



An
Coimisiún
Pleanála

Inspector's Report

ACP-322865-25

Development	Demolition of 1 no. greenhouse and 5 no. ancillary shed structures, construction of 12 residential units and all associated services.
Location	Lands located at Saint Helens, York Road, Dún Laoghaire, Co. Dublin, A96Y838
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0284/WEB
Applicant(s)	RRYRDL Ltd
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Niall Meagher and Nicola Matthews.
Observer(s)	None
Date of Site Inspection	27 th August 2025

Inspector

Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site (0.485ha) is located at Saint Helen's, York Road, Dun Laoghaire, Co. Dublin. The site is approximately 700 metres south of Dun Laoghaire harbour. There is an existing two storey dwelling over basement on site in residential use. The site is surrounded by a natural stone wall.
- 1.2. The site is surrounded by detached and semi-detached type dwellings of various designs. Two and three storey dwellings are located along the southern boundary, two-storey over basement Victorian dwellings are located along the northern boundary and Knapton Lane is located to the west with York Road to the east.

2.0 Proposed Development

- 2.1. The proposed development will consist of:
 - Demolition of 1no. greenhouse and 5no. ancillary shed structures and removal of existing wing wall attached to the existing house.
 - construction of residential development of 12 no. units (2n. two storey, three bedroom dwellings, 4no. three-storey, four bedroom terrace houses, 1no. duplex block comprising 2no. two bedroom apartments, 1no. two storey over basement level block comprising 2no. six bedroom maisonette units, 1 no. three storey over basement block comprising 1no. four bedroom apartment and 1no. ten bedroom unit for accommodation for the Christian Brothers.
 - 15no. car parking spaces
 - 2no. bicycle/bin stores
 - Alterations to site access
 - All ancillary site works including landscaping.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 25 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is zoned objective “A”, which seeks to “provide residential development and improve residential amenity while protecting the existing residential amenities”. Therefore, residential is permitted in principle.
- The proposed density is low at c. 26.8 units per hectare whereby the Compact Settlement Guidelines allow for a density range of 40-80 dwellings per hectare (dph) and up to 150 dph (net) is open for consideration within areas classified as “Accessible Suburban/Urban Extension”. The applicant has provided justification and states there are significant constraints to the provision of higher densities on the site, including the historic nature of the building, and the proposal includes relatively large dwelling sizes. The Planning Authority acknowledges that the site has an open character, and this contributes significantly to its amenity, it is also noted that there a number of protected structures in the vicinity which means the site is more sensitive to change. Policy Objective PHP18 is considered and encourages higher densities with the protection of the established character. Given the development’s context including the presence of Protected Structures in the vicinity and the retention of a building on site of heritage merit, the proposed density is acceptable.
- Separation distances are generally observed and in compliance with the CDP and the Compact Settlement Guidelines, however, some concerns were raised with regard to potential overlooking from the rear facing living room window of Apartment 5 (Block C), this can be dealt with by a condition requiring the window to be substituted by a high-level window.
- The proposal relates to 12 no. units and no part of the proposal will be taken in charge, the applicant shall provide evidence demonstrating that a private management company is set up by the time of completion.
- It is considered that a recessed main entrance, with a consistent wall height, and red brick surrounds for the widened pedestrian entrance to be provided and this can be dealt with via a condition. The boundary wall shall remain as it is apart from some alterations required to permit improved access. It should

not be turned into an external wall for any of the structures proposed. A sufficient set back from the wall should be provided to allow for adequate ventilation.

- It is acknowledged that the quantitative level of additional overlooking and overshadowing to neighbouring property is relatively limited, it is noted that additional landscaping proposed will further limit any overlooking impacts to neighbouring properties.
- It is noted that Transportation have requested further information in respect of a number of additional transportation issues, however, it is not considered that the proposed development will have any impact on the surrounding road network, and would not pose a traffic hazard, subject to conditions. The applicant will be required to provide the additional drawings and reports required by Transportation by way of a condition.
- It is acknowledged that the site is relatively sensitive and that construction should be managed to ensure adverse effects on neighbouring property are kept to a minimum. It is considered that the submitted Outline Construction Management Plan provides a general overview of the procedures to be following during construction, and a final C(E)MP can be provided by way of compliance condition.
- It is considered that the issue of resource and waste management and operational waste management can be addressed through a suitably worded condition.
- The heritage value of St. Helen's is acknowledged; it is not a protected structure nor is it in an Architectural Conservation Area and therefore does not enjoy any statutory protection. The use of St. Helen's will remain as it is.

3.2.2. Other Technical Reports

- Drainage: No objection subject to conditions.
- Transportation: Further information requested in relation to cycle parking, signage along York Road, turning facility, revised Construction Management Plan.
- Parks and Landscape: No objection subject to conditions.

- Conservation: Further information requested in relation to Block A. Block A could have a negative impact on the protected structure of the adjoining terrace and should be omitted/reduced, not supportive of the interventions as proposed to the wall fronting onto York Road, retain the existing pedestrian entrance and the widening of the entrance should be framed by a red brick surround to reflect the existing design.

3.2.3. Conditions

Condition 2: The rear facing living room window at first floor level of Apartment 4 (Block C) shall be replaced by a high-level window with the window cill no lower than 1.7m above the finished floor level.

Reason: In the interest of protecting residential amenity.

Condition 3: The perimeter wall shall not be used as external wall to any of the new structures. A set-back from the wall shall be provided to allow for adequate ventilation.

Reason: For the protection of elements of heritage value.

Condition 10. The proposed development shall be modified as follows:

- a. The boundary wall at the main entrance to the development shall be a consistent height, with no stepping, and shall be recessed by at least 1.0m with a concave splay.
- b. The widened pedestrian entrance shall be surrounded on either side with red brick pilasters.

Reason: In the interest of visual amenity, residential amenity, and to comply with Section 12.3.5.3 of the Development Plan.

