligns with existing and planned public transport services.
- 8.2.16. Inner suburbs are defined in the Plan as those areas beyond the 'inner city' comprising of the 19th century built-up areas, including Drumcondra and north Phibsborough. For clarity, the 'inner city' is defined as the area bounded on the northside by North Circular Road, Phibsborough Road, the Royal Canal, North Strand Road and East Wall Road and 'outer city' is those areas between 19th century urban areas and the city boundary.

- 8.2.17. By definition, the appeal site is c. 1.3km outside the 'inner city' and generally within the 'inner suburbs', albeit not a 19th century suburb. In this regard, I note the distinction drawn between the 'inner suburbs' and the 'canal belt' in Section 4.5.2 of the Plan. It states that 'inner suburbs comprise the established suburban communities, largely, located outside of the canal belt'. It also provides further clarity on the 'outer city' which it refers to as the newly developing areas on the fringe of the city administrative area. These areas are not illustrated in the Plan and the mixed terminology is not helpful.
- 8.2.18. Notwithstanding, I agree with the observer that the appeal site is not within the 'City Centre and Canal Belt' where 100-250dph is supported, particularly in the absence of a map or definition of same, and I accept that area resembles the 'inner city' definition. However, I do not agree with the observer's claim that the appeal site is an 'Outer Suburb' where densities of 60-120dph generally apply. To my mind, that is more closely aligned with the 'outer city', as noted in Section 4.5.2 of the Development Plan.
- 8.2.19. Based on the prevailing pattern of development, it is entirely reasonable to assert that the appeal site is an inner suburb between the 'outer city' and 'inner city' and thus not subject to the density ranges outlined in Appendix 3, Table 1 of the Development Plan. In this regard, the site is not in a SDRA, SDZ/LAP, Key Urban Village or Former Z6.
- 8.2.20. In the absence of an indicative density range in the Development Plan, it is critical to refer to the Compact Settlements Guidelines. It outlines three general areas in relation to Dublin City and Suburbs in Table 3.1, namely, city centre, urban neighbourhoods and suburban/urban extension. In this regard, I note that 'city urban neighbourhoods' includes the compact medium density residential neighbourhoods around the city centre that have evolved over time and lands around existing or planned high-capacity public transport nodes or interchanges. Table 3.1 indicates that net densities in the range of 50-250dph shall generally be applied in the urban neighbourhoods of Dublin.
- 8.2.21. The surrounding area is evidently a compact medium density residential neighbourhood between the Navan Road and Blackhorse Avenue and has evolved over time. In relation to its proximity to existing or planned high-capacity public transport, I note that the site is within 500m walking distance of two stops on the Blanchardstown to City Centre *BusConnects* core bus corridor, on the Navan Road.
- 8.2.22. The Council's roads section report notes this as *BusConnects* Spine B providing connectivity between the City Centre and Ongar (B1), Clonee (B2), Tyrrelstown (B3)

and Blanchardstown (B4) and states that under the scheme, Blackhorse Avenue will be served by N2 orbital bus route (Heuston Station-Clontarf Road via Broombridge) and will continue to be served by the Number 37 (Blanchardstown–Burlington Road).

- 8.2.23. In this regard, I am fully satisfied that the site is within a ‘city urban neighbourhood’ where densities of 50-250dph are to be applied, notwithstanding the observer’s submission in respect of the planned commencement of the *BusConnects* scheme.
- 8.2.24. Moreover, policy SC10 seeks to ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in the Sustainable Residential Development Guidelines (2009) “and any amendment thereof”. Section 1.2 of the Compact Settlements Guidelines notes that they replace the 2009 guidelines and thus densities of 50-250dph appear to be supported by virtue of that provision.
- 8.2.25. Likewise, policy SC11 seeks to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors etc. I also note the provisions in policies QHSN6 and QHSN10 relating to urban consolidation and urban density, respectively. The latter seeks to promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need to successfully integrate with the character of the area.
- 8.2.26. It is therefore important to note the provisions of the Core Strategy of the Plan (Table 2-8), which targets a residential yield of 12,900 units on infill/smaller scale brownfield sites. At c. 0.13ha and previously developed, the appeal site would support the achievement of the Core Strategy in accordance with policies SC11 and QHSN10.
- 8.2.27. I do not, however, consider such a density ‘significantly higher and denser than the prevailing context’, where certain performance criteria ought to be applied (Appendix 3, Table 3). In this regard, I note the adjacent 3-storey apartment complex and the extant permission for the 4-storey apartment block on the site. Whilst I also note that Appendix 3 goes on to suggest that such criteria need only be applied at building heights over 4-storey and explicitly states that heights of 3-4 storeys will be promoted as the minimum outside of the canal ring¹, this relates to the ‘outer city (suburbs)’.

