



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500043-DN

<b>Development</b>	Demolition of 2 dwellings, construction of 86 apartments ranging in 4 to 7 storeys in height above basement along with creche, cafe unit and all associated site works
<b>Location</b>	110 & 114 Howth Road, Dublin 3, D03 KV60 & D03 DE48
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1842/25
<b>Applicant(s)</b>	Matriciana Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Matriciana Ltd. Patrick McLaughlin and Others
<b>Observer</b>	Maeve O'Connor
<b>Date of Site Inspection</b>	22 <sup>nd</sup> January 2026

**Inspector**

John Duffy

# Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	9
3.1. Request for Further Information .....	8
3.2. Decision .....	13
3.3. Planning Authority Reports.....	14
3.4. Prescribed Bodies .....	18
3.5. Third Party Observations.....	18
4.0 Planning History.....	19
5.0 Policy and Context.....	20
5.1. National Planning Policy .....	20
5.2. Development Plan.....	28
5.3. Natural Heritage Designations .....	31
5.4 EIA Screening.....	31
6.0 The Appeals .....	32
6.1. First Party Appeal.....	32
6.2. Third Party Appeal .....	35
6.3. Third Party Response to First Party Appeal .....	37
6.4. Applicant Response to Third Party Appeal.....	38
6.5. Planning Authority Response .....	38
6.6. Observation.....	38
7.0 Assessment.....	40
8.0 Recommendation.....	63
9.0 Reasons and Considerations.....	63

Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

Appendix 3 – AA Screening

## 1.0 Site Location and Description

- 1.1. The subject site with a stated site area of 0.46ha is broadly rectangular in configuration and is located at Nos. 110 and 114 Howth Road, Dublin 3, approximately 3.6km north-east of Dublin City Centre. This stretch of the Howth Road (R105) has the benefit of footpaths and bicycle lanes on both sides. The northern side of this section of Howth Road is characterised predominantly by detached two-storey housing on large individual plots with mature tree cover as well as low rise housing set in off the public road within developments, such as Castle Court adjoining the site to the rear (north). A relatively new 4 storey apartment development (44 units) is constructed at Nos.195-238 further east of the appeal site. The southern side of the Howth Road, opposite the subject site accommodates single and two storey housing, while three storey units are evident within St. Laurence Grove.
- 1.2. The appeal site accommodates two detached houses, their respective gardens and outbuildings. No. 110 is of single storey design and is set back approximately 56m from the public road. No. 114 is of dormer design and set back approximately 25m from the public road. Both houses are in a reasonable state of repair and have the benefit of mature gardens with tree cover (over 70 trees in total) and hedging.
- 1.3. The site is bounded by St. Laurance View to the east which accommodates four detached dwellings, the Castle Court residential development to the north and west (predominantly of two storey design) and Howth Road to the south.
- 1.4. The area is served by the following bus services: N4 Orbital route (Blanchardstown to Point Village), No. 6 (Abbey Street to Howth DART station), H1 Abbey Street to Baldoyle, H2 Abbey Street to Malahide and H3 Abbey Street to Howth Summit.
- 1.5. The walking duration from the site to Killester DART Station and Clontarf Road DART Station is approximately 13 minutes and 19 minutes respectively.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following:
  - Demolition of two detached residential dwellings at 110 Howth Road (single storey design and measuring 168.7) and 114 Howth Road (dormer design and measuring 274.5sqm) and ancillary outbuildings (47sqm).

- Construction of 86 apartment units comprising 3 no. studios, 35 no. 1 bed units, 41 no. 2 bed units and 7 no. 3 bed units (Gross floor area of c 9954sqm). The development ranges in height from 4 to 7 storeys over basement level.
- Resident's communal area (38sqm) at ground floor level.
- 1 no. creche facility (75sqm) at ground floor level with capacity for 20 children and a secured play area (120.8sqm).
- 1 no. café (50sqm) at ground floor level with outdoor seating.
- Removal of both existing vehicular site entrances along Howth Road and provision of new site access off this road to serve vehicular, cycle and pedestrian access.
- Construction of a basement to be accessed from Howth Road to accommodate 46 no. car parking spaces (to include accessible and electric vehicle spaces), 2 no. motorcycle spaces and 142 'long stay' residential secured bicycle parking spaces.
- 50 no. visitor bicycle parking spaces at surface level throughout the site.
- 4 no. surface level car parking spaces ( comprising 2 no. employment parking spaces in connection with the commercial uses and 2 no. additional spaces (shared GoCar / visitor parking spaces), 1 no. set down area and 1 no. parking space for delivery / services vehicles.
- All apartments to have private terraces / balconies.
- 3059.51sm of open space provided comprising 2075.55sqm of communal open space (44% of overall site area), 467.86sqm of public open space (10% of overall site area) and 516.1sqm of communal roof terrace gardens at 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floor levels (11% of overall site area).
- Bin storage, CHP (Combined Heat and Power) Room and Communications Room all at basement level.
- Development to also provide for all associated ancillary infrastructure including public lighting, new watermain connection, foul and surface water drainage, internal roads and footpaths, site landscaping and boundary treatments and all associated site development and excavation works necessary to facilitate the development.

- 2.2. At basement level 46 no. car parking spaces are provided (including 3 no. disabled spaces, 23 no. EV spaces, 1 no. visitor space and 2 no. motorcycle spaces). 142 no. long stay bicycle parking spaces are also provided at this level comprising 7 no. cargo / accessible spaces, 5 no. EV spaces and 65 no. two-tier spaces (130 in total).
- 2.3. The ground floor will comprise the creche, café, lobby area with elevators, a residential communal area (38sqm), 12 apartments (5 no. 1 bed units, 6 no. 2 bed units and 1 no. 3 bed unit).
- 2.4. The first floor provides 14 apartments (6 no. 1 bed units, 6 no. 2 bed units and 2 no. 3 bed units).
- 2.5. The second and third floors each provides 16 apartments (1 no. studio, 6 no. 1 bed units, 8 no. 2 bed units, and 1 no. 3 bed unit).
- 2.6. The fourth floor provides 14 apartments (1 no. studio, 6 no. 1 bed units, 6 no. 2 bed units and 1 no. 3 bed unit). There are also two roof gardens / terraces proposed at this level (c 74sqm and c 93sqm).
- 2.7. The fifth floor provides 9 apartments (4 no. 1 bed units and 5 no. 2 bed units) and two roof terraces (c 95sqm and 57sqm).
- 2.8. The sixth floor provides 5 apartments (2 no. 1 bed units, 2 no. 2 bed units and 1 no. 3 bed unit) and two roof terraces (146sqm and 51.1sqm)
- 2.9. Overall unit mix is as follows: Three studio units (3%), 35 no. 1 bed units (41%), 41 no. 2 bed units (48%) and 7 no. 3 bed units (8%).
- 2.10. The building which has both flat and pitched roofs is stepped in nature and finished with a maximum ridge level of c 19.2m, which reduces to c 16.5m at 6<sup>th</sup> floor level, which reduces to c 13.8m at 5<sup>th</sup> floor level and which reduces to c 11.1m at 4<sup>th</sup> floor level.
- 2.11. Material finishes comprise primarily a mix of red and beige brick cladding, natural slate for pitched roofs and a mixture of glazed and metal railings. A green roof is proposed atop the 7<sup>th</sup> floor.
- 2.12. The following documentation was received with the planning application along with the drawings and plans:
  - Planning Report and Statement of Consistency

- Architecture and Urban Design Statement
- Material and Finish Strategy
- Verified Photomontages and CGIs
- Community and Social Audit
- Tree Survey
- Arboricultural Impact Assessment and Method Statements
- Housing Quality Assessment (HQA)
- Landscape and Visual Impact Assessment (LVIA)
- Biodiversity Plan
- Ecological Impact Assessment (EclA) Screening Report
- Bicycle Parking Details
- Climate Action Energy Statement
- Site Lighting Report
- Daylight and Sunlight Assessments
- Building Lifecycle Report
- Waste Classification Report
- Ground Investigation Report
- Basement Impact Assessment (BIA)
- Landscape Rationale
- Engineering Assessment Report
- Flood Risk Assessment (FRA) Report
- Traffic and Transport Assessment
- Road Safety Audit Stage 1
- Preliminary Construction Management Plan (including Demolition and Waste Management)
- Mobility Management Plan Report

