



An
Coimisiún
Pleanála

Inspector's Report

ACP-323616-25

Development	Demolition of buildings, construction of 20 apartments in a 4 storey building with all associated site works.
Location	Island View Court, Kilbarrack Road, Raheny, Dublin 5.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2694/24
Applicant	Raya Investments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Declan Cambell Sarah Liotta and Enrico Fortunate Ann Higgins Gerard Ussher & Paula Hannan Margaret & Martin Kennedy Kevin Marshall & Cecily Cahill Clare Westbrook and Jim Comiskey Conor & Victoria Jordan

Observer(s)

John and Anna Richardson

John K. Kenny

Date of Site Inspection

29th May 2026

Inspector

Emer Doyle

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1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.1425 ha is located c. 10km from Dublin city centre in the Raheny/ Kilbarrack area. The site currently comprises of a gated apartment development consisting of 8 No. apartments known as Island View Court apartments. These are located off a cul de sac to the south of Kilbarrack Road.
- 1.2. The surrounding area contains a mix of development mainly comprising of one and two storey dwellings. Adjoining the site to the south west is a newly built dwelling- one of 3 dwellings recently constructed at No. 806 Howth Road. The closest development to the north east comprises of a bungalow at No. 13 Island View, also of relatively recent construction. The Island View housing development is located on the opposite side of the road to the north of the site. There are a number of properties to the south of the site including a dwelling accessed from Kilbarrack Road and a number of dwellings accessed from Howth Road.
- 1.3. The site is located c. 1.1km from Howth Road and Junction DART station and c. 230m from bus services on the Howth Road. There are a wide range of amenities including St. Anne's Park in close proximity to the site.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - Demolition of existing apartment block consisting of 8 No. apartments
 - Construction of a four storey block with a height of c. 10.9m
 - A total of 20 No. apartments- 11 (two bed) and 9 (one bed)
 - 14 car parking spaces
 - Enclosed bike storage area with 44 bicycle spaces
 - The application is accompanied by a number of documents including a planning report (containing site context, shadow study, building height rationale and details of design changes to address reasons for refusal), a building lifecycle report, and a demolition statement.

2.2. In response to a Further Information Request by the Planning Authority, the applicant submitted the following on the 25th of July 2025:

- Site plan indicating separation distances from adjacent buildings
- Cross Sections in relation to overlooking impacts
- Sunlight analysis for apartment No. 20
- Engineering drawings
- Mobility Management Plan
- Traffic Impact Assessment
- Swept Path Analysis Plan
- Revised colour of brick proposed
- Revised schedule of internal storage space
- Revised design to address security risk by moving the north-west entrance at the ground floor and replacement of same with a window.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission for the development, subject to 16 no. conditions. I make reference to the following condition of note:

- Condition 4: Drainage requirements- the condition noted that the management of surface water as indicated on the drawings was not acceptable and amendments were required in this regard.
- All other conditions are standard for a development of this type.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first planner's report considered that the proposed development was acceptable in principle. It was noted that design incorporations have been included to address the previous reasons for refusal. The proposed density is 140 units/ ha in an outer

suburban area and is in compliance with Appendix 3- Achieving Sustainable Compact Growth Policy for Density and Building Height in the City of the Dublin City Development Plan 2022-2028.

3.2.2. Second Planner's Report

- The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis to grant permission with conditions. It was considered that the concerns raised had been addressed.

3.2.3. Other Technical Reports

- Transportation Planning Division: Further information was initially requested including the requirement for a Traffic and Transport Assessment and a justification for reduced parking provision on the site. A subsequent report received had no objection subject to conditions.
- Drainage Planning Policy and Development Control Section: Further Information initially requested as it was considered that insufficient information was submitted with the application. A subsequent report received considered that it was not possible to state that satisfactory proposals had been submitted in relation to management of surface water, and expressed concerns in relation to a number of aspects relating to drainage including the parking area, the connection to the existing surface water sewer, and the omission of a blue element in the Blue Green Roof.

3.3. **Prescribed Bodies**

- Uisce Éireann – No response received.

3.4. **Third Party Observations**

- 3.4.1. A total of 20 No. third party observations were submitted in relation to the subject development. The main issues raised are similar to those raised in the appeal.