¹ The terms ‘canal ring’ and ‘canal belt’ are used interchangeably in the text of the City Development Plan.

8.2.28. Finally, I note the same observer also raises concerns regarding the plot ratio. Appendix 3, Table 2 of the Development Plan lists 4 no. area-types for the purposes of indicative plot ratio and site coverage, namely, Central Area, Regeneration Area, Conservation Area and Outer Employment and Residential Area. At 1.9, the plot ratio falls within the indicative ranges for all areas bar the Central Area (2.5-3.0). I also note that the site coverage, at 44%, is below the indicative site coverage ranges for all of the listed areas. This is discussed further below in terms of residential amenity impact.

Conclusion on Land Use Zoning and Density

8.2.29. Having regard to the location of this underutilised site, within a defined 'city urban neighbourhood', and placing significant weight on the Z1 zoning objective, the Core Strategy and policies SC10, SC11, QHSN6 and QHSN10 relating to urban density, compact growth and urban consolidation, I consider the proposal is acceptable in principle, subject to further consideration of the residential and visual amenity impacts.

8.3. Residential Amenity

8.3.1. Whilst not raised explicitly by the appellant, I note that one of the observers suggests that the proposal is overbearing and detracts from the residential amenities of the area.

8.3.2. The Commission should note that associated issues of overshadowing and loss of light have not been raised in the appeal. Given the limited nature of the proposal, an additional storey, and the separation distances involved, I do not consider such assessment warranted. I do, however, note that the Planning Officer considered the proposal would not generate significant overshadowing above the permitted baseline conditions and this is a reasonable assertion having regard to the case circumstances.

8.3.3. However, as overlooking impacts are generally considered in concert with concerns around overbearance, I will consider overbearance and overlooking as a joint issue.

Overbearance and Overlooking

8.3.4. Section 15.9.18 of the Development Plan defines 'overbearance' as the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space serving a home. It states that in established residential developments, any significant changes to established context must be considered. Relocation or reduction in building bulk and height are considered as

measures to ameliorate overbearance, whereas it notes that overlooking may also be overcome by design i.e., window placement, use of oblique windows, landscaping etc.

- 8.3.5. Overbearance is therefore a negative perception derived from the proximity of a building, whereas overlooking, perceived or actual, relates to the building's occupants.
- 8.3.6. As noted, the permitted apartment block is laid out in an irregular, wedge-shaped form with rear elevation running parallel to the North Road, in the Phoenix Park, and a front elevation that is broadly parallel with the adjoining Blackhorse Avenue. The front elevation is set back between c. 1.1m and 3.6m from the roadside boundary, and this reflects the existing building line to the northwest given the horizontal road alignment.
- 8.3.7. The FFL within the undercroft car park is 35.25mAOD and this generally responds to site topography, albeit marginally above the vertical alignment of Blackhorse Avenue i.e., car park entrance is ramped up from road level. At 4-storeys, the permitted scheme has a height of 13.35m above ground FFL (excluding the lift overrun). The proposed fourth floor would increase the overall height to 16.50m above ground FFL.
- 8.3.8. There would be a notable height difference between the single-storey houses on Blackhorse Avenue (Nos. 299-313) and the apartment block, and particularly those directly opposite the appeal site. Separation distances, however, generally exceed 30 metres across the carriageway, with the closest house, No. 1 Parkview Court in excess of 24 metres away. These separation distances remain reasonable having regard to Section 15.9.17 of the Plan which observes the traditional 22m rule between 'opposing first floor windows'. The additional fourth storey, which has no opposing first floor windows, will have no further overbearing or overlooking impacts on these properties, and particularly given that their private amenity space is located to the rear (northeast).
- 8.3.9. The observer's concerns relate to the proximity of the apartment block to Park Crescent House. During my site inspection I observed 3 no. window openings in the end elevation of this building, located at ground, first and second floor levels. Each of the openings has opaque glazing. The only opposing windows are therefore between the units to the northwest corner of the permitted block, Unit No. 1 at first floor level and Unit No. 7 at second floor level. Permitted Unit No. 13, at third floor level, and proposed Unit No. 20, at fourth floor level, would not have any opposing window opes.
- 8.3.10. The separation distance between the above windows is c. 12.50m, and whilst they are generally opposing, they are not directly opposing, with any views from the subject

kitchen / living / dining areas mostly oblique in nature. Similarly, Unit No. 21, the proposed apartment adjoining Unit No. 20, will have limited oblique views towards the relevant windows in Park Crescent House and I note it shares corresponding design measures to avoid overlooking with the floors below, i.e., angled bedroom windows.