- Operational Waste Management Report
- Universal Access Statement
- Consent letter from owners of No.114 Howth Road
- Appropriate Assessment Screening

### **3.0 Planning Authority Decision**

#### **3.1. Request for Further Information (FI)**

Prior to the decision made to grant permission for the proposed development, the planning authority requested FI on 11<sup>th</sup> June 2025 in respect of the matters summarised as follows:

##### **1. Height, density and design issues:**

The planning authority raised concerns in relation to the proposed height, density and detailed design of the scheme and the applicant was requested to address the following issues:

(i) The proposal provides for a gross density of 184 u/ha within a suburban area on the Howth Road. The planning authority considers the site an ‘accessible suburban / urban extension’ location as per Table 3.1 of the Compact Settlements Guidelines 2024 where a density of up to 150 dph (net) could be considered. Applicant requested to consider same and submit proposals to achieve an appropriate density for the site.

(ii) The prevailing height context in the area is primarily defined by 2 storey dwellings and the proposal reaches 7 storeys. It is considered the height proposed would result in an overly dominant building that fails to complement the established local context and character. Concerns also expressed relating to the lack of uniformity of the design and finishes particularly in relation to roof profile and arrangement of windows / opes. Applicant is requested to review Performance Criteria in Table 3 of Appendix 3 of the Dublin City Development Plan and to submit proposals for a development that fully complies with the Performance Criteria.

##### **2. Transportation issues:**

(i) Provide rationale and justification for selection of Howth Road (a proposed active travel route) as primary entrance to the site. Feasibility of a vehicular access onto Castle Court to be examined.

(ii) Concerns raised regarding under provision of car parking to serve the proposed development and potential to overspill on nearby roads. Increase both the ratio of car parking to residential units on site and the provision of car club spaces to a minimum of four and other such measures to ensure mobility needs of future residents are met.

(iii) Proposed entrance on Howth Road to be designed for vehicular and cyclist traffic only. A separate designated priority entrance along Howth Road to accommodate pedestrian and bicycle traffic should be provided. Any proposed waste storage area to be clearly identified on drawings.

(iv) Requests design changes to surface car park layout, access road and junction onto Howth Road to ensure delivery / refuse movement, vehicular movement from surface level, vehicles and bicycle movement from basement level. Loading bay should be relocated, priority along access road should be clarified, ensuring adequate intervisibility. Autotracking for refuse vehicles to be provided. Recommendations of the submitted road safety audit should form part of revised layout.

(v) Examine Castle Court junction to seek to improve the pedestrian crossing, with proposed changes to be compliant with DMURS Advice Note 6.

(vi) Demonstrate how the proposal complies with Volume 2, Appendix 5, Section 5.0 (Electric Vehicles) of the Dublin City Development Plan. Location of EV charging stations to be detailed in updated drawings

(vii) To consider a reduction in the provision of car parking, high quality bicycle parking facilities should be provided. The development is not considered to be comprehensively equipped with high quality bicycle parking and storage facilities. The following matters should be addressed:

(a) Submit a Bicycle Design Statement outlining how the proposed development complies with Development Plan standards and the Cycle Design Manual 2023.

(b) Detail if bicycle parking spaces are intended for staff or visitors of the creche and café, with exact location to be detailed in updated drawings.

(c) 5% or revised cycle parking quantum should be cargo bike parking. A minimum of 1 cargo bike parking space should be included alongside creche cycle parking.

(d) The three visitor bike shelters (30 spaces) to the north-east boundary should be relocated to a more suitable location.

**3.** Submit a Landscape Plan and Design Report and EclA Report addressing the following issues:

(i) The proposed scheme has a requirement for a minimum 462.86sqm (or 10% of site) of public open space on site. Noted that the public open space includes vehicular space (for circulation and parking) which has no recreational value and is not countable towards public open space. Review proposed public open space in accordance with Development Plan.

(ii) The Sunlight / Daylight Assessment indicates the proposed building heights proposed will have substantial areas of communal open space falling below the BRE threshold. This should be addressed and consideration given to older persons recreation (e.g. multi-use court).

(iii) There is a very high tree loss proposed (97% tree removal which includes Class A and Class B trees). Review scheme in terms of potential for greater tree retention and generous compensatory tree planning on the site (refer to Sections 10.5.7 and 15.6.9 of the Development Plan).

(iv) While an EclA is provided it is not to a suitable standard and lacks site survey based information on protected species such as bats and badgers. Provide a comprehensive report in this regard.

**4.** There is a lack of adequate information within the architectural pack, including details on separation distances, potential overlooking impacts and Universal Design. The following should be addressed:

(i) Provide revised drawings including floor plans showing site boundaries, adjoining properties and surrounding context with clear numbering and colour coordination of units.

(ii) Provide revised HQA and drawings indicating units designed to Universal Design standards i.e. 50% of those apartments in the development that are required to be in excess of minimum sized (Objective QHSNO11 refers).

5. In accordance with Section 5.0 Assessment Methodologies of Appendix 16 (Sunlight and Daylight) of the City Development Plan there is a lack of adequate information within the Daylight Sunlight Assessment submitted. Applicant requested to clarify the following:

(i) Provide revised assessment which considers private open spaces (balconies and terraces) of each proposed apartment.

(ii) It appears that an assessment of no sky line (NSL) in all habitable rooms has not been completed. Provide a revised assessment to address this.

### **FI Response**

FI was received on the 21<sup>st</sup> of August 2025. Key changes to the proposed development include the following:

- Reduction in number of apartment units to 75.
- Building heights reduced from 7 storeys to a maximum of six storeys with step down to two and three storeys at interfaces with Castle Court and St. Laurence View.
- 52 no. car parking spaces proposed (6 at surface level and 46 at basement level).
- A 'Green Terrace' (93.1sqm) at third floor level (north-eastern side of proposed development).
- A 'Green Terrace' (58.4sqm) at fourth floor level (north-western side of proposed development).
- A 'Green Terrace' at fifth floor level on both the north-western and north-eastern sides of proposed development measuring 85.6sqm and 94.6sqm respectively.
- A 494sqm public plaza to the front proximate to Howth Road.
- Provision of a separate priority entrance.
- Provision of 4 dedicated GoCar spaces, 160 bicycle parking spaces and EV charging infrastructure in accordance with Development Plan standards.

In addition to drawings and plans the response includes the following:

- Bicycle Design Statement

- Landscape Response - Report
- Report in response to transportation issues raised
- Architectural Statement Response
- Revised Daylight and Sunlight Assessments
- Revised HQA
- Revised EclA Screening Report
- Ecological Walkover Survey Report

### 3.2. Decision

The planning authority made a decision to grant permission on 17<sup>th</sup> September subject to 23 conditions. The following conditions, summarised, are of note:

**C2:** Development Contribution payable.

**C4:** The following items shall be permanently omitted from the development:

- (a) The fifth floor i.e. apartment units 68-75 (inclusive).
- (b) At fourth floor level apartment unit 60 and unit 64.

Details shall be submitted to and agreed in writing by planning authority prior to commencement of development.

**C5:** This permission is for a total of 65 no. apartment units, 1 no. creche facility at ground floor level and 1 no. café unit.

**C6:** The development shall be revised as follows:

The roof profile shall be redesigned with a contemporary flat roof design. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the planning authority, and such works shall be fully implemented prior to the occupation of the buildings, unless otherwise agreed with by the planning authority.

**C10:** The trees, planting and natural screening on the communal open spaces at second and third floor levels shall be kept at a height of at least 1.8m.

**C11:** relates to drainage requirements.

**C12 (iv):** Public artwork shall be included within the public open space.

**C13:** Balconies and terraces to have minimum width of 1.5m in one useable length and floors of balconies to be solid and self-draining.