Condition 13(a): Prior to commencement of development, the applicant shall submit for the agreement of the Planning Authority revised drawings and details which demonstrate provision of cycle parking in accordance with the provisions of the current Compact Settlement Guidelines, 2024.

In relation to cycle parking design, a minimum of 15 no. cycle parking spaces shall be the preferred "Sheffield" type. These shall be provided with no overhead obstruction (i.e. no stacked cycle parking over). The remaining 42 no. cycle parking

spaces may be of the applicant's choosing, noting that the "Sheffield" stand is the preferred design provision. The submitted drawings shall also demonstrate accordance with the NTA's Cycle Design Manual – September 2023 which requires that 1 space per 20 spaces should be provided for larger non-standard cycles and also DLRCC's "Standards for Cycle Parking and associated Cycling Facilities for New Developments – January 2018" in relation to spacing & aisle widths etc and cycle parking provided closer to Block A.

13(b): Prior commencement of development, the applicant shall submit for the agreement of the planning authority revised drawings which demonstrate the provision of STOP line and associated signage to the rear of the existing footpath on York Road at the vehicular entrance/exit.

13(c): Prior to commencement of development, the applicant shall submit for the agreement of the Planning Authority drawings and details which address the requirement for a turning facility to be provided for any dead-end access route that is more than 20m long in accordance with Section 5.4.4.1 Access Routes on Private/Site Roads of the Buildings other than dwelling houses.

Reason: In the interest of traffic and pedestrian safety and orderly development.

Condition 16: A bat survey of the sheds requiring demolition on site shall be carried out by a suitably qualified specialist and according to Best Practice guidelines, prior to the commencement of any site works. Any trees that require felling/maintenance works shall be surveyed for bats. If any potential bat roosts are identified, the Developer must apply for a Derogation License in accordance with Regulation 54(2) of European Communities (Birds and Natural Habitats) Regulations, 2011. To enhance biodiversity, bat boxes shall be installed on suitable trees on the property to enhance the habitat for bats. A bat specialist/ecologist shall advise the applicant on numbers, styles and locations of bat boxes.

Reason: In the interest of nature conservation and urban biodiversity.

3.3. Prescribed Bodies

- Environmental Health Office: Further Information requested in relation to noise survey, a plan for continuous dust, noise and vibration monitoring, a

Construction Management Plan, a detailed Resource & Waste Management Plan, an Operational Waste Management Plan.

- Development Applications Unit (DHLGH): No objection subject to condition in relation to bats.

3.4. Third Party Observations

A total of five third party observations were submitted. The following concerns were raised:

- Built historic heritage and not adequately addressed in the application.
- Boundaries impacted and impact to historic boundary wall.
- Screen wall is inappropriate
- Scale is inappropriate. Overbearing.
- Layout does not comply with guidelines for mews lane development.
- Negative impact on privacy and amenity of adjacent properties.
- No plans for future use of St. Helen's
- Insufficient separation distances.
- Design and materials not in character with the heritage buildings in the area.

4.0 Planning History

None.

Adjacent site:

ABP:322291-25 (PA Reg: D25A/0092): Refused for amendments to permitted ABP-314896-22 (PA Reg: D21A/1137) to increase apartments numbers from 8 to 13.

Having regard to the provisions of the Dun Laoghaire-Rathdown Development Plan 2022-28 including, amongst other things, the residential zoning objective, it is considered that the amendments as proposed would constitute a substandard form of residential amenity for future occupants arising from poor and restricted aspect in the lower ground floor units. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP-322290-25 (PA Reg: D25A/0091/WEB): Permission granted for amendments to permitted D21A/1135, including decrease in area, omission of basement and garden and other works.

ABP-314896-22 (PA Reg: D21A/1137): Permission granted for demolition of the existing building (205 sq. m); and the construction of a part-two part-three storey over partial basement apartment block and all other associated site works above and below ground.

ABP-301102-18 (PA Reg: D17B/0554): Permission refused for extension to existing dwelling.

Having regard to the prominent location of the site and to the established built form and character of the area, it is considered that the proposed two storey extension to the rear would be incongruous in terms of its design, scale, bulk and height which would be out of character with the streetscape and existing dwelling and would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

ABP-314960-22 (PA Reg: D22B/0249): Permission granted for extension to dwelling and all associated site works.

ABP-303916-19 (PA Reg: D18A/0530): Permission refused for upgrading of Mews laneway, surface water drainage sewer, utility services, public lights and associated signage.

On the basis of the documentation submitted with the planning application and the appeal, the Board is not satisfied that the level of the existing public sewer on Knapton Road at the location where a connection point is sought, is definitively known, and as a consequence it cannot be determined whether the foul and surface network proposed in the planning application and the appeal documentation, is technically usable. Furthermore, it is not certain what final form of a technical services network is required to ensure a safe and usable connection to the public sewer, including for example, pipe levels,

potential pumping requirements for foul and/or surface water networks within the application site. In this regard, it is considered that the proposed development would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

5.0 Policy Context

5.1. Development Plan

Dun-Laoghaire Rathdown County Development Plan 2022-2028

The subject site is zoned “A”, the objective is to seek to provide residential development and improve residential amenity while protecting the existing residential amenities.

Chapter 2 refers to Core Strategy

Section 2.3.6 refers to Housing Target for the Core Strategy

Section 2.6.2.1 refers to (i) Policy Objective CS11: Compact Growth and (ii) Policy Objective CS12: Brownfield and Infill Sites.

Chapter 3 refers to Climate Action

Chapter 4 refers to Neighbourhood – People, Homes and Place.

Chapter 5 refers to Transport and Mobility

Chapter 6 refers to Enterprise and Employment

Chapter 8 refers to Green Infrastructure and Biodiversity

Chapter 9 refers to Open Space, Parks and Recreation

Chapter 10 refers to Environmental Infrastructure and Flood Risk

Chapter 11 refers to Heritage and Conservation

Policy Objective: HER 21: Nineteenth and Twentieth Cent Buildings, Estates and Features: It is a Policy Objective to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised.
- ii. Encourage the retention and reinstatement of features that contribute to the character of exemplar nineteenth and twentieth century buildings, and estates such as roofscapes, boundary treatments and other features considered worthy of retention.
- iii. Ensure the design of developments on lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting.

