



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323243-25

<b>Development</b>	Removal of existing boundary wall and vehicular gate for the construction of a mews dwelling and all associated site works.
<b>Location</b>	Rear of 34 North Circular Road, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB2044/25
<b>Applicant(s)</b>	Brimwood Unlimited Company
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Brimwood Unlimited Company
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> October 2025
<b>Inspector</b>	Elaine Power

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Appendix 1: Form 1: EIA Pre-Screening and Form 2: EIA Preliminary Examination

## 1.0 Site Location and Description

- 1.1. The appeal site is located to the rear of no. 34 North Circular Road, Dublin 7. It forms part of the rear garden of the existing 2-storey over basement terrace house, which is also within the ownership of the applicant. The surrounding area is residential in nature. The appeal site has a stated area of 125sqm. The site is bound to the south by an existing laneway (referred to as Mews Lane) that was upgraded as part of Phase 1 of the regeneration of O'Devaney Gardens. There is an existing vehicular gate from the sites southern boundary onto Montpelier Close (public road).

## 2.0 Proposed Development

- 2.1. The proposed development comprises the removal of the existing boundary wall and vehicular gate at the sites southern boundary and the construction of a 3-storey 4-bed dwelling and all associated works to facilitate the development.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reason:

- 1. The proposed development which is excessive in terms of its height, scale and massing, would seriously injure the setting and character of the regionally rated structure at No. 34 North Circular Road and would contravene the requirements of Policy BHA9 of the Dublin City Council Development Plan and would set an unacceptable precedent for appropriate development in the rear sites of 19th century terraced houses and the Z2 zoning objective. The proposed mews would not provide appropriate residential amenity to future residents, providing inadequate private open space, and the applicant has not demonstrated to the satisfaction of the planning authority that existing residential amenity would not be unduly affected, having regard to privacy, overbearing impacts, impacts on daylight and sunlight, and the retention of useable communal*

*open space for the existing house which is currently in multiple occupation. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planners report dated 4<sup>th</sup> July 2025 stated that there is no objection in principle to a mews development on the subject site, which is well located, with good pedestrian access and a serviced laneway. However, there are serious concerns regarding the proposed bulk, scale and height of the proposed would constitute overdevelopment of the site. This site would be more appropriate for a two-storey / 2 ½ storey mews house, similar in scale to the smaller terraced houses on Montpelier Close, which would be proportionate to and respectful of the principal residence at No. 34 NCR and adjoining buildings, and facilitate adequate garden space for both buildings.

It is further noted that the primary dwelling is currently split (pre 63) into multiple bedsit units. The provision of 4 no. additional double bedrooms providing for 8 additional people is considered to be over intensification of the site. While the Development Plan has a number of policies to encourage the consolidation and densification of the built up area, the development as proposed would not provide adequate residential amenity.

In addition, the applicant has not demonstrated that the residential amenity of existing neighbouring properties would be protected.

### **3.2.2. Other Technical Reports**

Conservation Division: Report dated 30<sup>th</sup> June 2025 raised a number of concerns and recommended a revised design for the site, comprising a 2-storey or 2 ½ storey house, similar in scale to the smaller terraced houses on Montpelier Close, that would be proportionate to and respectful of the principal residence at No. 34 NCR and adjoining buildings and facilitate adequate garden space for both buildings.

The report recommended that permission be refused as the proposed development is excessive in terms of its height, scale and massing, and would seriously injure the setting and character of the regionally rated NIAH structure at No. 34 and contravene the requirements of BHA9 Conservation Areas and would set an unacceptable precedent for the rear sites of the 19th century terraced houses adjacent.

Drainage Division: Report dated 18<sup>th</sup> June 2025 raised no objection subject to standard conditions.

Transportation Planning Division: Report dated 23<sup>rd</sup> June 2025 raised no objection subject to condition

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

None

## 4.0 Planning History

### Subject Site

The Declaration below relates to the existing dwelling at 34 North Circular Road, which is within the applicant's overall landholding.

Reg. Ref. 0267/24: The planning authority received a question asking whether the continued use of a residential building, where care is not provided, to house homeless persons, is or is not development.