**C18:** Naming and numbering condition.

**C19:** Relates to waste management within the development.

**C22:** Part V condition.

### 3.3. Planning Authority Reports

#### 3.3.1. Planning Reports

- The Planning Officer's **first report** dated 9<sup>th</sup> June 2025 notes that while no pre-application consultation took place in respect of the proposed development, it was initially intended to submit the planning application as a Large-Scale Residential Development (LRD) application and that a Section 247 LRD pre-application consultation and a Section 32 LRD meeting were held in respect of that larger scale proposed development.
- The report sets out relevant planning history for the site, relevant local and national policies, in addition to a summary of the third party objections received. It provides an assessment of the proposal in tabular form against the requirements of the Dublin City Development Plan 2022-2028.
- The report notes the submitted floor plans do not show site boundaries, adjoining streets and surrounding properties and that these plans are difficult to read having regard to the colour coordination of the units.
- According to applicant, a proposed density of 184 units per hectare proposed. Planning authority consider the site to be an accessible suburban / urban extension location and that a density of 150 dph (net) could be considered.
- Concern expressed in relation to scale of development and height (4-7 storeys) proposed given that two-storey dwellings define the context of the area.

- Design concerns raised relating to proof profiles proposed and lack of uniformity in design and finishes.
- Noted that there is very high tree loss proposed (97%) as a result of the proposed development.
- The report recommends that FI is sought as per the five items detailed in section 3.1 of this Inspector's Report.

The **second report** dated 15<sup>th</sup> September 2025 assesses the responses received in connection with the FI request.

- In response to the design and density issues raised (**Item 1** of FI request), the reduction in the number of proposed units to 75 is noted, with a resultant net density of 175.64 dph (net), deemed to be high for the site and locality. The planning authority does not concur with the applicant's opinion that the site can be categorised as being proximate to a 'High Capacity Public Transport Node or Interchange' and recommends the scheme be reduced to 65 units with resultant density of 152.08 dph (net).
- The updated scheme presents a graduated height strategy from two to six storeys however a further reduction in height is recommended (to be achieved by way of condition) having regard to the character of the site and surrounding area.
- In response to the transportation matters raised (**Item 2** of FI request), the following amendments are proposed:
  - Access from Castle Court not feasible following inquiries made.
  - 52 no. car parking spaces proposed (6 at surface level and 46 at basement level). These are made up of 40 residential spaces, 4 car-share spaces, 3 accessible spaces, 2 creche/café spaces, 2 motorcycle spaces (with dimensions of car parking spaces) and 1 visitor space, which is generally acceptable.
  - 22 no. carparking spaces for residential use and 4 car-share spaces to include EV charging accessibility.

- A separate designated pedestrian priority entrance along Howth Road proposed, with pedestrian traffic removed from the main vehicular and bicycle entrance. This is welcomed by the planning authority.
- Bicycle Design Statement provided. A condition is recommended in relation to bike parking at the proposed creche. Bike shelters for visitors are located to the southern edge of the apartment buildings which would increase passive surveillance and this is welcomed.
- In response to the landscaping, daylight/sunlight and ecological issues raised by **Item 3** of the FI request, the following is noted:
  - Public open space provision now accounts for 494sqm (11% of total site area) provided to the south of the site and this is considered satisfactory.
  - Daylight / Sunlight Assessment is updated indicating communal open space meets the BRE threshold.
  - A Landscape Response Statement is provided and the Planning Officer notes that Parks Department confirm proposals involve very high tree loss across the site.
  - A revised EclA and a Protected Species Walkover Survey were submitted noting that there is moderate potential for bat foraging and roosting on the site. Other protected species were not discovered.
- In response to **Item 4** of the FI request revised drawings are provided along with an updated HQA.
  - Communal spaces at second and third floor levels are set towards shared neighbouring boundaries. The communal open space at the north-west of the site is between c7m and c13.25m from the shared boundary with No. 1 Castle Court, and at an angle from the existing gable. With appropriate screening measures it is considered that no undue overlooking impacts to the private garden of No. 1 Castle Court would arise. However higher planting of at least 1.8m in height would be required to mitigate overlooking impacts.
  - Noted that proposed units 36 has two windows facing boundary with No. 2 St. Laurence View. These comprise obscured glass providing secondary light to kitchen / living area and a bedroom, and are acceptable in this context.

- A total of 37 of the units, equivalent to 50% of all residential units are now designed to Universal Design standards. The planning authority notes that 5 of the 10 units which are to be omitted (by condition) have been designed to Universal Design standards and that in the event of a grant of permission, the planning authority, a revised proposal in this regard will be conditioned.
- In response to **Item 5** of the FI request the applicant provided a revised Daylight and Sunlight Assessment which finds that 60 of the 75 units now proposed (i.e. 80%) achieve the target sunlight hours to their private amenity spaces. It also finds that in the 186 habitable rooms, 96.8% meet the recommendations of 'No Sky Line' in the BRE guidelines BR209:2022. The six rooms which do not meet the recommendations are all bedrooms. The planning authority considered the submitted information to be acceptable.

Subject to conditions, the planning authority decided to grant permission for the proposed development.

### 3.3.2. Other Technical Reports

Drainage Division (29<sup>th</sup> May 2025): No objection subject to conditions.

#### Parks, Biodiversity and Landscape Services

First Report - 25<sup>th</sup> May 2025:

- Proposals will impact extensively on existing trees and vegetation across the site.
- There is very high tree loss proposed with 97% tree removal including A and B class trees.
- The extent of impact is contrary to Chapter 15, Section 15.6.9 of the Dublin City Development Plan 2022-2028.
- Park Services have reservations on this application due to very high tree loss.
- Lack of sufficient ecological information is also noted.

Second Report – 10<sup>th</sup> September 2025:

- Proposal will impact extensively on existing trees and vegetation across the site.

- Tree survey indicates 70 existing trees, early to late maturity, of fair condition and of a mix of species on the site. 90% tree removal proposed (including Class A and B trees). The extent of impact is contrary to the City Development Plan.
- Public Open Space is 11% of the site and its location to the south is satisfactory.
- Communal Open Space requirement is 537sqm; stated provision at ground level is 2075sqm and 516sqm as elevated roof terraces and is satisfactory.
- Sunlight/Daylight Assessment is updated and indicates the Communal Open Space meets BRE threshold. Noted however that a substantial area of more internal Communal Open Space is below threshold (as indicated on the submitted plan).
- FI provided notes moderate potential for bat foraging and roosting on the site.
- Draft conditions recommended relating to Open Space Management, Implementation of Landscape Scheme, Tree Protection Measures, a Tree Bond, Biodiversity Mitigation, Monitoring and Enhancement and Public Art.

#### Transportation Planning Division

First Report dated 28<sup>th</sup> May 2025: This report recommends FI be sought in relation to several matters as detailed in Item 2 of Section 3.1 of this report.

Second Report dated 9<sup>th</sup> September 2025: Following assessment of the response received on 21<sup>st</sup> August 2025 a grant of permission is recommended subject to conditions.

#### **3.4. Prescribed Bodies**

Uisce Éireann (UÉ): No objection in principle. A Confirmation of Feasibility (COF) has issued to the applicant advising that water and wastewater connections are feasible.

#### **3.5. Third Party Observations**

Approximately 17 no. third party observations were made in respect of the proposal, from or on behalf of adjoining and surrounding residents and interested parties. The

matters raised are summarised in the Planning Officer's report dated 9<sup>th</sup> June 2025, as follows:

- Concerns raised in relation to flood risk on site.
- Objections in relation to the scale and height of the proposal.
- Out of character with local context.
- Overdevelopment.
- Overlooking and overshadowing impacts on surrounding properties.
- Over-reliance on flexibility in Daylight Standards.
- Decreased security. Concern the proposal will impact sense of safety and security in the estate.
- Groundwater and Basement Construction Risks
- Traffic congestion and road safety hazards.
- Technical Flaws in Application Documents – Daylight/Sunlight, Waste Classification Report and HQA.
- Noise, Dust and Construction Disruption.
- Shortfall in childcare places - 20 places are proposed for a scheme of 86 units.
- Concerns raised in relation to demolition of viable homes.
- Loss of mature trees on site. This development will significantly alter the natural landscape by the destruction of large mature trees. Loss of birdlife.
- Falls short on provision for public open space.
- Concerns raised in relation to quantum of proposed parking.