- 8.3.11. Whilst SPPR 1 of the Compact Settlements Guidelines states that a separation distance of 16m between opposing windows serving habitable rooms at the rear or side of houses or apartments above ground floor level shall be maintained, this can be reduced where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed to prevent undue overlooking. This is the case with the additional floor, where there are no opposing windows, and with the scheme overall where there are no opposing habitable rooms and a screening belt.
- 8.3.12. SPPR 1 also states that there shall be no specified minimum separation distance at ground level or to the front of houses, duplexes and apartments in statutory plans with applications determined on a case-by-case basis to prevent undue loss of privacy. I have therefore no concerns regarding the separation distances from the additional floor, including the balconies, to the neighbouring houses. In such circumstances, I do not agree that the proposal gives rise to significant overbearance or overlooking.
- 8.3.13. Whilst I am sympathetic to the observers concerns regarding the proximity of the overall block in terms of overbearance, it is not within the scope of this appeal to revisit issues already determined under ABP-311000-21, as subsequently modified. The subject appeal should not be a vehicle for collateral attack on the parent permission.

Conclusion on Residential Amenity

- 8.3.14. On balance, I am satisfied that the proposed additional floor, including balconies, will not significantly impact on the existing residential amenity of neighbouring properties, including that of future occupants, by reason of either overbearance or overlooking.

8.4. Visual Amenity

- 8.4.1. The appeal site is located within an established residential area, however, its character is also derived somewhat from its proximity to the Phoenix Park, including the adjoining Park wall, and the nearby lodge and former laundry building, which are protected structures, as is Áras an Uachtaráin, which is some 500m to the southwest.

- 8.4.2. The concerns of the observers and appellant relate to the impact of the proposal on the visual amenity of the area, including the Park, and on nearby protected structures, with the appellant referring specifically to the OPW observation at application stage.
- 8.4.3. Again, the applicant hasn't expressly engaged with visual amenity issues raised by the appellant and instead refers generally to the direction of travel in terms of national, regional and local planning policy. They request the appeal be dismissed accordingly.

Preliminary Issues

- 8.4.4. In terms of visual impact, the appellant highlights the concerns raised by the OPW in relation to height, scale and design and the proposal's appropriateness at the subject location. They also suggest that it is out of keeping with the 'Urban Design Manual'.
- 8.4.5. With regard to the latter point, I agree with the applicant. The Urban Design Manual, which accompanied the 2009 Sustainable Residential Development in Urban Areas Guidelines, has been replaced by the Compact Settlements Guidelines, and the guidance contained therein is out of step with the latest Government policy. The provisions in those Guidelines, insofar as relevant to the appeal, are noted above.
- 8.4.6. In similar regard, one of the observers also refers to a 2018 appeal decision where An Bord Pleanála limited the building to three-stories, albeit in a different policy context. Thus, there is no precedent here having regard to the subsequent appeal decision.
- 8.4.7. In terms of the OPW's observation to the planning authority, I note that the issues raised relate to a 'proposed 5-storey development' as opposed to an additional floor to an extant planning permission for a 4-storey development. Whilst it could be argued that this is merely semantics, it is important not to lose sight of the development proposed, and I again caution against revisiting issues that have already been determined. In this regard, an additional floor, will not, in my view, significantly diminish the historical, archaeological or architectural character of the Phoenix Park, as suggested by the OPW, however the more granular impact is considered below.
- 8.4.8. As noted, the applicant's further information response included contiguous elevations and photomontages in order to address concerns over impact on the setting of nearby protected structures and the Phoenix Park, and the transition between developments. It notes that the adjoining section of the Park is across the busy North Road, with trees on the boundary with Park Crescent House unaffected by the proposal, and

suggesting that there are only oblique views towards the peripheral grounds of Áras an Uachtaráin where there are tree-lined boundaries and farmed areas. Thus, there are no amenity, sensitivity or security implications arising from the additional storey.