The Planning Authority considered that the continued use of a residential building which was subdivided into 12 no. bedsit rooms prior to the coming into force of the Planning and Development Act 1963 to house homeless persons in 11 no. net bedrooms, does not constitute a material change of use and, therefore, does not constitute development for the purpose of the Act.

### ***Surrounding Sites – North Circular Road***

Reg. Ref. WEB2814/24: Permission was granted in 2025 for a 2-bed, 2-storey mews House with pedestrian access via, O'Devaney Gardens and all associated works necessary to facilitate the development to the rear of 42 North Circular Road

Reg. Ref. 4867/23: Permission was granted in 2024 for 3 no. apartments (2 no. 2-beds and 1 no. 1-bed), in a two-and-a-half storey building, with pedestrian access via, The Crescent, O'Devaney Gardens and all associated works necessary to facilitate the development to the rear of 30 North Circular Road.

Reg. Ref. 4367/22: Permission was granted in 2023 for the demolition of three derelict ruinous structures and the construction of 3 no. two-and-a-half storey residential units with vehicular and pedestrian access via, The Crescent, O'Devaney Gardens and all associated works necessary to facilitate the development to the rear of 24 and 26 North Circular Road.

Reg. Ref. 3540/22: Permission was granted in 2022 for a 3-bed, 2-storey mews with access from the existing laneway and all associated site development to the rear of 50 North Circular Road.

### ***O'Devaney Gardens site***

ABP- PL29N.JA0024: Phase 1 of the regeneration of O'Devaney Gardens was approved with conditions in 2011. The development comprised 110 no. residential units in 4 no. blocks on a 2.47ha site. This development is completed and occupied.

Reg. Ref 3607/10: Part 8 approval was granted in 2010 to demolish five flat blocks at the O'Devaney Gardens site  
Reg. Ref. 2945/16: Part 8 approval was granted in 2016 to demolish the remaining four flat blocks at the O'Devaney Gardens site.

Strategic Housing Development ABP.310327-21: Permission was granted in 2021 for 1,047 no. residential units (23 no. houses and 1,024 no. apartments), creche and associated site works at the former O'Devaney Gardens Site and lands previously part of St. Bricin's Military Hospital. This development is partly completed and partly under construction.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2022-2028

The appeal site is zoned Z2 Residential Neighbourhoods (Conservation Area) with the associated land use objective to protect and / or improve the amenities of residential conservation areas.

Section 14.7.2 states that residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Chapters 11: Built Heritage and Archaeology, and Chapter 15: Development Standards, detail the policies and objectives for residential conservation areas and standards, respectively. Volume 4 of this plan contains the Record of Protected Structures.

The following policy is considered relevant.

***Policy BHA9 Conservation Areas:*** To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Re-instatement of missing architectural detail or important features.
3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.

4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
5. The repair and retention of shop and pub fronts of architectural interest.
6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
7. The return of buildings to residential use.

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.

Section 15.13.5 sets out guidance for mews developments and notes that new buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. The height of mews building should not negatively impact on the views from the main property. Development will generally be confined to two-storey buildings. In certain circumstances, three-storey mews developments incorporating apartments will be acceptable, where the proposed mews building:

- is subordinate in height and scale to the main building;
- is maintaining the established height of existing mews roof ridgelines;
- has an acceptable level of open space and where the laneway is suitable for resulting traffic conditions;
- has sufficiently sized apartment units in line with the relevant Section 28 guidelines.

The following Policies relating to mews developments are considered relevant.

***Policy QHSN6 Urban Consolidation:*** To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation

**Policy BHA14 Mews:** To promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.

## 5.2. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Quality Housing for Sustainable Communities: Design Guidelines, 2007

## 5.3. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European Site.

## 5.4. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment, please refer to Appendix 1: Form 1 and Appendix 2: Form 2 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 first party appeal includes an introduction to the planning application and a summary of the site location and description, the sites planning history and relevant policy. The main grounds of the appeal which address the reason for refusal are summarised below.