## 4.0 Planning History

### Subject site

There is no relevant or recent planning history relating to this appeal site.

### In the vicinity

PA Reg. Ref 3234/19 and An Bord Pleanála Ref. ABP-306310-20 refers to a November 2020 decision to grant permission for demolition of 'The Haven' and 'The Lodge' and a garage and construction of 44 no. apartments in three no. blocks of 3 and 4 storey design at 126 Howth Road, Clontarf and 183-194 Ashbrook, Howth Road, Dublin 3.

## 5.0 Policy Context

### 5.1. National Planning Policy

#### 5.1.1. National Planning Framework – First Revision (April 2025)

A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure. NPOs for appropriately located and scaled residential growth include:

National Policy Objective 2: The projected level of population and employment growth in the Eastern and Midland Regional Assembly area will be at least matched by that of the Northern and Western and Southern Regional Assembly areas combined.

National Policy Objective 3: Eastern and Midland Region: approximately 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million Northern and Western Region: approximately 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million; Southern Region: approximately 330,000 additional people over 2022 levels (c. 450,000 additional people over 2016-2040) i.e. a population of just over 2 million.

National Policy Objective 4: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

National Policy Objective 11: Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

National Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

**5.1.2. Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness**

This Action Plan aims to build on this recent progress to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. To build the number of homes needed in this timeframe, an estimated €20 billion in development finance will be required each year. To reach this level of delivery, the State will continue to commit significant funds towards the provision of social and affordable homes. Government has committed in excess of €9 billion in funding for housing through the Exchequer, the Land Development Agency (LDA) and the Housing Finance Agency in 2026. The remaining required funding will need to come from investment by the private sector to support homeownership and a well-functioning private rental market.

Reaching the housing 300,000 target will only be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies (AHBs), the Land Development Agency (LDA) and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. Central government will provide the policy, regulatory and funding frameworks to support housing delivery.

The Plan is built around two pillars Activating Supply and Supporting People, with four key priorities under each pillar.

**Pillar 1 - Activating Supply** focuses on activating the supply of 300,000 homes. This will be achieved through activating more land, providing more housing-related infrastructure, securing more development finance for home building, addressing viability challenges particularly those seen in apartment delivery, increasing the adoption of Modern Methods of Construction, increasing the skills in the residential construction sector and working toward ending dereliction and vacancy.

### *Key Priorities*

#### 1. Ensure a strong pipeline of zoned and serviced land is available.

Government will take action across a range of areas to ensure suitable zoned land is available for housing development, and to provide a greater level of certainty in relation to the planning process and timelines. Key actions include zoning more land to support

the delivery of 300,000 homes right across the country; fully implementing the Planning and Development Act 2024 to simplify and speed up the planning process; and accelerating the delivery of new urban communities, building on the successes in Clonburris and Adamstown.

Delivering infrastructure — such as water, wastewater, electricity capacity and roads — is essential to supporting new housing developments. By investing in infrastructure, Government will ensure that more land is shovel ready when needed, creating a conducive environment for housing development. Key actions include investing a total of €12.2 billion secured for the water sector; allocating €3.5 billion in equity funding to grid infrastructure between 2026 and 2030; introducing a €1 billion Infrastructure Investment Fund and fully embedding the Housing Activation Office to enhance collaboration and co-ordination across infrastructure providers.

2. Create the conditions to attract the required investment.

3. Increase skills and support the adoption of Modern Methods of Construction in the residential construction sector.

4. Work toward ending dereliction and vacancy.

The re-use and regeneration of vacant and derelict properties in villages, towns and cities provide much needed housing and transforms and revitalises communities. Key actions include introducing a new derelict property tax, administered and collected by the Revenue Commissioners; bringing back a total of 20,000 homes into use, supported by the Vacant Property Refurbishment Grant; and a strengthened and extended Living City Initiative, now including all residential properties built before 1975

**Pillar 2 - Supporting People** sets out a series of key actions that work towards ending homelessness, support affordability and address the housing needs of people as they progress through life. In partnership with local authorities, the LDA and AHBs, the Plan will address the needs of the most vulnerable in our communities, make buying and

renting homes more affordable and support the development of villages, towns and cities across the country.

### *Key Priorities*

1. Focus on ending homelessness, deliver homes for older people and support social inclusion.

2. Deliver an average of 12,000 new social homes every year over the lifetime of the Plan.

Government is committed to providing record levels of new social homes and to strengthening the management and maintenance of existing social housing so that more households have access to good quality homes. Key actions include introducing a new single stage approval for applicable social housing projects; expanding and streamlining the operation of the Land Acquisition Fund; financially incentivising local authorities to exceed annual 'own build' social housing targets; and ensuring the right mix of social homes is delivered by local authorities, AHBs and the LDA to meet the specific needs identified through strengthened Housing Delivery Action Plans.

3. Promote affordable homeownership, protect renters and make buying and renting homes more affordable.

4. Invest in the built environment of towns, villages and cities across the country to enhance community well-being.

The planned growth of rural and urban communities is essential to meet the needs of a changing society. A significant focus has been placed on enhancing the lives and wellbeing of those who make their homes in existing communities in our villages, towns and cities by addressing challenges such as population decline and economic stagnation. Key actions include supporting small and medium sized builders to develop new mixed tenure communities on serviced sites in towns and villages; supporting affected communities through the implementation of Defective Concrete Block and Defective Apartment Remediation Schemes; publishing a National Planning

Statement on rural housing; and providing the funding needed to advance the Town Centre First Model to ensure a high quality of life for those who live in rural towns.

### 5.1.3. **Sustainable Residential Development and Compact Settlement Guidelines 2024**

These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.

Table 3.1 of the Guidelines identifies areas and density ranges for Dublin and Cork City and Suburbs. It states that sites should aim to achieve a density of 50-250 units per hectare (net) in respect of City-Urban Neighbourhoods. It provides that sites within suburban and urban extension areas should aim to achieve a density of 40-80 units per hectare (net) and notes that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations, as defined in *Table 3.8 Accessibility*. This definition provides for:

#### 1. High Capacity Public Transport Node or Interchange

Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node (that includes DART) or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop.

#### 2. Accessible Location

Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.

#### 3. Intermediate Location

Lands within 500-1,000 metres (i.e. 10-12 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services

#### 4. Peripheral

Lands that do not meet the proximity or accessibility criteria detailed above.

Development standards for housing are set out in Chapter 5, including:

1. SPPR 1 in relation to separation distances (16 m above ground floor level),
2. SPPR 2 in relation to private open space for houses (2-bed 30 m<sup>2</sup>; 3-bed 40 m<sup>2</sup>; 4+bed 50 m<sup>2</sup>),
3. SPPR 3: In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
4. SPPR 4 in relation to cycle parking and storage. All new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors.

Section 4.4 of the Guidelines set out Key Indicators of Quality Design and Placemaking. It considers that achieving quality urban design and creating a sense of place is contingent on the provision of an authentic identity that is specific to the settlement, neighbourhood or site in question. Section 4.4 (V) relates to responsive built form.

Policy and Objective 4.2 states that it is a policy and objective of these Guidelines that the key indicators of quality urban design and placemaking set out in Section 4.4 are applied within statutory development plans and in the consideration of individual planning applications

Policy and Objective 5.1 relates to public open space provision and requires development plans to make provision for not less than 10% of the net site area and not more than a minimum of 15% of the net site area save in exceptional circumstances. Sites with significant heritage or landscape features may require a higher proportion of open space.

#### 5.1.4. **Urban Development and Building Heights, Guidelines for Planning Authorities (2018)**

Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.