Chapter 12 refers to Development Management

Section 12.3.4.2 refers to Habitable Rooms

Section 12.3.7.9 relates to Mews Lane Development

Section 12.11.2.3 refers to Development within the Grounds of a Protected Structure.

Appendix 2 refers to Housing Strategy and HNDA

Appendix 3 refers to Development Management Thresholds

Appendix 5 refers to Building Heights Strategy

Appendix 6 refers to Waste Management Guidelines

Appendix 7 refers to Sustainable Drainage System Measures.

5.2. National and Regional Policy

- National Planning Framework – Project Ireland 2040.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024)
- Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES).

- BRE Guidelines (BR 209) - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022).

5.3. Natural Heritage Designations

The subject site is not located within a designated site, the nearest are:

- South Dublin Bay pNHA (site code: 000210) is located 750 metres to the north of the subject site.
- South Dublin Bay and River Tolka Estuary SPA (site code: 004024) is located 750 metres to the north of the subject site.
- Dalkey Islands SPA (site code: 004172) is located 3.5km to the southeast of the subject site.
- South Dublin Bay SAC (site code: 000210) is located 870 metres north of the subject site.
- Rockabill to Dalkey Island SAC (site code: 003000) is located 3.6km to the northeast of the subject site.

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been received from a resident of along Knapton Lane to the west of the subject site. The concerns raised are:

- **Built Heritage:** Inappropriate setting of 2no. significant residential blocks immediate to the boundary of Knapton Lane. The historic wall along Knapton Lane will not survive the building of Block B or Block C. The proposal will have an adverse impact on the historic character of Knapton Lane, its architectural character and setting. No opportunity for landscaping or buffer to the historic boundary. Condition no. 3 is inadequate to deal with the serious nature of the issues set out above. "The perimeter wall shall not be used as external wall to any of the new structures. A set back from the wall shall be provided to allow for adequate ventilation".

No architectural heritage evaluation of St. Helen's building, this is contrary to Policy Objective HER21.

The Architectural Conservation Officer raised concerns regarding the scale of Block A and the impact on Cambridge Terrace a protected terrace. The proposed design approach has not been adequately dealt with the historical architectural character or historic setting in terms of materials, building form, plan or scale.

- **Overlooking:** The location of windows for Block B and Block C immediate to the lane is inappropriate as they don't have access to the lane. The large open terraces in Block B are inappropriate.
- **Overshadowing:** The daylight and sunlight report submitted illustrates below minimum standards for Block B and basement level accommodation is at a depth of 5 metres below the finished wall height to Knapton Lane.
- **Overbearance:** Block B is at c.1metre above the level of the existing Knapton Lane. This will exacerbate the domineering impact of Block B onto Knapton Lane.
- **Separation distance:** The setback for a designated mew lane in the CDP is a minimum of 4 metres, the setback for Block A to York Road is 13.7 metres, Unit 6 is 4.1 metres and to the rear of the terrace to Knapton Road set approximately between 6 and 9 metres. Lack of contextual information and measurements showing the relationship of the existing residence "Windward" and its residential amenity. Block C should be set back from the lane.

- Visual Impact: No visual impact illustration for Block B
- Other issues: Tree removal along Knapton Lane. Block B is proposing 2no. 6-bedroom units with all bedrooms at basement level, the planning report makes reference to the provision of “residential accommodation for families (mostly international)” which is meaningless. The accommodation is inappropriate

6.2. Applicant Response

The applicant has submitted a response. In addition, the applicant has amended the design and layout to reflect the relevant conditions applied by Dun Laoghaire-Rathdown County Council. The following changes were made:

- Block B and Block C have been set back by 0.5 metres from the boundary wall along Knapton Lane.
- The overall scale of Block C reduced (Apartment 4 within Block C, reduced from 79.3sqm to 71.8sqm, Apartment 5 reduced from 83.4sqm to 71.3sqm).

The following comments were received:

- The 2 no. residential blocks will be set back from the boundary wall and will not affect it. The wall will be protected during the construction, and it will be outlined in the Construction Management Plan. The boundary wall will not be altered to allow for the development. A detailed demolition management plan will be submitted as part of compliance.
- In relation to mews separation distance, the proposal does not have access to the lane and therefore a 4-metre setback to allow for vehicular movement is not required. The proposal will use high-quality materials and conserve of the historic lane character.
- Condition 3 in relation to the protection of the boundary wall addresses the appellant's concerns, the proposal will not adjoin, touch or effect the boundary wall.
- The proposed housing mix represents variety and options which are needed in the area. The mix includes 2 no. two-beds, 2no. three-beds, 5no. four-beds,

2no. six beds and 1no. 10 bed. The maisonette is proposed to meet growing demand for residential accommodation for families (mostly international) seeking compact living and this type of accommodation of 5/6 bed apartments and maisonette units are standard in international urban areas. Furthermore, they offer a cheaper form of housing to that of traditional 5/6 bed houses in the locality.