Visual Impact

- 8.4.9. Having regard to my considerations above in terms of overbearance etc., I am satisfied that the proposed development will not significantly impact on the visual amenities of the area where the prevailing height is three-storey on the Park side of Blackhorse Avenue. This is supported by the verified view montages i.e., VVM 2 and VVM 6.
- 8.4.10. Whilst I accept that a decrease in amenity may be experienced by the occupants of dwellings directly opposite the appeal site, this is marginal in the context of the permitted scheme as detailed in the contiguous elevations and montage view VVM 1.
- 8.4.11. The overall building is thus generally acceptable in terms of height, scale and massing and would not result in a significantly jarring or incongruous feature in the local neighbourhood. In this regard, I note that the modified building would continue to act as a terminating feature when travelling in a north-westerly direction along Blackhorse Avenue, with a neutral impact on the two-storey houses to the southeast as detailed in VVM 2. Views travelling in the opposite direction, as detailed in VVM 7, are screened by Park Crescent House. In these circumstances I note the site's unique location between the North Road and Blackhorse Avenue, where critical views on both approaches are significantly mitigated by the horizontal road alignment and built form.
- 8.4.12. I do not, therefore, agree with the observer that the overall building height is excessive and will visually dominate the area, particularly where the critical views are highly localised. The proposal would result in a building two storeys higher than the adjacent Park Crescent House. Whilst the observer states that any comparisons to this apartment complex are misleading, given it is sited further from the Park wall, the reality is that it forms part of the baseline context of the area, as does the permitted 4-storey building. Or to put it another way, were the 4-storey building under construction and up to third floor level, the additional harm of a fourth floor would be incidental.
- 8.4.13. Parenthetically, one of the observers also suggests that the planning inspector under ABP-300456-17 rejected the idea of a four-storey building, however, having reviewed their report, this is evidently not the case. Section 7.11 of their report clearly states that the proposal will not significantly detract from the visual amenities of this area.

8.4.14. This appeal site is, in my opinion, evidently capable of absorbing a five-storey building.

Conservation Impact

8.4.15. As noted, the appeal site abuts the perimeter wall of the Phoenix Park, which is a protected structure and the effective boundary of the Phoenix Park Conservation Area and archaeological complex. An archaeological monitoring condition was attached to the parent permission (Condition 9) and would carry over to a modified permission. Whilst the Council's archaeologist notes that this condition has yet to be discharged, they have no objection to the proposal subject to compliance with the parent condition.

8.4.16. In terms of impacts on the Phoenix Park, one of the observers submits that the proposal will visually intrude into the Park, thus negatively impacting on its landscape character and setting, and suggesting that the proposal contravenes policy BHA 2. Policy BHA 2 is also referenced in the conservation officer's recommended refusal reason, suggesting that the proposed development would have a seriously injurious impact on the special character and setting of the nationally significant Phoenix Park.

8.4.17. This echoes the OPW's concerns at application stage. They suggested that there is no visual barrier between the site and the Park and with the greatest of respect, this is axiomatic; the appeal site bounds the Park wall, and this has not changed since the parent permission was granted. They also raise concerns regarding the public's enjoyment of the Park due to overlooking from the residents of the apartment block and suggest that light intrusion in the evenings has potential to affect the Park's users.

8.4.18. Again, much of the concern appears to relate to the overall building as opposed to the additional c. 3 metres of building height and 4 no. apartments (4 no. balconies and 7 no. window openings) facing the Park. Whilst I note the concerns raised by the observers and the Council's conservation officer, I am satisfied that these were largely addressed by the applicant's further information response, with VVM 3 and VVM 6 illustrating a suitable representation of the proposal in a worst-case, bare leaf scenario.

8.4.19. I am therefore satisfied that the proposal, which is a suitable juxtaposition between suburban-style housing and the Phoenix Park, is acceptable from a visual amenity perspective and does not adversely impact on the setting of the nearby protected structures or the Phoenix Park Conservation Area. In this regard, I do not consider that the protected structures or Conservation Area are fundamental to the character

of the area, which is mainly derived from the housing to the north and ribboning along Blackhorse Avenue, including the 3-storey Park Crescent House, c. 10m northwest.