#### 5.1.5. **Other relevant Ministerial Guidelines**

Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal:

- The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023).

The minimum floor area for one-bedroom apartments is 45m<sup>2</sup>, for two-bedroom apartments it is 73m<sup>2</sup>. Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m<sup>2</sup> storage for one-bedroom apartments, 6m<sup>2</sup> for two-bedroom apartments and 9m<sup>2</sup> for three-bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.

I note that the *Planning Design Standards for Apartments, Guidelines for Planning Authorities* were published on 8<sup>th</sup> of July 2025. Section 1.1 of the guidelines state that they only apply to planning applications submitted after the publication of the

guidelines. I am therefore satisfied that these guidelines are not relevant to the current appeal.

#### 5.1.6. **Climate Action Plan 2025**

This Plan builds upon the 2024 Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024. The 2025 Plan provides a roadmap to deliver on Ireland's climate ambition. The expected outcome of the 2025 plan seek for the continued cross-organisational cooperation which will help to deliver Irelands climate goals and Improved monitoring and reporting structures (a lower number of high impact actions) should help streamline the reporting process and make it easier to identify challenges as they arise.

#### 5.1.7. **National Biodiversity Plan 2023-2030**

The National Biodiversity Plan sets the national biodiversity agenda for the period 2023-2030. The plan strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature."

The plan has identified 5 objectives which include for:

1. Adopt a Whole-of Government Whole-of-Society Approach to Biodiversity;
2. Meet Urgent Conservation and Restoration Needs;
3. Secure Nature's Contribution to People
4. Enhance the Evidence Base for Action on Biodiversity; and
5. Strengthen Ireland's Contribution to International Biodiversity Initiatives.

#### 5.2. **Local Policy: Dublin City Development Plan 2022-2028**

- 5.2.1. The appeal site is zoned Z1 – ‘Sustainable Residential Neighbourhoods’ with the objective ‘To protect, provide and improve residential amenities.’
- 5.2.2. The following sections of the City Plan are considered to be relevant:
- 5.2.3. Chapter 2: *Core Strategy* guides the spatial direction of future development and regeneration in the city in line with the principles of compact growth. Harolds Cross is identified within table 2-14 which set out the schedule for Local Area Plans and Village Improvement Plans.
- 5.2.4. Chapter 3: *Climate Action* contains the Council’s policies and objectives for addressing the challenges of climate change through mitigation and adaptation. The relevant policies from this section include:
- CA3: Climate Resilient Settlement Patterns, Urban Forms and Mobility.
  - CA6: Retrofitting and Reuse of Existing Buildings.
  - CA8: Climate Mitigation Actions in the Built Environment.
  - CA9: Climate Adaptation Actions in the Built Environment.
  - CA24: Waste Management Plans for Construction and Demolition Projects.
  - CA27: Flood Risk Assessment and Adaptation.
- 5.2.5. Chapter 4: *Shape and Structure of the City*, sets out the Council’s strategy to guide the future sustainable development of the city. The objective is to ensure that growth is directed to, and prioritised in, the right locations to enable continued targeted investment in infrastructure and services and the optimal use of public transport. The relevant policies from this chapter are:
- SC5: Urban Design and Architectural Principles.
  - SC10: Urban Density.
  - SC11: Compact Growth.
  - SC13: Green Infrastructure.
  - SC14: Building Height Strategy.
  - SC15: Building Height Uses.

- SC16: Building Height Locations.
- SC19: High Quality Architecture.
- SC20: Urban Design.
- SC21: Architectural Design.

5.2.6. Chapter 5: *Quality Housing and Sustainable Neighbourhoods*, seeks the provision of quality, adaptable homes in sustainable locations that meet the needs of communities and the changing dynamics of the city. The delivery of quality homes and sustainable communities in the compact city is a key issue for citizens and ensuring that Dublin remains competitive as a place to live and invest in. The relevant policies from this chapter include:

- QHSN6: Urban Consolidation.
- QHSN10: Urban Density.

5.2.7. Chapter 8: *Sustainable Movement and Transport*, seeks to promote ease of movement within and around the city and an increased shift towards sustainable modes of travel and an increased focus on public realm and healthy placemaking, while tackling congestion and reducing transport related CO2 emissions.

5.2.8. Chapter 9: *Sustainable Environmental Infrastructure and Flood Risk*, aims to address a broad range of supporting infrastructure and services including water, waste, energy, digital connectivity, and flood risk/surface water management. The relevant policies of this section are:

SI14: Strategic Flood Risk Assessment.

SI15: Site Specific Flood Risk Assessment.

5.2.9. Chapter 15: *Development Standards* contains the Council's Development Management policies and criteria to be considered in the development management process so that development proposals can be assessed, both in terms of how they contribute to the achievement of the core strategy and related policies and objectives. Relevant sections of Chapter 15 include (but are not limited to):

15.4: Key Design Principles.

15.5: Site Characteristics and Design Parameters.

15.6: Green Infrastructure and Landscaping.

15.9: Apartment Standards

15.16: Sustainable Movement and Transport

15.17: Public Realm

15.18: Environmental Management.

#### 5.2.10. Relevant Appendices include:

Appendix 3: Achieving Sustainable Compact Growth sets out the height strategy for the city, with criteria for assessing higher buildings and provides indicative standards for density, plot ratio and site coverage.

Appendix 5: Transport and Mobility: Technical Requirements

Appendix 11: Technical Summary of DCC Green and Blue Roof Guide

Appendix 12: Technical Summary of DCC Sustainable Drainage Design and Evaluation Guide (2021)

Appendix 13: Surface Water Management Guidance

Appendix 16: Sunlight and Daylight provides direction on the technical approach for daylight and sunlight assessments.

### 5.3. **Natural Heritage Designations**

The subject site is not located within and does not adjoin any Natura 2000 Site. The nearest European Sites are the South Dublin Bay and River Tolka Estuary SPA c 0.62km to the south-west, and North Dublin Bay SAC and North Bull Island SPA both located c 2.3km to the south-east.

### 5.4. **EIA Screening**

The development does fall within a class of development set out in Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended). However, the scale of the proposed development does not exceed the thresholds set out and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be

excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

## 6.0 The Appeals

Both first and third party appeals have been submitted in respect of the proposed development.

### 6.1. First Party Appeal

On behalf of the applicant, CWPA Planning and Architecture has submitted an appeal against Condition 4 of the planning authority's decision to grant permission. Condition 4 requires that (a) the fifth floor (apartment units 68-75) be permanently omitted from the development and (b) apartment units 60 and 64 at fourth floor level be permanently omitted. The grounds of appeal are set out as follows under appropriate headings:

#### Introduction

- The purpose of the appeal is to reinstate the 5<sup>th</sup> floor accommodating 8 apartments and two apartment units on the fourth floor.
- Otherwise, the applicant is happy to comply with all conditions of the permission including Condition 6 which requires the roof profile to be redesigned.

#### Response to FI request

- On foot of the FI request a comprehensive submission was made addressing all matters raised by the planning authority.
- The proposed scheme was reduced from 86 to 75 units and the density was reduced from 184 u/ha to 160 u/ha. Building heights were reduced from seven to a maximum of six storeys.
- Public realm enhancements were made in the form of a public plaza with total open space equating to c3143sqm, all meeting BRE standards.
- Revised daylight and sunlight assessment confirms that all habitable rooms meet BS EN 17037 minimum standards and 77.3% of private amenity spaces achieving BRE sunlight target.

- Transport and access arrangements are redesigned to include a separate pedestrian priority entrance. Secure bicycle parking spaces are provided along with EV charging infrastructure.
- The landscape and biodiversity strategy retains healthy trees where feasible and introduces generous compensatory planting, enhancing ecological value. There is no evidence of bats or badgers as per the ecological survey undertaken.
- Site layout ensures generous separation distances above the 16m guideline and integrates multiple measures to avoid overlooking including privacy screens, translucent glazing and strategic planting.
- Overall the FI response demonstrates a policy-aligned, contextually sensitive, high quality residential development that meets or exceeds performance based criteria in the Development Plan, NPF and the Compact Settlements Guidelines.
- The revisions made significantly improve the proposed development.