#### Design Approach

- The proposed 3-storey mews dwelling is not excessive in height, scale or massing.
- Concerns regarding the proximity of the proposed development to the existing single storey extension can be addressed through refined design measures, including the use of articulated brickwork or vertical planting to soften the blank façade. This could be addressed by way of condition.
- The proposed development incorporates high quality materials.
- The proposed development is subordinate to the main dwelling, with a lower ridge height.
- The scale is consistent with approved developments on the same street, including no. 30 NCR.
- The 16m separation distance complies with SPPR 1 of the compact settlement guidelines.
- The development of this lane is essential to create a complete street, activating an underutilised space while reinforcing the urban fabric between O'Devaney Gardens and the historic terrace on NCR.
- The varied buildings heights within the immediate vicinity of the appeal site undermines the assertion that a three storey structure would be incongruous.
- The proposed development aligns with SPPR 2 of the Compact Settlement Guidelines which promotes residential development on infill sites in city centre locations.

- The proposed development is in accordance with Policy QHSN6 of the Development Plan which encourages urban consolidation through mews developments on underutilised backland sites.

### Precedent

- The 2-storey dwellings on Montpelier Close is not the relevant precedent.
- The subject site shares direct affinity with 2 and 2 and a half storey mews developments along the NCR, including Reg. Ref. 4367/22 and 4867/23, which are only half a storey below the proposed development.
- The Z2 zoning permits varied scales of development, as demonstrated by the mixed heights within the O'Devaney Gardens scheme.
- Each application must be assessed on its own merits. The reliance on an incompatible precedent is unjustified.

### Residential Amenity

- The 35sqm of private amenity space is acceptable given the infill nature of the site and its proximity (c280m) to the Phoenix Park.
- SPPR2 of the Compact Settlement Guidelines allows for flexibility in open space standards for city centre locations, particularly where high quality public amenities are accessible.
- The existing dwelling retains 73sqm of private open space, which is sufficient for its current use.
- Privacy concerns are adequately addressed through the use of high-level and obscured glazing on the east and west facing windows.
- The separation distances ensure no undue overlooking occurs.
- Ground floor rooflights to serve the kitchen and living room ensure adequate access to daylight and sunlight.
- A sun trajectory analysis reveals negligible shadow impact on neighbouring properties.

### Conservation / Policy BHA9

- The principal house is not a protected structure, and the site is not located in an Architectural Conservation Area.
- The proposed development would replace the overgrown rear garden and modern boundary treatment with a high quality residential mews that reactivates this historic mews.
- The development restores the historic plot pattern by reinstating a built frontage along the mews land.
- The height matches the approved mews (Reg. Ref. 4867/23) at no. 30 NCR demonstrating its compatibility with the character of the conservation area.
- The proposed development preserves the essential character-defining elements including maintain the established building line and retaining the existing rear garden wall, where possible.
- The existing boundary wall along the mews lane is retained and enhanced with traditional brick cladding.
- The proposed development reactivates an underutilised site for residential purposes.
- The proposed development is consistent with BHA14 to regenerate mews laneways through sensitively designed residential infill.

### **6.2. Planning Authority Response**

The report dated 27<sup>th</sup> August 2025 states that if permission is granted that a condition be attached requiring the payment of a development contribution and that a naming and numbering condition also be attached.

### **6.3. Observations**

None

## 6.4. Further Responses

None

## 7.0 Assessment

7.1. Having examined the appeal details and all other documentation on file, including the observations received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design Approach
- Residential Amenity

### 7.2. *Principle of Development*

7.3. The proposed development comprises the construction of a 3-storey mews in the rear garden of no. 34 North Circular Road. The site is zoned Z2, with the associated land use objective *to protect and/or improve the amenities of residential conservation areas*. Residential is a permissible use on lands zoned Z2. Therefore, the proposed development is considered in accordance with the zoning objective and should be assessed on its merits.

7.4. Policy BHA14 of the Development Plan supports the redevelopment and regeneration of mews lanes. It is noted that the Planning Authority raised no objection in principle to the provision of a mews dwelling on the appeal site.

### 7.5. *Design Approach*

7.5.1. It is proposed to construct a 3-storey mews dwelling in the rear garden of no. 34 North Circular Road (NCR) with access from the sites rear boundary with Montpelier Close. No. 34 NCR is located in the centre of a terrace of 12 no. dwellings. The proposed mews dwelling has a stated floor area of 181sqm. It extends the full width of the site (c. 7.7m). It varies in depth from c. 8m to c.14.6m and partially sits at the sites rear boundary. It has a flat roof with a height of c. 10.7m. The ground floor rear elevation

of the proposed mews is located c. 5.2m from the rear elevation of the rear ground floor extension of no. 34. The first and second floor rear elevations of the proposed mews are located a minimum of c. 12.5m from the rear elevation of the rear return of no. 34.