- The design statement submitted with the application does include a visual impact illustration, which provides a view of Block B from Knapton Lane. There will be no adverse impacts from the proposed development to Knapton Lane. The Planner's report further reiterates this "it is considered that the additional building height would not have a significant or negative impact on the area" and it is further stated "it is considered that the proposed building heights would not significantly affect the amenity of this lane". The proposed building heights are consistent with the surrounding context and will not significantly affect the amenity of Knapton Lane. Visuals VVM3 and VVM4 display a modest two-storey development that sits well within the existing context.
- The appellant has referenced proposed buildings along York Road; these are not along Knapton Lane and therefore are not required to reflect or conform to the specific character of Knapton Lane.
- There is no planning policy that prohibits windows facing a laneway or road to which a dwelling does not have direct access too. The proposed terrace is not in breach of any planning regulations. It is not considered that the proposed development will have any undue overlooking impact on the neighbouring properties.
- The appellant stated the daylight and sunlight report illustrates Block B will not meet minimum requirements for sunlight exposure within bedrooms at basement level. It is worth noting "Sunlight exposure will be categorised as "below minimum" if the potential sunlight for the assessed room is less than 1.5 hours on March 21st". Note: the recommendation is that a room within a proposed unit is capable of receiving 1.5 hours of direct sunlight on March 21st, if an individual room does not achieve this recommendation, it does not

mean that the unit is non-compliant. The assessment concluded that the proposed development has minimal impact on surrounding properties. The scheme performance assessment for this report has quantified the level of daylight and sunlight for the habitable rooms of the proposed apartment units and Christian Brothers accommodation within the development. Overall, the proposed development demonstrates strong daylight performance. The high compliance rates under BR209 suggest that habitable rooms will receive sufficient natural light. Two rooms experience some reduction in daylight due to the presence of trees. The project architect has provided compensatory design solutions for these rooms.

- Trees were removed by the site owner to accommodate the pedestrian gate; this is allowed and permitted. This is not considered to be relevant to the planning application.
- The site is not a protected structure nor is it located within an Architectural Conservation Area and therefore an architectural heritage evaluation is not required. The original building is retaining the current use, and no works are proposed. It is considered that the retention of St. Helen's, the boundary wall and many of the original features encourages appropriate development for the site and therefore it is in accordance with objective HER21 of the CDP.
- The design and layout respect the historical context and the future potential of the site. The stepped profile and modest height of the new buildings respond to the sites topography and do not overwhelm the existing structure. The suggestion that the proposal "packs in" development overlooks the thoughtful layout and design, which priorities quality residential accommodation while respecting heritage constraints.
- A continuous site section C-C has been prepared by NDBA, and it is not considered that Block B will adversely impact the existing dwelling due to the modest scale and design of Block B. The daylight/sunlight analysis has confirmed the same.

6.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

- None

6.5. Further Responses

A further response was received from the appellant in relation to the first party response. The following concerns were highlighted:

- The applicant should confirm the proposed use of St. Helen's structure. The proposal will have a significant impact on St. Helen's structure and its historic setting.
- Negative impact on Cambridge Terrace, Block A is out of scale
- The set back to the boundary wall should be 3.5metres to 4 metres, the 500mm proposed is not acceptable.
- Block B is artificially elevated by c. 1m and should be dropped by 1m to relate to the existing properties on Knapton Lane.
- Block B with 6 beds at basement level without any co-joining and external amenity, this block should be omitted.
- Separation distance between Block B and Windward are less than 11 metres and less than 8 metres terrace to terrace.
- Examples of other developments within a protected structure setting are provided.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the

local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Built Heritage
- Overshadowing, Overlooking & Overbearance
- Visual Impact
- Other Issues – Landscaping, Removal of trees, Unit type
- Appropriate Assessment
- Water Framework Directive

7.2. Built Heritage

- 7.3. The proposal relates to the development of 12 no. residential units within the grounds of St. Helens, which currently offers accommodation for Christian Brothers. St. Helen's is noted as a structure of architectural heritage interest, but it is not a protected structure or listed on the NIAH or located within an Architectural Conservation Area. There are two and three storey dwellings along the southern boundary, two-storey over basement Victorian dwellings to the northern boundary known as Cambridge Terrace which are Protected Structures. To the immediate east is Church of St. Stephen, which is a protected structure (RPS No. 1636)
- 7.4. The grounds of appeal have stated that the siting of 2no. significant residential blocks immediate to the boundary (historic wall) of Knapton Lane is inappropriate. The historic wall along Knapton Lane will not survive the building of Block B or Block C. The proposal will have an adverse impact on the historic character of Knapton Lane, its architectural character and setting. Condition no. 3 is inadequate to deal with the serious nature of the issues set out above, a setback is not sufficient. In regard to St. Helen's building, no architectural heritage evaluation was carried out which is contrary to Policy Objective HER21. The Architectural Conservation Officer raised concerns regarding the scale of Block A and the impact on Cambridge Terrace, a protected terrace. The proposed design approach has not adequately dealt with the historical architectural character or historic setting in terms of

materials, building form, plan or scale. A further response to the applicant response was received and further concerns were raised in relation to density and open space.

7.5. I have assessed the subject site, and I note St. Helen's structure which is a two-storey residential dwelling is of architectural merit, but it is not a protected structure or a listed building or within an architectural conservation area. I note no works are proposed to this structure and it will remain in residential use. I note the western (Knapton Lane) and eastern boundaries (York Road) are enclosed by a stone wall. The proposal involves the construction of 12 no. residential units in the grounds around St. Helen's building. Block A and Block B are located along the northern boundary and are located at distances of between 5 to 6 metres from the northern elevation of St. Helen's, public open space is located between the buildings, Block C is located along the eastern boundary at over 14 metres from St. Helen's. House 1 – 6 are located along the southern boundary and at a distance between 6 + metres. Public open space and access road are located between the buildings. The applicant has provided public and private open space and communal open space in accordance with the CDP. I note the appellant has concerns regarding the proposed density, the density levels are below the recommended density range of 40-80 dph at 26.8uph. The Planning report outlines the reasons for accepting a lower density at the subject site and I consider a higher density would impact the character and setting of St. Helen's given the historic nature of the site and the heritage value of the subject site. Therefore, I do not consider that there will be any detrimental impact to the setting of St. Helen's building as the proposal makes use of an underutilised site within the development boundary of Dun Laoghaire on zoned lands and does not involve any works to St. Helen's structure.