#### Reasons to appeal Condition 4

- The density as revised in the FI response is justifiable on the basis that the proposed development is a high quality and contextually sensitive urban infill development which optimises a serviced brownfield site in line with national policy. Regard was had to Appendix D of the Compact Settlement Guidelines and Table 3 of Appendix 3 of the City Development Plan.
- It is considered that Dublin City Council has incorrectly assessed the site to be an 'Accessible City – Suburban / Urban Extension' location. However it is considered the site is a 'High Capacity Public Node or Interchange' and as such falls within the 'City – Urban Neighbourhood' category where higher densities of up to 250 dph can be considered.
- The planning authority considered the revised density at FI stage was 175.64 dph (net), on the basis of subtracting the public open space (494sqm), creche(75sqm) and café (50sqm) from the overall site area. This calculation should not have included the subtraction of such a small area of public open space, having regard to Table 1 of Appendix B of the Compact Settlement Guidelines. The revised density at FI stage is therefore considered to be 165 dph.

- To justify the density it was put forward by the applicant that the 75 unit scheme had been carefully designed to ensure consistency with Appendix D of the Compact Settlement Guidelines and Table 3 of Appendix 3 of the Development Plan.
- Section 2.1 of the Architectural Statement of Response provided at FI stage provides further justification for the proposed density as revised at FI stage.
- In any event it is argued that a density of 165 dph could be justified under both categories i.e. 'Accessible City – Suburban / Urban Extension' and 'High Capacity Public Node or Interchange' location.
- In terms of the distance from the site to Killester DART Station the applicant maintains there are no provisions in the Compact Settlements Guidelines which deal with assessing walking distances to a high capacity interchange. Measuring walking distances 'within the site' appears to be impractical. The 2024 Guidelines do not clearly state that the entirety of the site must be located within a 1km walking distance or that any and all potential walking eventualities of future residents within the site must be considered.
- Contrary to the planning authority's statement, the proposed development is not located outside 1km walking distance from Killester DART Station.
- Once the site is within a 1km walking distance to Killester DART Station, it is defined as a 'High Capacity Public Node or Interchange' under Table 3.8 of the Compact Settlements Guidelines.

### Conclusion

- The site meets criteria (iv) *City – Urban Neighbourhood* category where higher densities can apply.
- Condition 4 should be omitted because it was based on incorrectly categorising the site as an *Accessible City – Suburban / Urban Extension* location.
- 75 units on the site are justifiable under both aforementioned categories.
- Consistency of the revised 75 unit scheme with Table 3 of Appendix 3 of the Development Plan is detailed in the submitted revised Architectural Statement.
- Precedent cases are detailed in the initial Architectural Statement.

- Note that omission of Condition 4 would also require an amendment to Condition 5 to reflect reinstated apartment units.

A copy of the planning authority's decision to grant permission with associated conditions are appended to the appeal.

## 6.2. **Third Party Appeal**

On behalf of multiple local residents c/o Patrick McLaughlin of 13 Lawrence Grove, Clontarf, Dublin 3, Hendrik W van der Kamp has submitted an appeal against the planning authority's decision to grant permission. The third party grounds of appeal are set out under headings, as follows:

### Introduction

- Objections at application stage were based on density, building height and lack of carparking. The planning authority accepted these concerns and modified the proposed development; however it is considered that the changes are not sufficient to remove the concerns that a high density apartment scheme is inserted in an infill site where the adjoining development is of a much lower density.

### Proposed development

- The proposed development is a scaled down version of an initial proposal to build 100 apartments on a site that presently occupies two houses. That proposal formed part of a proposed LRD application. In April 2025 an application for 86 units ranging in heights of four to seven storeys was submitted. Through Further Information the proposed development was reduced to 75 units. Condition 4 applied further amendments resulting in omission of 10 apartments to 65 units. The principle of development on the site has remained the same, which is replacing two detached units with a high density apartment scheme.

### Development Plan

- The site is zoned Z1 where residential and childcare uses are permissible and café use is open for consideration. Appendix 3 sets out Development Plan policy on building height. It states that innovative mixed use development that includes buildings of between 5 and 8 storeys including apartments and duplexes is

promoted at key locations in the city. The subject site is not one of these key locations.

- Section 14.7.1 refers to areas within Z1 zoning objective. Policy Objective QHSN10: Urban Density notes the need for developments to successfully integrate with the character of the surrounding area.

### Height

- Even allowing for removal of the fifth floor, the height would be significantly above the prevailing height of existing development in the area. Given the relatively modest site area (less than 0.5ha) and the high plot ratio of the development as proposed (c2.16), the proposed building height would be c7.8m above roof ridge height of adjoining houses to the north-east in St. Lawrence View, c8.8m above roof heights of terraced houses in Castle Court and c11.5m above the detached bungalow at Castle Court which adjoins the development site.
- A large 58sqm roof garden at 4<sup>th</sup> floor level shown as a 'green terrace' accessible to all residents would result in significant overlooking of rear gardens of houses in Castle Court and should be removed by condition, should permission be granted.
- Conclusion: The proposed development by reason of height, massing and scale on a modest infill site is excessive in scale and building height.

### Density

- Density of development remains high (152.08 units per hectare based on 65 units) given adjoining development of terraced and detached housing.
- The density is at the top of the range suitable for 'an accessible suburban / urban extension' location. It may be considered acceptable for a Dublin city site.
- The density only satisfies Step 1 of the way in which density ranges should be applied to individual sites under planning guidelines. Step 2 requires that new development should not result in significant negative impact on character, amenity or natural environment.
- The capacity of the area for change is limited due to the prevailing house type on the land immediately adjoining the site.

- Conclusion: Having regard to the infill nature of the site, the proximity of prevailing low to medium density residential development in the area and on adjoining sites, the density remains excessive.

#### Car parking

- The proposed development in its revised form provides for 41 no. car parking spaces comprising 40 spaces for 75 (or 65 permitted) units plus one visitor space. This results in a car parking ratio of only 0.63 spaces per unit.
- Virtually no provision is made for visitor car parking and this is likely to lead to overspill parking on adjoining roads including at Castel Court and Lawrence Grove. These roads are already under pressure as they provide parking for Auburn residents and patrons of a nearby public house.
- Conclusion: Given the lack of adequate car parking facilities for residential and commercial uses in the proposed development, overspill carparking on nearby residential roads is likely, which may cause traffic hazard.

### **6.3. Third Party Appellant Response to First Party Appeal**

This response, received on 6<sup>th</sup> November 2025, may be summarised as follows:

- Much of the appellant's argument relies on the site being within 1km of Killester DART Station.
- The measured walking distance from the closest point of the site (rightmost pillar at No.114 Howth Road) to the station entrance is 1,007m, which exceeds 1km.
- The measurement methodology consisted of using a calibrated trundle (measuring) wheel following the most direct and continuous public-footpath route currently available.
- The pedestrian will have to walk a further 65m from the station entrance to the nearest platform to go to the city centre and a longer distance from the return platform. They will also have to walk from the pillar at 114 Howth Road to their apartment. It would be reasonable to suggest that distance is an additional 35m, bringing the total walking distance to 1,107m.
- Conclusion: The applicant's reference to the site being within 1km of Killester DART Station is incorrect as it is at least 1007m. Any reliance on the distance being

less than or equal to 1km for categorising the area as one allowing a much higher density is also incorrect.

#### 6.4. **Applicant Response to Third Party Appeal**

This response, received on 11<sup>th</sup> November 2025, may be summarised as follows:

- The proposed development has undergone a comprehensive process between pre-planning consultations, further information submission and final assessment by the planning authority.
- A comprehensively revised proposal addressing all points raised by the planning authority was submitted at FI stage. In this regard, reference is made to the Architectural Statement of Response.
- Revisions at FI stage significantly improve design integration, public realm quality, residential amenity and transport sustainability.
- Car parking provision was significantly increased at FI stage and this aspect of the proposed development was deemed to be acceptable by the Council.