4.0 Planning History

4.1. Relevant planning history includes the following:

On site:

PA Reg. Ref. 3576/24

- 4.2. Permission refused by PA for partial demolition and extension of the existing two storey apartment building and construction of additional 13 apartments in providing a new total of 21 apartments building over 4 storeys consisting of 9 one bed units and 12 two bedroom units, together with demolition of the existing refuse and bike store. Private balconies are provided at ground and first floor facing east and enclosed courtyards / balcony private space is provided at roof level (4th floor) facing east, west and south. The scheme includes 21 carparking spaces, 44 bicycle spaces and 1 motorcycle parking space including enclosed bike storage, refuse storage, all with associated works.

Adjoining site (806 Howth Road)

ABP Ref. 310278-21 (3800/20):

Permission granted by PA and upheld on appeal at 806 Howth Road. Development consisting of the following (i) Demolition of existing two storey dwelling, attached garage and sheds to the rear; (ii) Construction of 1 no. detached three storey 4-bedroom dwelling (House Type A) fronting Howth Road, featuring a one bedroom granny flat with own door access at ground floor level & front terrace at second floor; (iii) construction of 2 no. semi detached two storey 3-bedroom dwellings (House Types B&C) to the rear of site. All houses are accessible off Howth Road via a shared internal driveway which provides access to 4 no. on-curtilage vehicular parking spaces (2 no. serving House A, 1 no. serving House B & 1 no. serving House C); (iv) Relocation and remodelling of the existing vehicular entrance off Howth Road; and (v) associated site works.

PA Reg. Ref. WEB2134/23

Permission granted for changes to previously approved Reg Ref: 3800/20, consisting of proposed changes to external glazing to rear on ground floor and change of room use from bedroom to gym. Proposed addition of a balcony on first floor to the front of the dwelling and associated facade amendments. Proposed increase in size of

master bedroom and alteration of glazing and balcony at second floor level, at 806, Howth Road, Dublin 5.

Adjoining site to rear of No. 19 Kilbarrack Road now known as 13 Island View.

ABP Ref. 305292-19 (3224/19):

Permission granted for 1 single storey dwelling and associated site works to rear of No. 19 Kilbarrack Road. Upheld on appeal subject to conditions including condition No. 3 which required a main bedroom with at least 13m² and at least 3m² of storage space within the building.

ABP Ref. 323162-25 (1419/25)

Permission granted by Planning Authority and upheld on appeal for proposed conversion of a single storey dwelling to a part two storey with an increase from 2 No. to 4 No. bedrooms.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan 2022-2028 is the relevant Development Plan for the subject site. The site is zoned 'Z1' - Sustainable Residential Neighbourhoods with an objective 'to protect, provide and improve residential amenities'.

5.1.2. Chapter 3 relates to Climate Action – CA6 Retrofitting and Reuse of Existing Buildings To promote and reuse of existing buildings rather than their demolition and reconstruction, where possible. See Section 15.7.1 Re-use of Existing Buildings in Chapter 15 Development Standards.

5.1.3. Chapter 4 relates to the Shape and Structure of the City. I consider the following policies to be of relevance:

SC10: Urban Density

SC11: Compact Growth

SC12: Housing Mix

SC13: Green Infrastructure

SC14: Building Height Strategy

SC19: High Quality Architecture

SC20: Urban Design

SC21: Architectural Design

5.1.4. Chapter 5 relates to 'Quality Housing and Sustainable Neighbourhoods' and the aim to create a compact city with sustainable neighbourhood. It is deemed fundamental that quality housing is provided which is suitable for citizens throughout their lives and adaptable to people's changing circumstances. I consider the following policies/objectives to be of relevance:

Policy QHSN6: Urban Consolidation

Policy QHSN10: Urban Density

Policy QHSN22: Adaptable and Flexible Housing

Policy QHSN36: High Quality Apartment Development

Policy QHSN37: Homes and Apartments

Policy QHSN38: Housing and Apartment Mix

5.1.5. Chapter 8 relates to 'Sustainable Movement and Transport'. The Development Plan states that sustainable and efficient movement of people and goods is crucial for the success and vitality of the city. The Plan seeks to promote ease of movement within and around the city and play a key role in safeguarding the environment and adapting to climate change impacts. The policy approach promotes integration of land use and transportation, and improved public transport and active travel infrastructure such as walking and cycling. The relevant policies and objectives of this chapter include:

Policy SMT1: Modal Shift and Compact Growth

Objective SMT01: Transition to More Sustainable Travel Modes

Policy SMT27: Car Parking in Residential and Mixed Use Developments

5.1.6. Chapter 15 relates to 'Development Standards' and sets out the standards and criteria to be considered in the development management process. This chapter is wholly relevant in relation to the assessment of developments, however the following sections are considered to be of particular note:

Section 15.4: Key Design Principles

Section 15.5: Site Characteristics and Design Parameters

Section 15.5.2: Infill Development

Section 15.6: Green Infrastructure and Landscaping

Section 15.7.1 Re-use of Existing Buildings

Section 15.8: Residential Development

Section 15.9: Apartment Standards

Section 15.16: Sustainable Movement and Transport

Section 15.18: Environmental Management

Section 15.18.14: Flood Risk Management

5.1.7. Volume 2 of the Development Plan contains a number of appendices including the following which are of most relevance:

Appendix 3: Achieving Sustainable Compact Growth Policy for Density and Building Height in the City

Appendix 16: Sunlight and Daylight.

5.3.1. **National Guidance**

5.4.1. The following national planning guidance are relevant:

- National Planning Framework - First Revision (2025)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023). * I note the publication of The Design Standards for Apartments, Guidelines for Planning Authorities 2025. I highlight to the Commission that this application was submitted to the Planning Authority on the 11th of December 2024. Circular NSP 04/2025 which accompanied the Apartment Guidelines 2025 states: "The revocation of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2023 (and all preceding updates) does not apply to current appeals or planning applications, i.e. that were subject to consideration within the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2023, or as set out below, where applicable."
- Urban Development and Building Height: Guidelines for Planning Authorities (2018).

5.2. Natural Heritage Designations

5.2.1. The appeal site is located within a built-up urban area and is not located on or within any designated Natura 2000 sites. The nearest designated sites are indicated as the North Dublin Bay SAC (Site Code 000206) and North Bull Island Special Protection Area (Site Code: 004006) approximately 80m to the south. The North Dublin Bay pNHA (Site Code:000206) is located c. 80m to the south.

6.0 EIA Screening

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

7.0 The Appeal

7.1 A total of 8 No. third party appeals have been received as follows:

- Declan Cambell
- Sarah Liotta and Enrico Fortunate
- Ann Higgins
- Gerard Ussher & Paula Hannan
- Margaret & Martin Kennedy
- Kevin Marshall & Cecily Cahill
- Clare Westbrook and Jim Comiskey
- Conor & Victoria Jordan

The grounds of appeal can be summarised as follows:

- The proposed development is out of character with the existing neighbourhood and represents overdevelopment of the site.
- Proposal contravenes the zoning objective for the site.
- Inappropriate demolition of a habitable building.
- Concerns raised regarding overshadowing, overlooking and overbearing impacts.
- Concerns in relation to insufficient parking and traffic hazard.
- Concerns in relation to construction impacts.
- It is considered that the revised application does not address the previous refusal on the site by Dublin City Council.
- Concerns in relation to drainage.

7.2. **Applicant Response**

- None submitted.

7.3. **Planning Authority Response**

- A response from the Planning Authority has been received on file and states that *'the Planning Authority would request that the Bord uphold our decision'*. The response indicates a number of conditions to be attached in the event of a grant of permission.

7.4. **Observations**

- A total of 2 No. observations have been received as follows:
 - John J. Kenny
 - John and Anna Richardson

The main issues raised can be summarised as follows:

- Overdevelopment of site and height and scale out of character with the area.

- Concerns in relation to residential amenity- privacy, overlooking and overshadowing.
- Concerns in relation to traffic safety and inadequate car parking.
- Concerns in relation to drainage.