8.4.20. By the same token, the overall setting and character of nearby lodge and laundry buildings is mainly derived from, and indeed mostly appreciated within the Park and walled enclosure from the North Road. Views with the appeal site as the backdrop are limited and fleeting and there is sufficient and compelling evidence in the verified views in this regard. The proposal therefore accords with policies BHA2 and BHA9.

8.4.21. Moreover, I note that a construction methodology statement condition was attached to the parent permission (Condition 8) and would carry over to a modified permission. It will ensure the protection and structural stability of the Park wall during construction.

Áras an Uachtaráin

8.4.22. Finally, I note concerns regarding the impact of the proposal on Áras An Uachtaráin were raised during the course of the planning application by the OPW and others, and are therefore indirectly raised in the appeal. In addition to the concerns outlined above, the OPW stated that the setting and security of significant institutions within the Park may be compromised by the scale and proximity of the development hereby proposed.

8.4.23. The appeal site is c. 500m from the front, north-facing, elevation of Áras an Uachtaráin and is screened by a tree planting belt to the south of North Road, within the Phoenix Park, in addition to various stands of mature trees within the private grounds of Áras. I previously viewed lines of sight from the front of Áras an Uachtaráin towards Blackhorse Avenue during an inspection carried out in respect of ABP-320640-24, and whilst I observed some damage to the intervening tree coverage during that site inspection, I am satisfied that it was not in the line of sight towards the appeal site.

8.4.24. In any respect, the question is not whether Áras an Uachtaráin is visible from the proposed fourth floor and roof level of the apartment block, rather whether the additional floor is visible from the front of Áras an Uachtaráin. As it stands, this appears to be contingent on the tree coverage, however this appeal is distinct and distinguishable from ABP-320640-24 in that the site is outside the key cone of vision.

8.4.25. Moreover, I note that the northerly views from the front of Áras an Uachtaráin are not any of the views or prospects designated in the Phoenix Park Conservation

Management Plan (OPW, 2011), and whilst I accept that it is where the President of Ireland meets and greets all visiting dignitaries, the appeal site is oblique to this setting.

- 8.4.26. I do not therefore agree with the OPW's comments in this regard, nor in relation to their concerns regarding security impacts. Moreover, in terms of security, I note that Section 44A of the Planning Act empowers the Minister to revoke or modify a grant of permission if they are satisfied the development is likely to harm State's security etc.

Conclusion on Visual Amenity

- 8.4.27. I consider that the proposal would result in a suitable landmark transition between the suburban-style housing along Blackhorse Avenue and the Phoenix Park. It would be adequately assimilated by the surrounding built form, tree cover and road alignment and whilst some impacts could be adverse, they are highly localised, marginal in the context of the additional floor and heavily outweighed by the benefits of the scheme.
- 8.4.28. On balance, I am therefore satisfied that the proposed development would not significantly impact on the character or visual amenity of the area, including that associated with the Phoenix Park, derived from the Park walls and nearby buildings.

8.5. Traffic Issues

- 8.5.1. Finally, the appellant raises concerns regarding the site access, stating that it is a hazardous junction on a busy road. Car parking concerns are also raised by one of the observers; they suggest that planned public transport cannot justify the proposal.

Site Access

- 8.5.2. The proposal does not include any alterations to the access permitted under ABP-311000-21 and there is no significant intensification thereon. Moreover, the Council's roads section did not raise any concerns in relation to access, noting that the width of the vehicular access to the undercroft parking area is c. 6.4m and the design measures adopted to provide a pedestrian walkway in accordance with Condition 2(d) of ABP-311000-21. Thus, the principle of access from Blackhorse Avenue is established.

Car Parking

- 8.5.3. Whilst I note that the Council's roads section did initially raise concerns in relation to the decreased parking ratio, these issues were addressed to their satisfaction at

further information stage and they subsequently recommended a grant subject to conditions, including those regarding compliance with the mobility management plan.

- 8.5.4. The appeal site is located in Zone 2 for the purposes of the Plan parking standards. Appendix 5, Table 2 stipulates a maximum standard of 1 no. space per dwelling and I note that Appendix 5 of the Plan states that this includes resident and visitor spaces. There is no departure from the Development Plan parking standards in this regard.
- 8.5.5. Given the proximity to existing and planned high-capacity public transport nodes along the Navan Road and this urban neighbourhood location, I am satisfied that a ratio of 0.6 car spaces per residential unit is acceptable in this instance. With 11 no. 1-bed and 20 no. 2-bed apartments, I consider that parking demand is highly unlikely to increase in the future year scenarios as it would for a traditional housing scheme with growing households and a resultant increase in car ownership. The proposal thus accords with policy SMT27 which seeks to provide for sustainable levels of parking.