#### 6.5. **Planning Authority Response**

None on file.

#### 6.6. **Observation**

One valid observation was received on 6<sup>th</sup> November 2025 from Maeve O'Connor of 17 Castlecourt, Dublin 3. This may be summarised as follows:

##### Misclassification of context

- The applicant's appeal relies on the Compact Settlements Guidelines to justify reinstatement of the omitted floor and increasing the overall density. This reliance is misplaced and inconsistent with both national guidance and the Dublin City Development Plan 2022-2028.
- The site is correctly classified by the Council as an Accessible Suburban / Urban Extension Area, a lower intensity suburban context characterised by two storey housing and an established residential streetscape.

- The site lies over 1km from Killester DART Station and is served by an already congested bus corridor. These accessibility conditions do not satisfy the threshold for a 'City-Urban' classification.

#### Failure to meet key performance criteria

- Appendix 3 permits higher densities only where proposals demonstrably meet all performance based criteria including no material loss of sunlight, daylight, privacy or local amenity and effective integration with existing urban structure and character.
- The proposed reinstatement of the fifth floor would significantly increase overlooking and overshadowing of private rear gardens along Castle Court. Impact is particularly severe for numbers 6-10 Castle Court, located on ground approximately 2m lower than the level of the development site. The elevation difference means the proposed upper floor and roof terrace increase overlooking of rear gardens and windows of these homes causing substantial loss of privacy and amenity.
- The elevation of 9 Castle Court is given as 48 feet and the elevation of 110 Howth Road is given as 64 feet.
- Additional height and bulk of buildings would result in longer and deeper shadows, reducing existing sunlight access and compromising potential for future rooftop solar panel installations contrary to local and national sustainability objectives.
- Proposal fails to integrate with surrounding suburban character. Its height, massing and visual dominance would appear incongruous within the context of the area. Proposal therefore fails to meet performance criteria in the Compact Settlements Guidelines.

#### Adverse impact on residential amenity

- The current version of the scheme, even as modified by Dublin City Council, still exceeds what is appropriate for this suburban location.
- The resulting building height remains excessive relative to the surrounding context.
- The proposed rooftop communal amenity space would enable direct overlooking into rear gardens of nearby home including properties at Castle Court, St. Lawrence View and Lawrence Grove.

- Such overlooking would result in unacceptable loss of privacy and quiet enjoyment of gardens. Resulting visual intrusion would diminish the residential amenity of existing dwellings.

## 7.0 **Assessment**

7.1. I note from the first Planning Officer's report that a comprehensive assessment was made by the planning authority in respect of the proposed apartments having regard to the HQA provided. 98% or 82 of the proposed units are dual aspect although concern was raised that a number of windows would be overshadowed by adjoining balconies. The planning authority was satisfied that minimum floor to ceiling heights are achieved, that the stair to core apartment ratio is acceptable and that all units are provided with adequate internal storage space. Private amenity space is provided in the form of appropriately sized terraces and balconies. Communal open space within the scheme is also considered to be acceptable.

7.2. Having examined the application details and all other documentation on file, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Introduction
- Land-use and nature of the proposed development
- Height, Density and Scale
- Impact on Residential Amenities
- Impact on trees
- Car parking provision
- Other issues
- Water Framework Directive
- Appropriate Assessment

## 7.3. **Introduction**

7.3.1. In the interest of clarity, the primary focus of this assessment shall be on the proposed development as applied for on the 15<sup>th</sup> April 2025 and as reflected in the public notices. References are also made in the assessment to the revised proposal submitted to the planning authority on the 21<sup>st</sup> of August 2025, as appropriate.

#### **7.4. Land-use and nature of the proposed development**

7.4.1. The appeal site and adjoining areas are within Zone Z1 'Sustainable Residential Neighbourhoods' as denoted on Development Plan Map F. The Z1 Objective is 'To protect, provide and improve residential amenities.'

7.4.2. 'Residential' and 'childcare facility' uses are both permissible uses within areas zoned Z1 'Sustainable Residential Neighbourhoods,' while 'café / tea room' is listed as 'Open for Consideration' within the applicable zoning. As such, I consider the proposed development to be acceptable, in principle, on the subject site.

#### **7.5. Height, Density and Scale**

7.5.1. Permission is sought for the development of 86 no. apartments and two commercial units in a mixed-use development ranging from 4 to 7 storeys on a site measuring 0.46ha with a resultant gross density of approximately 186 dph. When the floor areas of the commercial units are deducted (c 246 sqm) the total site size is approximately 0.4354 ha with the resultant density of approximately 197 dph (net). The proposed development with a mixture of flat and pitched roofs is stepped in design and ranges in height from c 11.1m at 4<sup>th</sup> floor level to c 19.2m at 7<sup>th</sup> floor level.

7.5.2. The first party appellant considers, in the Architecture and Urban Design Statement submitted on their behalf as part of the planning application, that both the height and density of the proposed development are appropriate at the subject location. I note the favourable assessments undertaken in sections 3.2 and 3.3 of the Urban Design Statement respectively, relating to assessment criteria for tall buildings as set out in the *Urban Development and Building Heights, Guidelines for Planning Authorities* (2018) and in terms of the performance criteria in assessing proposals for enhanced height, density and scale, as set out in Table 3 of Appendix 3 of the Dublin City Development Plan 2022-2023.

- 7.5.3. The third party appeal expresses concerns that the proposed development remains excessively high, over-scaled and dense, given the site context, and even having regard to Condition 4 of the planning authority's decision to grant permission which, inter alia, requires omission of the fifth floor. The observation received raises similar concerns relating to height, scale and density and details anticipated impacts arising on the residential amenities of the area as a result of the proposed development, namely overlooking impacts leading to a loss of privacy.
- 7.5.4. The prevailing established building height in the surrounding area is single storey to two storey houses. Relatively new three storey houses are evident opposite the site at Lawrence Walk. Further away at Ashbrook to the north-east there are three storey and, more recently, four storey apartment blocks set back from the R105. I consider that the proposed development must comply with Section 3.2 of the Building Height Guidelines 2018, which provides development management criteria for proposals involving a deviation in height from the prevailing and established pattern of development in the area. The applicant's analysis in relation to Section 3.2 is presented in the Architectural Design Statement provided with the planning application (Section 03 Height Strategy refers).
- 7.5.5. In the first instance, the proposal must be well served by public transport and in this regard I note the site meets this criteria given its location on the H-Spine of Bus Connects. Secondly, the proposal should successfully integrate into / enhance the character and public realm of the area. The applicant considers the development integrates 'seamlessly into the surrounding context' referencing a carefully modulated height strategy, high quality materiality and considered massing articulation. I disagree that the proposed development, comprising 4 to 7 storeys, integrates into the receiving surrounding environment which accommodates mainly single and two storey housing. The LVIA provided to evaluate the proposal's integration with its surroundings depicts a very high and overly-dominant development when viewed from Lawrence Grove (View 3). View 2 from Howth Road opposite the site looking north does not capture the full height of the proposed development and appears to include existing trees and vegetation which are proposed for removal. View 6 from Castle Court looking south-east also appears to include trees and vegetation which would be removed to facilitate the development and as such this would appear to be an inaccurate depiction of the

proposed development. I note that planting is proposed across the site including along the western boundary upon completion of the proposed development.

7.5.6. While I note the Architectural Design Statement assesses the proposed development against key indicators of quality urban design and placemaking (Section 04 Urban Design Strategy refers) this has not provided a justification for the deviation from the prevailing building heights in this urban area, other than stating that the finishes and pitched roofs 'ensures a cohesive architectural response that reflects local character' and that the scale and massing gradually transitions from 4 storeys near existing low-rise housing upwards to seven storeys at the site's corner, 'maintaining a respectful relationship with adjacent homes.'