8.0 **Assessment**

Having examined the application details and other associated documentation on file, having conducted an inspection of the site, having considered the third party appeals and observations, and having reviewed relevant policies and guidance; I consider the main issues raised can be addressed under the following headings:

- Principle of Development.
- Density and Height
- Impact on Residential Amenity
- Traffic & Parking
- Other Matters

I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. Accordingly, the issues for consideration are addressed below.

8.1. **Principle of Development**

8.1.1. The appeal site is zoned as zoned 'Z1' - Sustainable Residential Neighbourhoods as denoted on Development Plan Map C where the objective is *'to protect, provide and improve residential amenities'*. The proposed development comprises of the demolition of a block of 8 No. apartments and the construction of 20 No. apartments. Residential development is a permissible use within this zoning. A demolition statement has been included in the application which seeks to justify the demolition of the existing apartment block. I note that the existing apartment building was granted over 25 years ago (PA Reg. Ref. 2197/99) and the main thrust of the demolition statement is that the existing building could never achieve the required energy

standards and that a new build that allows for the demolition and replacement is arguably ultimately the most sustainable and appropriate option. Additional justifications provided include that the existing building is of no architectural merit and compliance with national and local policy. I am satisfied that the applicant has adequately justified the demolition of the existing buildings and submitted a justification report in line with Section 15.7.1 of the Development Plan - Re-Use of Existing Buildings taking into account energy efficiency and overarching National Guidance in terms of increased densities and compact development. Further, I am satisfied that the proposed residential development is acceptable in principle and would be consistent with the land use zoning objective. Notwithstanding, it is imperative that such a proposal is assessed against the relevant parameters of the Development Plan and these matters will be assessed in the following sections.

8.2. Density and Height

8.2.1. Concerns are raised in the observations and appeals that the proposed development would not blend in with the neighbouring properties and is not of a similar scale or proportion. Concern is also raised with relation to overdevelopment of the site. In considering the proposed development, I note that the existing building on the site is of its time and is unremarkable in appearance and of no architectural merit. As such, I would not be opposed to the demolition of the building to facilitate the redevelopment of the site. As set out above, I am satisfied that the demolition of the existing building is in line with Section 15.7.1 of the Development Plan.

8.2.2. I have considered the proposed development in light of Appendix 3 of DCDP, Achieving Sustainable Compact Growth Policy for Density and Building Height in the City. The stated site area is 0.142ha. As such the proposed residential density is 140 units/ha (20 units/0.142ha). The site can be described as an outer suburb area, and in the suburban areas of the city, in accordance with the guidelines, heights of 3 to 4 storeys will be promoted as the minimum. As such it is not considered that the proposed height and density is a significant increase for a suburban area of the city; as such the proposed height and density is in compliance with APPENDIX 3 Achieving Sustainable Compact Growth Policy for Density and Building Height in the City of the Dublin City Development Plan 2022-2028. I consider that this is a rapidly changing

area in terms of height and scale of buildings and whilst the dominant form of buildings in the area presently is two storey buildings, this is not going to continue to be the case. I refer the Commission to the planning report submitted with the application which illustrates higher buildings in the general area. I consider that the location of the site within a gated development towards the end of a short cul de sac is such that it has the capacity to be somewhat independent from the existing character of the area without impacting negatively on the character of the area. As such, I consider that the height and scale is not overly dominant and that it is in compliance with Appendix 3 and will integrate successfully integrate with the established character of the area.

8.3. Impact on Residential Amenity

8.3.1. Concerns are expressed in respect of adverse residential amenity impacts from the proposed development on account of loss of privacy and overlooking, overshadowing and loss of light, and overbearance. In the interests of clarity, I shall consider each topic under the following sub-headings:

Loss of Privacy and Overlooking

8.3.2. I note that significant concerns are raised regarding impacts on privacy and overlooking in the appeals and observations submitted from neighbouring properties. The site is located in a built up area and I refer the Commission to the drawings submitted by the applicant in response to the Further Information Request which indicates the separation distances to the closest properties in the vicinity. Section DD submitted in response to the Further Information Request illustrates that there is no undue overlooking of the property developed to the rear of 19 Kilbarrack Road (now known as 13 Island View). The distance from the north-east facing windows on the third floor to the rear first-floor window of house No. 15 on Kilbarrack Road is c. 35.95m with a distance of c. 33.5 to the rear first floor window of No. 17 Kilbarrack Road. There are no windows in the first or second floor levels on the north eastern elevation. The design of the third floor provides that windows are high level and positioned above the kitchen sinks which mitigates overlooking. I note that the south-west elevation is void of windows and as such there is no possible overlooking of the properties at No. 806 Howth Road. The distance between the property and existing rear first floor windows

of properties at 808 and 810 Howth Road is generally in excess of 45m as these properties have long back gardens.