- 7.5.2. The Planning Authority's reason for refusal considered that *inter alia* the *proposed development which is excessive in terms of its height, scale and massing, would seriously injure the setting and character of the regionally rated structure at No. 34 North Circular Road and would contravene the requirements of Policy BHA9 of the Dublin City Council Development Plan and would set an unacceptable precedent for appropriate development in the rear sites of 19th century terraced houses and the Z2 zoning objective.*
- 7.5.3. To address the reason for refusal the applicant notes that the principal house is not a protected structure and is not located in an Architectural Conservation Area and that the proposed development would restore the historic plot and would provide a high-quality development on an underutilised site.
- 7.5.4. It is acknowledged that no. 34 is not a protected structure or in an Architectural Conservation Area. However, no. 30-36 NCR, which incorporates no. 34, are listed on the NIAH (Reg. No. 50070137) and described as *a terrace of four two-bay three-storey over basement houses, built c.1890* and has a rating of regionally important. The site is also located in an area zoned Z2 residential conservation area. Policy BHA9 aims to protect the special interest and character of Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Section 15.13.5.2 of the Development Plan also requires that new mews developments complement the character of both the mews laneway and the main building with regard to scale, massing, height, building depth, roof treatment and materials.
- 7.5.5. The appeal states that the height of the mews maintains a ridge height that is subordinate to the principal dwelling. The roof of the mews sits marginally below (c. 0.2m) the ridge of the rear return of the main house, however, the eaves of the roof profile are marginally above (c. 0.3m) those of the rear return. While the ridge height

of the mews marginally below the ridge of the rear return is noted, having regard to the combination of the height, scale, mass and bulk of the proposed mews and the limited separation distances from the main house I agree with the concerns of the Planning Authority, that the proposed development would adversely impact on the setting and character of the main house and would not contribute positively to its character and distinctiveness of this Z2 Conservation Area and, therefore, does not comply with the provisions of Policy BHA9 to protect the special interest and character of Dublin's Conservation Areas.

7.5.6. Section 15.13.5.2 of the Development Plan also requires that new mews developments complement the character of the mews laneway. There are no existing mews dwellings located on Montpelier Close. The appeal site was historically bound by a laneway, which was recently upgraded to a 2-way street (Montpelier Close) as part of Phase 1 (ABP-PL29N.JA0024) of the regeneration of O'Devaney Gardens which comprised the construction of 110 no. residential units in 4 no. blocks. On the opposite side of Montpelier Close is a part 3, part 4-storey residential block. The wider O'Devaney Gardens scheme, approved in 2021 (ABP. 310327-21) comprised the construction of 1,047 no. residential units and c. 1,110sqm of non-residential uses including retail, commercial, creche and a community facility in 9 no. urban blocks with a maximum height of 14 storeys. This development is currently under construction. The sites location in close proximity to O'Devaney Gardens and the changing urban context of the site is noted.

7.5.7. While there are no historic mews buildings on Montpelier Close, permission was granted in 2025 (Reg. Ref. WEB2814/24) for a 2-bed, 2-storey mews (c.7m in height) to the rear of 42 North Circular Road, in 2024 (Reg. Ref. 4867/23) for 3 no. apartments in a two-and-a-half storey building (c. 9.2m in height) at no. 30 North Circular Road and in 2023 (Reg. Ref. 4367/2) for 3 no. apartment in a two-and-a-half storey (c. 9.3m in height) to the rear of 24 and 26 North Circular Road. During my site visit the approved developments to the rear of no. 24-26 and no. 30 North Circular Road appeared to be under construction. As there are no historic structures on Montpelier Close, it is my opinion that the character of the laneway is established by the previously approved developments, which generally comprises 2 and a half storey contemporary residential units. The proposed mews is c. 1.5m higher than these previously approved dwellings and, therefore does not maintain the roof ridgelines of the approved mews.