7.6. I note the historic wall along Knapton Lane, pedestrian access is possible from St. Helen's grounds to Knapton Lane through the historic wall. The wall is approximately 2 metres in height. Block B and Block C are located directly along the boundary wall with Knapton Lane. As part of the conditions attached by DLRCC as per Condition 3, the applicant was requested not to use the boundary wall as an external wall to any of the new structures and a set back from the wall shall be provided to allow for adequate ventilation. As a result of this condition, the applicant has provided a revised site layout plan and Block B is now located 0.555 metres from the boundary wall and Block C is located 0.5metres from the boundary wall. The appellant also

raised concerns that the boundary wall will be damaged during construction, I consider due to the revised separation distance, the proposal will not damage the boundary wall, and it will remain in place. In addition, I note the applicant has stated a Construction Management Plan (CMP) will be submitted prior to commencement the development to ensure adequate measures will be in place to prevent any impact to the boundary wall. Therefore, it is in my opinion that due to the proposed separation distances to the historic wall and the preparation of a CMP, there will be no negative impacts to the existing boundary wall.

- 7.7. I note the Conservation Officer of DLR raised concerns in relation to the size of Block A which is adjacent to Cambridge Terrace (Protected Structure) to the north which may have a negative impact on the protected structures and requested its omission, it is also highlighted that if the Planning Authority do not agree with omitting Block A, the design should be simplified, the scale and massing reduced so that they are more sympathetic in line with Section 12.11.2.3 of the CDP. I also note the Planner did not share the same concerns and considered that Block A generally would not have a significant negative impact on the nearby Protected Structures, although the design is different from the protected structures, it would not be visually overbearing or unduly obtrusive in views of the street. I have assessed Block A, and I note it is located 1.114 metres from the northern boundary wall and over 5 metres from the adjacent property to the north. The building line is similar to the existing properties along Cambridge Terrace. Block A is noted as a two-storey building over basement and dormer windows to hipped roof, the overall height will be 11.9 metres over basement. The finishes include casa lena or similar white/off-white brick finish. The finishes are contemporary style and different to the existing red brick adjacent protected structures however, I consider the finishes offer a distinction between the proposed structure and the existing protection structure and are therefore visually acceptable and offer a distinct character for the proposed development.
- 7.8. Having regard to the location of the proposed development and the separation distances from the existing building St. Helen's on site and the protection of the boundary stone wall along with the setting and character of the proposed development in relation to the protected structures at Cambridge Terrace, I consider the proposed development will not negatively impact the historic setting or

architectural merit of St. Helen's or its grounds and complies with section 12.11 of the CDP.

7.9. Overshadowing, Overbearance and Overlooking.

- 7.10. The proposed development is located within the grounds of St. Helen's building. The proposal consists of Block A, B and C along with six houses. Block A is located 5.2 metres from the nearest dwelling to the north, Block B is located approximately 10 metres from the nearest dwelling to the east along Knapton Lane, Block C is located approximately 10 metres from the nearest dwelling to the east and over 16 metres the dwelling to the southeast. Houses 1-6 maintain a distance of between 21 metres and 30 metres from the existing dwelling to the south.
- 7.11. The grounds of appeal state that overlooking from Block B and C onto Knapton Lane is inappropriate as they don't have access to the lane. The large open terraces in Block B are inappropriate. A set back of a minimum of 4 metres is required onto a Mews Lane as per CDP. The daylight and sunlight report submitted illustrates below minimum standards for Block B and basement level accommodation is at a depth of 5 metres below the finished wall height to Knapton Lane and c. 1metre above the level of the existing Knapton Lane, this will exacerbate the domineering impact of Block B onto Knapton Lane. There is a lack of contextual information and measurements showing the relationship of the existing residence "Windward" and its residential amenity. Block C should be set back from the lane.
- 7.12. In regard to overlooking, I note Block B and Block C are located directly along the boundary wall adjacent to Knapton Lane, they will overlook the lane but there is no direct access to Knapton Lane. Chapter 12 Development Management, section 12.3.7.9 of the CDP outlines minimum lane width requirements for up to 20 dwellings, width of 4.8 metres subject to a maximum length of 300 metres. There is no requirement for a setback of 4 metres from the lane in relation to mews development. The development will be accessed via York Road, no entrance/exit is proposed along Knapton Lane, therefore there is no requirement for a set distance from Knapton Lane. The applicant has increased the separation distance along the boundary wall of Knapton Lane to approximately 0.5 metres in line with the condition applied by DLR.

- 7.13. Section 12.3.7.9 of the CDP states where dwellings are permitted on both sides of a lane, habitable room windows must be set out to minimise direct overlooking of each other where less than 9 metres apart. I note 6 bedrooms for Apartment 3 are located at basement level with windows to basement level terraces, ground floor level provides the kitchen/dining area for apartment 6 with a long narrow window provided on the western elevation overlooking the lane. A bedroom is proposed on the ground floor for apartment 2 with a window overlooking the lane and set back 3.4 metres from the boundary wall. The first floor provides windows on the western elevation for kitchen/dining/living area with access to a terrace setback 0.5 metres from the boundary wall. The overall height of the proposed Block B is 7.2 metres and 9.7 metres to basement level. The overall height above the boundary wall is 5.3 metres. The nearest dwelling to Block B is “Windward” dwelling, there is a separation distance of approximately 6 metres from boundary to boundary, there are no windows at ground floor level on the eastern elevation of “Windward”, there is a first-floor terrace, however, a timber screening is provided in order to avoid any unnecessary overlooking to the first-floor windows. A separation distance of approximately 11 metres is proposed. Therefore, the separation distance is in accordance with section 12.3.7.9 of the CDP where states where dwellings are permitted on both sides of a lane, habitable room windows must be set out to minimise direct overlooking of each other where less than 9 metres apart. In addition, the Compact Settlement Guidelines state at least 16 metres is required between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units above ground floor level shall be maintained. Separation distance below 16 metres may be considered where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. In this regard, I consider as there are no opposing windows serving habitable rooms, a separation of less than 16 metres is acceptable and in compliance with the Compact Settlement Guidelines.
- 7.14. In regard to overshadowing, Windward property is located west of the Block B, at a distance of 11 metres, the ridge height of Block B is 7.2 metres, the daylight and sunlight assessment indicates that Windward property may experience a slight shadow in the early hours of March 21st. However, this overshadowing is minimal

and decreases throughout the day. No overshadowing is experienced throughout the remainder of the year, due to the orientation of the site and the location of the sun in the sky. Therefore, I consider that due to the separation distance of 11 metre, the timber screening currently in place at the first floor of Windward property and the lack of habitable windows opposing each other there will be no undue overshadowing onto Windward property.