Conclusion on Traffic Issues

- 8.5.6. The appeal site will be accessed via Blackhorse Avenue where the access geometry was established under ABP-311000-21. The site is also located within c. 500m of a high capacity and high-frequency public bus service on the Navan Road, existing and planned. Whilst the proposal will introduce additional traffic, it is marginal overall.
- 8.5.7. I do not, therefore, envisage any public safety issue by reason of a traffic hazard and recommend attaching planning authority Condition 6 (b), (c) and (d) in the event that the Commission dismiss the appeal and order a grant of permission. In this regard, I note that Council Condition 6 (a) replicates Condition 4 of the decision notice and it is thus superfluous; and Conditions 6 (e), (f), (g) and (h) are not specific to the proposal.

8.6. Other Issues

- 8.6.1. Finally, I consider that Condition 19 of ABP-311000-21 in relation to additional roof plant be restated given the new parapet level and whilst I note that a contribution in lieu of public open space was not attached to the parent permission, Condition 5 of the Council's decision has not been appeal and is warranted as per Plan policy GI26.
- 8.6.2. The Council's request for a naming/numbering condition would replicate Condition 14 of the parent permission, nor do I consider an additional bond condition necessary.

8.6.3. This concludes my *de novo* consideration of all issues material to the proposed works.

9.0 AA Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered case ABP-322764-25 in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.

The proposed development is located within a predominantly residential area, in the inner suburbs of Dublin City, and seeks to modify an apartment block permitted under ABP-311000-21 which would result in an addition fifth storey (6 no. units). The closest European site, part of the Natura 2000 Network, is the South Dublin Bay and River Tolka Estuary SPA, located c. 5.4km east of the proposed development.

Having considered the nature, scale and location of the proposed development 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 of the development in the context of that permitted under ABP-311000-21 and the conditions attached thereto in relation to water quality;
- The location-distance from nearest water bodies and/or lack of hydrological connections outside of that authorised by virtue of ABP-311000-21; and
- The location of the development in a serviced urban area, distance from European sites and urban nature of intervening habitats, absence of ecological pathways to any European site.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that permission be **granted** for the reasons and considerations below.

11.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, as varied, and the location of the proposed development on zoned and serviced lands within a city urban neighbourhood, it is considered that, subject to compliance with the conditions set out below, the proposed development would therefore make efficient use of an underutilised brownfield site and positively contribute to this neighbourhood, would positively contribute to an increase in housing stock in this accessible urban location with a range of social, commercial, and public transport infrastructure, would be acceptable in terms of urban design and building height, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure residential or visual amenities or significantly increase traffic volumes or negatively impact cultural heritage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 24th day of April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms of

and conditions of the permission granted on 5th day May 2022 under appeal reference number ABP-311000-21 and any agreements entered into thereunder.

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

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

Reason: In the interest of visual amenity.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

5. (a) Prior to commencement of development, the applicant shall submit to the planning authority for written agreement revised drawings showing an increased provision of Sheffield cycle parking stands in combination with the proposed two tier spaces. The revised plans shall demonstrate how the minimum quantum of 41 no. bicycle parking spaces is achieved. The proposed bicycle parking spaces for residents and visitors, shall be constructed and available for use prior to occupation of any of the apartment units.

(b) The applicant / developer shall implement the measures outlined in the Mobility Management Plan, Car Parking Management Plan, and Bicycle Management Plan dated April 2025 and submitted as part of further information response on the 24th day of April 2025 to ensure that future occupants of the proposed development comply with this strategy.

(c) A Travel Plan Coordinator for the overall scheme shall be appointed to oversee, co-ordinate and implement the individual plans.

(d) The shared resident e-cargo bike scheme shall be available to residents at first occupation of the development and shall be permanently maintained.

(e) The resident car parking management criteria shall be amended whereby the priority for a car space shall be leased to residents on a mobility 'needs' basis before applying a 'first come, first served' approach.

(f) A minimum of 50% of all communal car parking spaces shall be provided with functioning EV charging stations / points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV ducting and charging stations / points at a later date. Where proposals relating to the installation of EV ducting and charging stations / points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with the planning authority prior to the occupation of the development.