7.5.8. The differing character of the mews laneway / Montpelier Close and the wider O'Devaney Gardens site and the main house / no. 34 NCR are noted. In my opinion the appeal site can accommodate a contemporary mews dwelling, with a height similar to those previously approved at no. 24-26, no. 30 and no. 42 NCR. However, I am not satisfied that the proposed mews dwelling is the most appropriate design response to this sensitive site and consider that it requires significant redesign to reduce its height, scale, bulk and mass, which would also allow for improved residential amenity for the future occupants and existing occupants of the principal house. Therefore, I agree with the planning authority's that the proposed development does not comply with the provisions of Policy BHA9 and recommend that permission be refused on this basis.

### 7.6. **Residential Amenity**

7.6.1. The Planning Authority's reason for refusal also considered that *inter alia* the proposed mews would not provide appropriate residential amenity to future residents, providing inadequate private open space, and the applicant has not demonstrated to the satisfaction of the planning authority that existing residential amenity would not be unduly affected, having regard to privacy, overbearing impacts, impacts on daylight and sunlight, and the retention of useable communal open space for the existing house which is currently in multiple occupation.

7.6.2. The proposed 3-storey mews dwelling has a stated floor area of 181sqm. The ground floor level would accommodate an open plan kitchen / living / dining room, a separate sitting room, a bathroom and an entrance hall. The first floor level would accommodate 2 no. double bedrooms, a study and a bathroom and the third floor level would accommodate 2 no. double bedrooms, a study and a bathroom. It is noted that the 2 no. proposed studies have a floor area of 10sqm each and could accommodate a single bedroom. Therefore, the proposed mews has a maximum occupancy of 10 no. persons. The internal layout of the mews reaches and exceeds the minimum standards set out in the Quality Housing Guidelines, 2007, which are reflected in Section 15.1.1 of the Development Plan.

7.6.3. Section 15.13.5.1 of the Development Plan states that private open space shall be provided to the rear of the mews building to provide for adequate amenity space for both the original and proposed dwelling. It is proposed to subdivide the existing rear garden of no. 34 North Circular Road. The proposed mews dwelling would be

constructed on a c. 125sqm site and c. 73sqm of rear private open space would be retained to serve the existing dwelling. The appeal notes that the proposed 73sqm of private open space for the existing use in no. 34 is sufficient, particularly having regard to the proximity of the site to the Phoenix Park.

- 7.6.4. Private open space for the mews dwelling is provided in 4no. courtyards with a total area of c. 34.7sqm. An entrance courtyard (12.8sqm) is proposed at the at the sites front boundary with Montpelier Close. This courtyard is interlined with an ancillary triangular area of open space which would be planted to provide screening for the proposed mews. A rectangular courtyard area (9.3sqm) is proposed at the sites rear boundary with the proposed rear garden of no. 34 NCR. At first floor level it is proposed to provide a courtyard (5sqm) at the front elevation of the mews and a courtyard (7.6sqm) at the rear elevation.
- 7.6.5. Section 15.11.3 of the Development Plan states that a generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city. In relation to proposals for house(s) within the inner city, a standard of 5 – 8 sq. m. of private open space per bedspace will normally be applied. The proposed development has a maximum occupancy of 10 no. persons. Therefore, a minimum of 50sqm of private open space is required. Section 15.11.3 also states that these standards may be relaxed on a case by case basis. The site is located c. 280m from the Phoenix Park, therefore, I have no objection to the quantum of private open space proposed. However, I have some concerns regarding the quality of the open space. In my view given the narrow (1.4m) width of the entrance courtyard at the ground floor level that this area is a circulation space and would provide limited amenity for future occupants. In addition, given the proposed c. 2.5m high boundary wall with no. 32 NCR I have concerns regarding access to daylight and sunlight at this location.
- 7.6.6. Given the northwest orientation of the rear elevation of the proposed mews and the height of the boundary wall with no. 32 NCR I also have concerns regarding access to daylight and sunlight for the rear ground floor courtyard. I also have concerns regarding access to daylight and sunlight for the first-floor rear courtyard, due to its setback into mews dwelling and the orientation of the building.
- 7.6.7. The Planning Authority's reason for refusal raised concerns regarding the quantum of useable communal open space for the existing house. The Section 5 Declaration