- 7.15. In relation to daylight and sunlight levels for Block B and the basement level accommodation. I have reviewed the drawings submitted and each bedroom is served by a window opening onto a basement level terrace. The applicant has carried out a Daylight and Sunlight Assessment Report, the analysis for spatial daylight autonomy (SDA), under the criteria as set out in BR209 considering trees, indicates 23no. habitable rooms meets or exceeds the appropriate target values. This achieves a compliance rate of 92%. Two no. rooms (Living/Kitchen/Dining of Apartment 1, Block A and bedroom 1 in Apartment 2, Block B) did not meet the recommended Lux levels for SDA given the existence of trees. The I.S. EN 17037 standards set out a more onerous recommendations for SDA. The number of habitable rooms achieving compliance under this standard is 12 in the assessment that includes trees. The compliance rate is c.48%. A sunlight exposure (SE) assessment was also carried out on all habitable rooms. The assessment was carried out with all trees considered as opaque objects, 3 no. units are considered high, 0 no. medium, 2 no. have reached the minimum recommendation with no units below the minimum recommendation. The SE assessment has shown that, despite the effect of trees, the compliance rate for the assessed units, in accordance with the BRE Guidelines is 100%. The assessment concluded that the proposed development demonstrates strong daylight performance. Under BR 209 it is demonstrated that habitable rooms will receive sufficient natural light. 2 no. rooms will experience some reduction in daylight due to the presence of trees. The project architect has provided compensatory design solutions for these rooms. The results for SE and SOG further reinforce the development's positive sun lighting performance, ensuring good sunlight exposure for habitable rooms. Having reviewed the assessment and the proposed floor plans, I consider the projected daylight and sunlight levels are appropriate for residential amenity and in compliance with BRE Guidelines (BR 209) - Site Layout Planning for Daylight and Sunlight: A Guide to

Good Practice (2022). Section 12.3.4.2 of the CDP states that developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated, or subsequent guidance, in this regard.

- 7.16. In regard to overbearance, I consider given the separation distance of Block B from the existing properties along Knapton Lane, the overall height of Block B at 7.2metres and the compliance with overlooking and overshadowing, overbearance will not impact the residential amenity of the existing properties.
- 7.17. The appellant has raised concerns in relation to the location of Block C and request it is set back, as part of the conditions imposed by DLR, the applicant is requested to set back Block B and C from the boundary wall, as a result the applicant has set Block C approximately 0.5 metres back from the boundary wall. I consider the proposed separation distance of 0.5 metres will protect the boundary wall and will not negatively impact the historic nature of the boundary wall.
- 7.18. DLR raised concerns in relation to the potential overlooking from the rear facing living room window of apartment 5 (block C) and recommended that the window is substituted for a high level window as per Condition 2, however, I do not consider the change in window is warranted as the dwelling is located over 16 metres from the nearest dwelling and is in accordance with the Compact Settlement Guidelines.
- 7.19. In addition, the applicant has offered to reduce the overall scale of Block C (Apartment 4 within Block C, reduced from 79.3sqm to 71.8sqm, Apartment 5 reduced from 83.4sqm to 71.3sqm). Block C will have an overall height of 6.67 metres and has a lower ridge height than the proposed houses 3-6 with an overall height of 9.4metres. As stated above, I do not consider it is necessary to amend Block C, the minimum separation distances have been achieved in order to protect residential amenity.
- 7.20. Having regard to the location, orientation of the proposed development and the separation distance to nearby existing properties, in addition considering the Compact Settlement Guidelines and the BRE Guidelines (BR 209) - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022), I consider the proposed development will not impact the residential amenity of the adjacent existing

dwellings or impact the residential amenity for the future occupants of the proposed development.

7.21. Visual Impact

- 7.22. The proposed development is set out in three apartment blocks and 6 no. dwellings within the grounds of St. Helen's two storey building. The higher buildings are located to the front of the site along York Road to reflect the existing building heights and the two storey blocks are located to the rear of the site along Knapton Lane. There are no scenic routes or protected views or High Amenity landscape within or close to the proposed development.
- 7.23. The grounds of appeal state that no visual impact illustration for Block B was provided. The appellant has referenced proposed buildings along York Road; these are not along Knapton Lane and therefore are not required to reflect or conform to the specific character of Knapton Lane.
- 7.24. The applicant has carried out an Architectural Design Statement which I have reviewed. Figure 3.1 page 13 provides a view of the proposed Block B and Block C along Knapton Lane. I consider that VVM5 and VVM6 submitted in the Verified Views, Aerials and CGI document clearly indicates that the proposed development along with the proposed finishes will integrate with the existing buildings along Knapton Lane. And Figure 3.2 provides a view of the proposed Block C from the entrance of Knapton Lane. The statement also includes visuals along York Road, Figure 4.8 provides a view of House 1, figure 4.9 provides a view towards Block A along York Road. It is in my opinion, that these viewpoints highlight the proposed development will be integrated into the subject site due to the existing vegetation, the continuous building line of the existing building line and the proposed finishes. Therefore, I consider that the design, layout and finishes proposed along with the existing landscaping on site provides for a development that will integrate with the existing site and the surrounding area, the lower ridge height buildings are located to the rear of the site along Knapton Lane and reflect the existing character of the lane, the higher ridge blocks are proposed along York Road and reflect the existing Cambridge Terrace dwellings.
- 7.25. Having regard to the Architectural Design Statement and Verified Views submitted, I consider that the applicant has provided sufficient information to assess the potential

visual impact of the proposed development on the immediate area. The subject site is not located within a protected area or adjacent a protected view or scenic route, therefore it is in my opinion that the proposed development will not negatively impact the visual amenity of the area.