Reason: In the interest of road safety and orderly development and in the interest of sustainable transportation and safety.

6. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

7. The developer shall pay a financial contribution to the planning authority in lieu of a shortfall in public open space as set out in the Dublin City Council Development Contribution Scheme 2023-2026, or any subsequent scheme. The amount of the contribution 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 for determination. The contribution shall be paid prior to

commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: To ensure compliance with policy GI26 and Section 15.8.7 of the Dublin City Development Plan 2022-2028.

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.

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.

Philip Maguire

Inspectorate

19th September 2025

Appendix 1 (EIA Screening)

Form 1 – EIA Pre-Screening

Case Reference	ABP-322764-25
Proposed Development Summary	Modification to apartment block permitted under ABP-311000-21 – additional fifth storey (6 no. units)
Development Address	Blackhorse Avenue, Dublin 7
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	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) 'more than 500 dwellings units'</p>

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

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322764-25
Proposed Development Summary	Modification to apartment block permitted under ABP-311000-21 – additional fifth floor consisting of 6 no. units
Development Address	Blackhorse Avenue, Dublin 7
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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>	<p>Construction of an additional floor of 6 no. apartments on a 0.13ha brownfield site, adjacent to other such uses, is not considered to be exceptional in the context of the development permitted under ABP-311000-21, as modified, and the receiving environment in that context.</p> <p>Implementation of the modified permission will involve the demolition of the existing building on site and the removal of the subsequent wastes at the site in addition to excavated soils, boulder clay, rock and vegetation.</p> <p>Construction activities will require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal, albeit to a lesser extent for the proposed additional floor. Such wastes will be typical of construction sites and significant wastes; emission or pollutants are not anticipated.</p> <p>Noise and dust emissions during construction are likely but such construction impacts would be localised and temporary in nature.</p> <p>Connection to Ringsend WwTP is feasible and capacity is available subject to connection agreement conditioned under ABP-311000-21 (Condition 14).</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,</p>	<p>There are no ecologically sensitive locations in relative proximity to the appeal site. The nearest European sites, South Dublin Bay and River Tolka Estuary SPA (site code 004024) and South Dublin Bay SAC (site code 000210) are c. 5.4km east and 7.1km east, southeast of the appeal site respectively. The nearest proposed Natural Heritage Areas (pNHA's), the Royal Canal (site code 002103) and Grand Canal (002104) are c. 1.4km north, northeast and 2.7km south, southeast of the appeal site respectively.</p> <p>The appeal site abuts the Phoenix Park, a historic landscape of cultural, archaeological and architectural</p>

<p>cultural or archaeological significance).</p>	<p>significance and the largest enclosed public park in any of Europe's capital cities. The OPW's submission on the planning application notes that the Park is home to over 500 fallow deer in addition to Dublin Zoo and Áras an Uachtaráin. The proposal is not considered to be exceptional in the context of the receiving environment adjacent to a 3-storey apartment complex, and the development permitted under ABP-311000-21, as modified, and the receiving environment in that context.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Likely effects are limited to the construction phase through increased noise and dust from construction traffic and operations but will be appropriately mitigated substantially below the threshold of significance through established construction management practices as conditioned under ABP-311000-21 (Condition 11).</p> <p>Having regard to the scale of the proposal, intervening land uses and separation distance, the design measures of the apartment development including those relating to flood risk and surface water management as permitted under ABP-311000-21, there is no potential to significantly impact on environmental parameters or on the ecological sensitivities of the aforementioned European sites, including transboundary designations, or other significant environmental sensitivities in the area.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

Appendix 2 (WFD Screening)

Template 1: Screening the need for Water Framework Directive Assessment Determination

The appeal site is located in a predominantly residential area, in the inner suburbs of Dublin City, some 1.2km from the Magazine Stream, the nearest watercourse and tributary of the River Liffey, rising in the Phoenix Park to the southwest of Chesterfield Avenue. The proposed development seeks to modify an apartment block permitted under ABP-311000-21 which would result in an additional fifth storey (6 no. units). No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal and considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and 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:

- The nature of the development in the context of that permitted under ABP-311000-21 and the conditions attached thereto in relation to water quality; and
- The location-distance from nearest water bodies and/or lack of hydrological connections outside of that authorised by virtue of ABP-311000-21.

Conclusion

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.