(EXPP0267/24) for the main house indicates that the house contains 11no. bedrooms with shared kitchen, living room and dining room and is in use as a homeless accommodation. Section 15.13.5.1 of the Development Plan states that *if the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for the main house divided into multiple dwellings and for mews development.* The Apartment Guidelines set out a standard of 4sqm of private open space per studio apartment. Due to the layout of the existing house the 11no. bedrooms are not provided with private open space. The Apartment Guidelines also set out a requirement of 4sqm of communal open space. Therefore, there is a requirement of 44sqm of communal open space per studio. Given the quantum of communal open space (73sqm) and the sites proximity to the Phoenix Park, which is c. 280m west of the appeal site I have no objection to the quantum of communal open space retained to serve the main house. While I have no objection to the quantum of communal open space, I have some concerns regarding the quality of the open space.

- 7.6.8. The ground floor rear elevation of the proposed mews is located c. 5.2m from the rear elevation of the rear ground floor extension of no. 34. The first and second floor rear elevations of the proposed mews are located c. 12.5m from the rear elevation of the rear return of no. 34. In my opinion the applicant has not adequately demonstrated that the proposed development would not unduly overshadow the rear amenity space of the main house.
- 7.6.9. Given the limited separation distances and to prevent overlooking, a significant portion of the 3-storey rear elevation of the mews is blank. In my opinion the significantly blank rear elevation in combination with the limited separation distances, would negatively impact on the visual amenities of the main house. The appeal considers that this could be addressed by way of condition to improve the articulation of the elevation. However, it is considered that the design approach is a result of overdevelopment of the site which requires further consideration, and in my opinion cannot be addressed by way of condition.
- 7.6.10. The rear ground floor level courtyard is provided with a screen wall at the site's rear boundary. Given the relatively limited depth (2.2m) of the courtyard I have concerns regarding access to daylight and sunlight for the courtyard and for the open plan Kitchen / Living / Dining room which adjoins the courtyard. The appeal notes the

provision of a skylight over the dining area of the open plan space also provides access to daylight and sunlight. The applicant has not submitted a technical assessment of Daylight, Sunlight and Overshadowing. Given the overall size of the room, the orientation of the mews and the proximity to the main house and boundary walls it is my view that the applicant has not adequately demonstrated that the open plan Kitchen / Living / Dining room would receive adequate access to daylight and sunlight.

7.6.11. Given the relatively limited separation distance between the proposed mews and the main house the windows serving bedroom 2 at first floor level and bedroom 4 at second floor are located on the side elevation, overlooking the proposed first floor level courtyard area and boundary with no. 36 NCR. The first-floor bedroom (bedroom 2) window is located c. 2.6m from a boundary wall with no. 36 NCR and the second floor bedroom (bedroom 4) is located c. 2.6m from a louvre / screen, which is provided at the site's boundary with no. 36 NCR. Given the orientation of the courtyard and the use of high-level walls and the limited separation distance to boundaries I have serious concerns that the proposed development would result in poor access to daylight and sunlight for the proposed development. I also have concerns that the use of a louvre for screening, at second floor level, c 2.6m from the sites side boundary with no. 36 NCR could potentially impede the development potential of the adjoining site.

7.6.12. The windows serving the studies at first and second floor levels are located c. 15m from the rear elevation of the rear return of the main house. While it is noted that these rooms are labelled as a study, they are habitable rooms and with a floor area of c. 10sqm they are suitable for use as a single bedroom. SPPR 1 of the Compact Settlement Guidelines requires a minimum separation distance of 16m between opposing windows serving habitable rooms above ground floor level. Therefore, the proposed separation distance does not comply with SPPR1 and could result in undue overlooking of the existing house. While it is noted that the main house is within the ownership of the applicant this does not negate the requirement to provide adequate separation distance to protect future and existing residential amenity

7.6.13. Overall, I have no objection in principle to the provision of a contemporary mews dwelling on the appeal site. However, it is my opinion that inadequate consideration was given to the design approach and that the proposed development, by reason of its height, scale, massing and bulk and the limited separation distances to the rear

elevation of no. 34 North Circular Road, would constitute overdevelopment of the site, which would negatively impact on existing and future residential amenities with regard to inadequate access to daylight and sunlight, overshadowing, overbearing impact and undue overlooking. It is my recommendation that permission be refused on this basis.