- 8.3.3. In considering concerns of overlooking and loss of privacy, I note that the balconies are generally positioned at first floor level overlooking the communal open space within the proposed development. The third floor provides for a total of 5 No. balconies. The footprint of the third floor has been reduced from the second floor allowing a greater set back and an increased distance from existing properties at Island View and Howth Road. The distance ranges from between c. 27m and 35m from the properties at Island View with a cul de sac road and an area of open space between the properties. Screening is also proposed to address concerns in relation to overlooking. I note that opaque glazing is proposed at third floor level. This design mitigates potential overlooking impacts onto adjoining properties. Having regard to the design of the proposed development together with the separation distances between the proposed apartments and adjacent development, I do not consider that there are any significant privacy or overlooking issues to the neighbouring properties. Therefore, I do not consider that there will be any undue overlooking or diminishment of privacy from the proposed development.

Overshadowing and Loss of Light

- 8.3.4. Concerns are also raised in relation to impacts on neighbouring properties in relation to overshadowing and loss of light. I note that the applicant submitted a Shadow Study within the planning document for the subject development which considers impacts on the neighbouring properties. Having reviewed this assessment, I note that it has been concluded that neighbouring properties will generally not be affected by the proposed development. I consider the assessment to be adequate. Having considered the layout and orientation of the subject development in the built context of the existing dwellings, it is my view that the proposed development would be acceptable.

Overbearing

- 8.3.5. Having regard to the grounds of appeal, I would acknowledge that there would be a change in the surrounding context for residential properties. However, I am of the view

that in established, built-up, residential area it is to be expected that there would be contextual change arising from new development of adjacent residential properties. I have already outlined my considerations that the height and scale of the proposal is acceptable and to this end, it is my opinion that the change of site context is not one that can be deemed to give rise to a significant overbearing impact. I note that the third floor of the property is set back on all perimeters which in my view creates a less impactful visual appearance and reduces overbearing impacts. On balance, I therefore consider that the proposed development would provide sufficient distances and setbacks to the neighbouring dwellings to ensure the block would not be overbearing.

Conclusion

8.3.7. Overall, in relation to the concerns of impacts on residential amenity in the vicinity of the site, I am satisfied, having regard to the location, design and layout of the proposed building that the development would not give rise in any undue diminishment to residential amenities of existing neighbouring properties, particularly in terms of overlooking, loss of privacy, overshadowing/loss of light and overbearance.

8.4. Traffic and Parking

8.4.1. The third party appeals and observations raised a number of concerns in relation to traffic and parking associated with the proposed development. It is stated that there is insufficient parking in this area at present and the proposed development will exacerbate this issue. Further, it is stated that the DART services are oversubscribed in the area and existing public transport is inadequate. The subject site is accessed through Island View, a cul de sac single carriageway connected to Kilbarrack Road through a priority junction. Kilbarrack Road has a speed limit of 50km/h and makes part within the Kilbarrack Road to Oscar Traynor Road Active Travel Route which proposes enhanced walking and cycling infrastructure. Howth Road is c. 260m from the proposed site and is served by bus routes No. 6, H2, and H3. In addition, Howth Road is part of the H Spine of the Bus Connects Phase 1. The nearest Dart Station (Howth Road Junction) is approximately 1.1km from the site. A total of 14 car parking spaces are proposed within the subject development serving 20 units. Of the total parking spaces, 50% are proposed to be equipped with EV charging in accordance with the Development Plan. The site is located within Zone 2 of Map J of the