7.26. Other Issues – Landscaping & Unit Type

- 7.27. The grounds of appeal also make reference to the proposed unit types stating Block B is proposing 2no. 6-bedroom units with all bedrooms at basement level for one apartment and that the planning report submitted by the applicant makes reference to the provision of “residential accommodation for families (mostly international)”.
- 7.28. The applicant has responded and stated that the proposed housing mix represents variety and options which are needed in the area. The 6 bed units proposed are to meet growing demand for residential accommodation for families (mostly international) seeking compact living. The applicant further states that the 6 bed apartments are standard in international urban areas.
- 7.29. I have reviewed the housing mix proposed and I note the proposal consists of 2 no. two-beds, 2no. three-beds, 5no. four-beds, 2no. six beds and 1no. 10 bed accommodation for Christian Brothers. Section 12.3.3.1 Residential Size and Mix of the CDP states a mix of residential units shall be provided that reflects existing, emerging household formation, housing demand patterns and housing demand patterns and trends identified locally and/or within the County. The mix shall also ensure a proportion of larger units. Therefore, I consider the proposed housing mix types are appropriate to this established residential area and reflects the larger type units in the area.
- 7.30. The appellant also raised concerns in relation to the removal of trees along Knapton Lane, the applicant has responded and stated this was required to facilitate pedestrian access from the subject site to Knapton Lane which was originally part of the site. A landscaping scheme was submitted with the planning application, and I consider the proposed landscaping will enhance the subject site. The removal of trees prior to submitting a planning application is not a matter for the Commission.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The proposed site is not located within a designated site, South Dublin Bay and River Tolka Estuary SPA (site code: 004024) is located 750 metres to the north of the subject site.

The proposed development comprises of the demolition of 1 no. greenhouse and 5 no. ancillary shed structures, construction of 12 residential units and all associated services. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scale and size of the proposed development within an existing urban residential setting.
- Distance to the nearest European site at 750 metres to South Dublin Bay and River Tolka Estuary SPA (site code: 004024).
- The lack of connections to the SPA.
- Connection to public water, public sewer and public drain.

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

9.0 Water Framework Directive

- 9.1.1. The subject site is located in the urban area of Dún Laoghaire, Co. Dublin. The nearest stream Sallynoggin is located approximately 350 metres northwest of the subject site. The proposed development comprises the demolition of 1 no.

greenhouse and 5 no. ancillary shed structures, construction of 12 residential units and all associated services. No water deterioration concerns were raised in the appeal.

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

- Scale and size of the proposed development within urban residential site.
- Distance to the nearest waterbody at 350 metres northwest.
- Connection to public water, public sewer and public drain.

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

10.0 Recommendation

I recommend that planning permission should be granted, subject to conditions as set out below.

11.0 Reasons and Considerations

Having regard to the urban nature of the site within an existing residential site on lands zoned as objective A, the policies and objectives as set out in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024), it is considered, subject to compliance with conditions set out below, that the proposed development would not seriously injure residential amenity

of the area, the historic setting of the site or the visual amenity of the area and would be acceptable in terms of design and layout. 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 received by the planning authority on the 8th 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 interest of clarity.

2. The perimeter wall shall not be used as external wall to any of the new structures. A set-back from the wall shall be provided to allow for adequate ventilation.

Reason: For the protection of elements of heritage value.

3. Each residential unit shall be used as a single dwelling unit and shall not be sub-divided, sold, let, conveyed or otherwise used as two or more separate habitable units or for non-residential uses.

Reason: To prevent unauthorised development.

4. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements

of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

5. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has

been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

6. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. Prior to commencement, the applicant shall submit for written agreement from the Planning Authority:
 - (a) The boundary wall at the main entrance to the development shall be a consistent height, with no stepping, and shall be recessed by at least 1.0 metre with a concave splay.

(b) The widened pedestrian entrance shall be surrounded on either side with red brick pilasters.

Reason: In the interest of visual and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing [landscape plan dated 8th April 2025. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

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

Reason: In the interest of public health.

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

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

13. (a); Prior to commencement of development, the applicant shall submit for the agreement of the Planning Authority revised drawings and details which demonstrate provision of cycle parking in accordance with the provisions of

the current Compact Settlement Guidelines, 2024. In relation to cycle parking design, a minimum of 15 no. cycle parking spaces shall be the preferred “Sheffield” type. These shall be provided with no overhead obstruction (i.e. no stacked cycle parking over). The remaining 42 no. cycle parking spaces may be of the applicant’s choosing, noting that the “Sheffield” stand is the preferred design provision. The submitted drawings shall also demonstrate accordance with the NTA’s Cycle Design Manual – September 2023 which requires that 1 space per 20 spaces should be provided for larger non-standard cycles and also DLRCC’s “Standards for Cycle Parking and associated Cycling Facilities for New Developments – January 2018” in relation to spacing & aisle widths etc and cycle parking provided closer to Block A.

(b): Prior commencement of development, the applicant shall submit for the agreement of the planning authority revised drawings which demonstrate the provision of STOP line and associated signage to the rear of the existing footpath on York Road at the vehicular entrance/exit.

(c): Prior to commencement of development, the applicant shall submit for the agreement of the Planning Authority drawings and details which address the requirement for a turning facility to be provided for any dead-end access route that is more than 20m long in accordance with Section 5.4.4.1 Access Routes on Private/Site Roads of the Buildings other than dwelling houses.

Reason: In the interest of traffic and pedestrian safety and orderly development.

14. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

15. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
 - (i) Provision of parking for existing properties at during the construction period.

- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and environmental protection.

17. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan. And (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.
- (c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

19. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.

(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

20. The landscaping scheme as submitted to the planning authority on the 8th day of April 2025 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

21. A bat survey of the sheds requiring demolition on site shall be carried out by a suitably qualified specialist and according to Best Practice guidelines, prior to the commencement of any site works. Any trees that require felling/maintenance works shall be surveyed for bats. If any potential bat roosts are identified, the Developer must apply for a Derogation License in accordance with Regulation 54(2) of European Communities (Birds and Natural Habitats) Regulations, 2011. To enhance biodiversity, bat boxes shall be installed on suitable trees on the property to enhance the habitat for bats. A bat specialist/ecologist shall advise the applicant on numbers, styles and locations of bat boxes.

Reason: In the interest of nature conservation and urban biodiversity.

22. 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.

23. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The security to be lodged shall be as follows - (a) an approved insurance company bond in the sum of €103,200.00euro), or (b) a cash sum of €63,600.00euro to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or (c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion of the development.

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.

Jennifer McQuaid
Planning Inspector

9th September 2025

Appendix A: Form 1 - EIA Pre-Screening

Case Reference	ABP-322865-25
Proposed Development Summary	Demolition of 1 no. greenhouse and 5 no. ancillary shed structures, construction of 12 residential units and all associated services
Development Address	Lands located at Saint Helens, York Road, Dún Laoghaire, Co. Dublin, A96Y838.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Schedule 5, Part 2, Class 10b(i) Construction of more than 500 dwelling units.

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

Inspector: _____ **Date:** _____

Appendix A: Form 2 - EIA Preliminary Examination

Case Reference	ABP-322865-25
Proposed Development Summary	Demolition of 1 no. greenhouse and 5 no. ancillary shed structures, construction of 12 residential units and all associated services.
Development Address	Lands located at Saint Helens, York Road, Dún Laoghaire, Co. Dublin, A96Y838.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development consisted of typical construction and related activities and site works. The works proposed do not result in the production of significant waste, emissions or pollutants. Surface water will be discharged to a public water. Wastewater will be discharged to public sewer.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The proposed site is located within an urban area; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site, the nearest are as follows: • South Dublin Bay pNHA (site code: 000210) is located 750 metres to the north of the subject site. • South Dublin Bay and River Tolka Estuary SPA (site code: 004024) is located 750 metres to the north of the subject site. • Dalkey Islands SPA (site code: 004172) is located 3.5km to the southeast of the subject site. • South Dublin Bay SAC (site code: 000210) is located 870 metres north of the subject site. • Rockabill to Dalkey Island SAC (site code: 003000) is located 3.6km to the northeast of the subject site. My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European Site. The subject site is located within a flood risk area.

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The site size measures 0.485ha. The size of the development is not exceptional in the context of an urban environment. There are existing dwellings adjacent to the proposed site. Observations were raised in relation to overlooking and overshadowing, however, given the separation distance, no issues arise. The proposed development is a relatively small development in the urban context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix B: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322865-25	Townland, address	Lands located at Saint Helens, York Road, Dún Laoghaire, Co. Dublin.
Description of project		Demolition of 1 no. greenhouse and 5 no. ancillary shed structures, construction of 12 residential units and all associated services.	
Brief site description, relevant to WFD Screening,		The site is located within the urban area of Dun Laoghaire; the site is located within the grounds of an existing residential property. There are dwellings located directly to the north, south, east and west of the subject site. The proposed development will be connected to public water, public wastewater and public surface water. There are no water features on site or adjacent the subject site. The site is not within a flood risk area.	
Proposed surface water details		Surface water will be disposed via public surface water.	

Proposed water supply source & available capacity	Public mains are available.					
Proposed wastewater treatment system & available capacity, other issues	Public wastewater connection is available.					
Others?						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g., surface run-off, drainage, groundwater)
Groundwater	The site is on the	Kilcullen groundwater	Groundwater status is described as	Groundwater is described as At Risk.	Agriculture, Anthropogenic,	Potential surface water run-off.

Stream	groundwater.	IE_EA_G_003	Good (period for GW 2016-2021)	River is under review	Forestry	Potential surface water run-off.
	The site is located 350m distance from Sallynoggin Stream (this is not highlighted on catchment s.ie Brewery Stream is located 490 m	Brewery Stream_010 Code:IE_EA_09B130400	River status is described as Poor (period for GW 2016-2021)		Urban Runoff pressures. None identified.	

Coastal Water		The site is located 720m distance from Dublin Bay to the north.	Dublin Bay IE_EA_090_000	Transitional Water status is described as Good (period for GW 2016-2021)	Coastal water is described as Not At risk.		Potential surface water run-off.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if

		(EPA Code)					'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Brewery Stream_010 Code:IE_EA_09B130400	Located appropriately 490metres northwest of subject site. No noted drainage ditches to river.	Spillages	Standard Construction practice	No due to separation distance	Screened Out
2.	Ground	Kilcullen groundwater IE_EA_G_003	Pathways through drainage underground	Spillages	Standard Construction practice	No	Screened Out

3.	Coastal	Dublin Bay IE_EA_090_0000	Located appropriately 720metres north of subject site. No noted drainage ditches to coast.	Spillages	Standard Construct ion practice	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Brewery Stream_010 Code:IE_EA_09B130400	Located appropriately 490metres northwest of subject site. No noted drainage ditches to river.	Spillages	SuDs features	No	Screened Out
4.	Ground	Kilcullen groundwater IE_EA_G_003	Pathways exist through drainage underground & seepage.	Spillages/seepage	SuDs Features and connectio n to	No	Screened Out

					public water and wastewater		
5	Coastal	Dublin Bay IE_EA_090 _0000	Located appropriately 720metres north of subject site. No noted drainage ditches to coast.	Spillages	SuDs Features	No	Screened out
DECOMMISSIONING PHASE							
5.	N/A						