## 8.0 Water Framework Directive (Screening)

8.1. The subject site is located the urban area of Dublin city. There are no watercourses within the appeal site. The nearest water body is the River Liffey located c. 650m south of the appeal site. No water deterioration concerns were raised in the planning appeal.

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

8The reason for this conclusion is as follows

- The small scale and nature of the development
- Location-distance from nearest water bodies
- Lack of hydrological connections

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

## 9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000, as amended and on the basis of the information considered in this AA screening, I

conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- The small scale and nature of the scheme,
- The urban location of the site,
- The separation distance from nearest European site, and
- The lack of a direct or indirect pathway to any designated site.

## 10.0 Recommendation

It is recommended that permission be refused for the following reason.

## 11.0 Reasons and Considerations

1. The proposed development by reason of its height, scale, bulk and massing, would materially affect the setting and character of No. 34 North Circular Road, which is included in the National Inventory of Architectural Heritage (NIAH) Reg. No. 50070137 and forms part of a terrace of dwellings which are of regional significance. The proposed development would, therefore, be contrary to the sites Z2 zoning objective to protect and / or improve the amenities of residential conservation areas and to the provisions of Policy BHA9 of the Dublin City Council Development Plan 2022-2028 to protect the special interest and character of all Dublin's Conservation Areas. The proposed development is therefore considered to be contrary to the provisions of the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.
2. It is considered that inadequate consideration was given to the design approach and that the proposed development, by reason of its height, scale, massing and bulk and the limited separation distances to the rear elevation of no. 34 North

Circular Road, would constitute overdevelopment of the site and would result in an overbearing impact on no. 34 North Circular Road. The proposed separation distances do not comply SPPR1 of the Sustainable and Compact Settlement Guidelines which require a minimum separation distance of 16 metres between opposing windows, serving habitable rooms at the rear of houses. In addition, the applicant has not adequately demonstrated that the proposed development and its associated areas of open space would have access to daylight and sunlight and would not overshadowing any adjacent areas of private amenity space. The proposed development would be seriously injurious to the residential amenities of existing and future residents and is therefore considered to be contrary to the proper planning and sustainable development of the area.

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.

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Elaine Power

Senior Planning Inspector

28<sup>th</sup> October 2025

## Appendix 1:

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323243-25
<b>Proposed Development Summary</b>	Construction of a mews dwelling.
<b>Development Address</b>	To the rear of no. 34 North Circular Road, Dublin 7.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>10 (b)(i): Construction of more than 500 dwelling units</p> <p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323243-25
<b>Proposed Development Summary</b>	Construction of a mews dwelling.
<b>Development Address</b>	To the rear of no. 34 North Circular Road, Dublin 7.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development comprises the demolition of a boundary wall and vehicular access gate and the construction of 1 no. mews houses on c. 125sqm site, which is serviced and zoned for residential development. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development. The demolition works are considered to be minor in scale.</p> <p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.</p> <p>Given the nature and scale of the proposed development it would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The appeal site is located in the rear garden of an existing residential dwelling in the urban area of Dublin city. The site does not host any species of conservation interest. This site is not located on, in or adjacent to any ecologically sensitive site and does not have the potential to impact any such sites.</p> <p>There are no protected landscapes, protected structures or archaeological significance within or immediately adjacent to the site.</p> <p>The site is not included in the Record of Protected Structures (RPS). However, the overall landholding contains a significant 19<sup>th</sup> century terraced house and all of the adjacent and adjoining terraced houses are zoned Z2 – Residential Neighbourhood (Conservation Areas), with the associated landuse objective “to</p>

	<p><i>protect and/or improve the amenities of residential conservation areas”</i></p> <p>No. 34 NCR is included in the National Inventory of Architectural Heritage (NIAH) Reg. No. 50070137 and is considered to be of Regional Significance and of special Architectural and Artistic interest. Therefore, the appeal site is within an area of historic and cultural importance.</p> <p>There are some concerns that the design of the proposed house could negatively impact on the principal house, however, there is no potential to significantly affect environmental sensitives in the area, including protected structures.</p>
<p><b>Types and characteristics of potential impacts</b></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>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.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	<b>EIA is not required.</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)