Development Plan, which allows for a maximum provision of 1 space per unit. The applicant submitted a Traffic and Transport Report justifying the reduced provision of 0.65 spaces per unit, together with a car parking management plan detailing how spaces are to be managed and allocated between residential units in response to the Further Information Request. Section 6 of the Transport Report sets out the proximity to Howth Junction DART station which forms part of the Dart North West Upgrade and the proximity to bus stops on the Howth Road. Section 6 of the TTA also provides that the management of spaces will be subject to licence or ownership which will be governed by the management company. The Transport Division and the planner's report raised no objections to the car parking provision on the site. My observations on the site inspection were that the existing apartment development at Island View Court of 8 No. units seems to have more than sufficient parking as many spaces were free on the site inspection (evening time). I note that the existing development has a total of 17 No. spaces serving 8 No. apartment units within a gated complex. There was parking on the road serving Island View estate, but this appears to be associated with existing housing in the area. Having regard to the provisions of the Dublin City Development Plan, the site location and proximity to local amenities and public transport options, I am satisfied that the car parking provision proposed is satisfactory. In terms of traffic generation, I do not consider that the provision of 12 additional apartments (20 proposed minus demolition of 8 No. existing) would result in significant additional vehicle movements or exceptional traffic volumes on the road network in the area. Additionally, I consider the reduced level of parking would be in accordance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023) which inform that car parking should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport.

8.6. Other Matters

Compliance with Residential Development Standards.

I have reviewed the plans submitted to the Planning Authority together with the revised drawings submitted in response to the Further Information Request. I am satisfied that the proposed development complies with the standards set out in the Development

Plan and the relevant Section 28 Guidelines. Overall, I consider that the proposed development will offer a good standard of accommodation to the intended occupants. I note that the 2025 Apartment Guidelines do not apply to this application as the application was submitted to the Planning Authority on the 11th day of December 2024. See circular NSP 04/2025 referred to in Section 5 in this regard.

Reasons for Refusal

A number of the appeals and observations consider that the previous reasons for refusal have not been addressed (PA Reg. Ref. 3576/24). I consider that this matter has been addressed by the applicant in the planning report (named as planning documentation) submitted with the application. The planners report also addresses this matter. The principle changes to address the reasons for refusal are design alterations in relation to access arrangements and potential security impacts on the ground floor units, and stairwell to the first floor, internal storage space for apartments, provision of floor areas 10% greater than the minimum floor area for units 7-15, increased separation distance from 19 Kilbarrack Road and 806 Howth Road and reduction of the footprint of the top floor so that it is recessed back from the second floor. I note the concerns made, however, I consider that the design changes outlined above address the previous reasons for refusal.

Drainage

Concern is raised in the observation by John K. Kenny in relation to the location of sewers and drainage in the area and that it may have already been built over by the recently built development at No. 806 Howth Road and No. 13 Island View.

I note that the Drainage Section have not noted any concerns in this regard. I am satisfied that this information would be available on mapping in Dublin City Council and consider that a suitably worded condition could be attached requiring compliance with the requirements of the Planning Authority for drainage should the Commission be minded to grant permission for the subject development.

Construction Impacts

Concerns are raised in relation to construction impacts in terms of noise, dust, traffic hazard, and obstruction of pavements. In my consideration of the proposal, I acknowledge the demolition and construction stages could present a nuisance and inconvenience for existing residents; that said, I am of the view that same would be limited to this phase of development and is to be reasonably expected in relation to properties proximate to a site. With particular regard to noise and vibration, I am satisfied that conditions can be imposed that mitigate against any undue nuisances arising from the development, should the Commission grant permission. Furthermore, given the location of the site in a built-up urban area, I do not consider that the operational stage of this residential scheme would result in any undue or exceptional noise impacts on the neighbouring residential properties.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The proposed development consists of the demolition of 8 No. existing apartment units and the provision of 20 No. apartments. The appeal site is located within an established residential area with roads/streets and is not located within or adjoining any designated Natura 2000 sites and the development will connect to the existing services network.
- 9.2. The subject site is approximately 80m from the nearest designated sites which are the North Dublin Bay SAC and the North Bull Island SPA.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
 - The scale and nature of the development;
 - The distance to the nearest European site and the lack of direct connections; and,
 - Taking into account the screening determination of the Planning Authority.
- 9.4. 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 a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Water Framework Directive

10.1 The proposed development is located on zoned land within an established urban area. The proposed development comprises the demolition of an existing apartment block of 8 No. units and the construction of a total of 20 No. apartments. The proposed development is to connect to the existing services network in respect of foul and storm drainage. No specific water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.2 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the proposed works; and,
- The location of the site in a serviced urban area and the distance from nearest water bodies and lack of direct hydrological connections,
- Proposed connection to the public wastewater network.

10.3 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.

11.0 Recommendation

- 11.1 I recommend that the decision of the Planning Authority be upheld and that permission be GRANTED, subject to conditions, for the reasons and considerations below.

12.0 Reasons and Considerations

- 12.1. Having regard to the 'Z1' residential zoning objective as set out in the Dublin City Development Plan 2022-2028, national and local policy objectives which support compact redevelopment of sites, it is considered that subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of adjacent residents or property in the vicinity, would not be prejudicial to public health or the environment and would be acceptable in terms of traffic safety and convenience. The proposed development would be acceptable in terms of design, height, layout, and scale and the apartments would provide a suitable level of accommodation and amenity for future occupants and would comply with the provisions of the Dublin City Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by Further Information received by the Planning Authority on the 25th day of July 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. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3. 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 and include any specific requirements if appropriate.

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

4. All drainage arrangements, including attenuation and 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 and surface water management.

5. Site development and building works shall be carried out only between the hours of 0700hrs to 1800hrs Mondays to Fridays inclusive, between 0800hrs to 1400hrs on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the Planning Authority.

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

6. The site development and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense. During the demolition phase, the developer must protect all public sewers and ensure that no demolition debris or construction material enters the public sewers.

Reason: To ensure that the adjoining roadways are kept in a clean and safe conditions during construction works.

7. (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.

(b) The plan shall provide for screened communal bin stores, which shall be adequately ventilated, drained and illuminated. The design and location of same shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

8. Proposals for a naming/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 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.

9. No additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment.

Reason: To protect the visual amenities of the area.

10. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall incorporate details for the following: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, dust control, noise and vibration abatement measures in compliance with the

recommendations of BS 5228, 'Code of Practice for Noise and Vibration management, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interests of public safety and residential amenity.

11. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate details for the following:

- (a) details and location of proposed construction compounds,
- (b) details of intended construction practice for the development, including dust control, noise and vibration abatement measures in compliance with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration management, and
- (c) a traffic management plan for the construction phase to include details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interest of sustainable waste management.

12. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government (2006). The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

- 14.** 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.

- 15.** 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 any public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

- 16.** Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between

the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

- 17.** 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. The contribution shall be paid prior to the 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 for determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Emer Doyle
Planning Inspector

11th June 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-323616-25
Proposed Development Summary	Demolition of existing apartment block consisting of 8 No. apartments, construction of 4 storey building with 20 No. apartments with all associated site works
Development Address	Island View Court, Kilbarrack, Dublin 5.
	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.	Class 10 (b)(i) Construction of more than 500 dwelling units.
☐ 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)	Class 10 (b)(i) Construction of more than 500 dwelling units - The proposed development is subthreshold as it relates to the construction of an apartment building containing 20 No. apartments.

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 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-323616-25
Proposed Development Summary	Demolition of existing apartment block consisting of 8 No. apartments, construction of 4 storey building with 20 No. apartments with all associated site works
Development Address	Island View Court, Kilbarrack, Dublin 5.
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 proposal comprises the demolition of an existing two storey apartment block and the construction of a four storey apartment block in the Kilbarrack area of Dublin. The size of the development would not be described as exceptional in the context of the existing urban environment of Dublin City. The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster. It is noted that the site is located within a defended area from flooding and there may be vulnerabilities associated with extreme weather events and sea level changes due climate change.
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 development is situated in the Kilbarrack area of Dublin City. There are no significant environmental sensitivities in the vicinity – potential impacts on the SACs is addressed under Appropriate Assessment (Screening).

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).	Having regard to the nature and scale of the proposed development there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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)