7.5.7. However, in my view, having undertaken an assessment of the proposed development against the performance criteria set out in Appendix 3, Table 3 of the Dublin City Development Plan 2022-2028 (*Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale*) below, I have concluded that the proposed development by reason of its height and scale is overly-dominant on the subject site and as such it fails to integrate with the established character of the area. I also consider the changes in roof profile between pitched and flat roofs are visually jarring and the arrangement of windows across the development are not proportionate and lack uniformity.

7.5.8. Density

7.5.9. In reference to the *Sustainable and Compact Settlements – Guidelines for Planning Authorities (2024)*, the first party appellant considers that the planning authority has incorrectly assessed the subject site to be an 'Accessible City – Suburban / Urban Extension' location and not a 'High Capacity Public Node or Interchange,' which would place the site within the 'City – Urban Neighbourhood' category where higher densities of up to 250 dph can be considered. The first party contends the site is located within a 1km walking distance from Killester DART Station.

7.5.10. Both the third party and the observer agree with the planning authority's assessment that the site is located within an 'Accessible City – Suburban / Urban Extension'

location. In this regard I note the third party appellant's response to the appeal has used a trundle wheel to measure the walking distance between the subject site and Killester DART Station, stating the distance as measuring 1,007m.

7.5.11. Section 3.2 'Density' of Appendix 3 (*Achieving Sustainable Compact Growth Policy for Density and Building Height in the City*) in the Dublin City Development Plan 2022-2028 refers to density and notes that highest densities should be located at the most accessible and sustainable locations. It emphasises that there should be a focus not just on maximising densities to maximise yield but on a range of qualitative criteria and other factors including architecture, community facilities and quality placemaking. The density of a proposal should respect the existing character, context and urban form of an area and protect existing and future residential amenity. Public transport accessibility and capacity also determine the appropriate density permissible.

7.5.12. Table 1 'Density Ranges' of Appendix 3 identifies a net density range of 100-250 for sites located within the City Centre and Canal Belt, 60-150 for Key Urban Villages and 60-120 for Outer Suburbs. I note the text below Table 1 in Appendix 3 which provides that schemes of increased density are often coupled with buildings of increased height and scale and in such instances where buildings and density are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply. Section 7.4.19 below contains my assessment of the proposed development.

7.5.13. The *Sustainable and Compact Settlements – Guidelines for Planning Authorities (2024)* were published following adoption of the Dublin City Development Plan 2022-2028 and Table 3.1 sets out a range of acceptable densities depending on the character of the area. The application documentation provided with the planning application including the Design Statement and the first party appeal consider that the site is located proximate to a 'High Capacity Public Node or Interchange' and as such falls within the 'City – Urban Neighbourhood' category where higher densities of up to 250 dph can be considered.

7.5.14. Section 3.4 of the Compact Settlement Guidelines affords an opportunity for developments to exceed the density ranges as identified in Table 3.1 based on consideration of a number of criteria. This requires that the development as proposed

complies with two steps as set out in sections 3.4.1 and 3.4.2 of the Guidelines, respectively.

- 7.5.15. Step 1 relates to proximity and accessibility to services and public transport. It states that lands within 1,000m (1km) walking distance of an existing or planned high-capacity urban public transport node will be considered. In this regard I note the location of the site relative to Killester DART Station. I also note the site is located adjacent to the H spine of Bus Connects and that the submitted Community and Social Audit demonstrates good accessibility to local amenities and services. Having regard to the foregoing, I consider the subject site to comply with Step 1.
- 7.5.16. Step 2 relates to considerations of character, amenity and the natural environment. It notes the necessity to ensure that the quantum and scale of development at all locations can integrate successfully with the receiving environment and that proposals should not give rise to significant negative impacts on character, amenity or the natural environment. As set out in Table 1 below which relates to my assessment of the proposed development against the 10 no. objectives in Table 3 of Appendix 3 of the City Development Plan, I consider the proposed development would give rise to a detrimental impact on the character of the area which comprises mainly low-rise single and two storey residential houses. Further, given the significant deviation from the established building height, the proposed development would also give rise to adverse impacts on the residential amenities of the area, through overlooking, as detailed in Section 7.5 below.
- 7.5.17. Having regard to the foregoing, I consider the proposed development fails to comply with Step 2 of Section 3.4 'Refining Density' of the Compact Settlement Guidelines. My view is that the planning authority appropriately assessed the site as falling within an 'Accessible City – Suburban / Urban Extension' category / location. As such, the Compact Settlement Guidelines notes that in such areas, densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at such locations.

7.5.18. In my opinion, a residential net density of approximately 197 dph which is in excess of densities set out in both the Sustainable Compact Settlement Guidelines and the Dublin City Development Plan 2022-2028 would not be acceptable on this infill brownfield site in Clontarf. In my view the proposed development would be contrary to Table 3.2 and Section 3.4 of the Sustainable Compact Settlement Guidelines and contrary to Appendix 3 of the Dublin City Development Plan 2022-2028.

7.5.19. Table 3 of Appendix 3 of the City Development Plan details performance criteria to be used in assessing proposals for enhanced height density and scale. Set out below is my assessment of the proposed development against the ten objectives contained in Table 3.

**Table 1:** Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

<p><i>Criteria 1 – To Promote Development with a Sense of Place and Character</i></p>	<p>In my view, the proposed development ranging in height from 4 to 7 storeys is out of character with the immediate surrounding area, where the prevailing pattern of development is mainly single and two storey housing.</p> <p>The proposed development comprising both pitched and flat roofs rising in height between c 11m and c 19m is overly dominant in appearance.</p> <p>The design, scale and height of the block has implications in terms of impacts on the residential amenities of adjoining houses, particularly those at Castle Court. This is addressed further in section 7.5 of my report.</p> <p>A residential net density of approximately 197 dph is excessive for this brownfield site and in my opinion is indicative of overdevelopment of the site.</p> <p>The design and layout of the proposed development requires further consideration.</p>
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	<p>The block is visually dominant from Howth Road and Castle Court Road to the east. There is a lack of uniformity in the roof profiles and finishes.</p>
<p><b>Criteria 2 – To Provide Appropriate Legibility</b></p>	<p>The subject site constitutes a brownfield infill development site, where the provision of or enhancement of permeability would be achievable. The site addresses Howth Road which provides road, path and cycle infrastructure facilitating permeable connectivity to the wider area. There is a bus stop relatively proximate to the site with Howth Road forming part of the H Spine of BusConnects route, providing high frequency bus services at this location.</p> <p>The proposed development would be very noticeable and prominent in the area, given its proposed height and density and as depicted in the CGIs provided.</p> <p>In my opinion, similar to my assessment above, the proposal, due to the significant increased height and density would fail to positively contribute to the streetscape or respond appropriately to the established context of the surrounding area due to the inappropriate juxtaposition between the proposed and established building heights.</p> <p>I do not consider that the proposed development would make a positive contribution to the legibility of the streetscape and the wider area.</p>

<p><b>Criteria 3</b> - <i>To provide Appropriate Continuity and Enclosure of Streets and Spaces</i></p>	<p>I am concerned that the significant height, scale and massing of the proposed development would be out of character and would not be an appropriate response to a site where the prevailing character and pattern of development in the area is single and two storey housing.</p> <p>Buildings of a different height, scale, mass and form could foster a sense of place and character at this location which would be more consistent with the character of the area.</p>
<p><b>Criteria 4</b> - <i>To provide well connected, high quality and active public and communal spaces.</i></p>	<p>Public open space of 10% (c 463 sqm) is located to the south of the block however it includes vehicular space which has no recreational value.</p> <p>Communal open spaces equate to 2075sqm at ground level and 516sqm in the form of roof terraces. Overlooking concerns arise from the elevated roof terraces.</p> <p>Outdoor recreational facilities need to be expanded and detailed and should cater for a range of groups.</p>
<p><b>Criteria 5</b> - <i>To Provide High Quality, Attractive and Useable Private Spaces</i></p>	<p>Private outdoor spaces comprise balconies / terraces.</p> <p>There are concerns in relation to overlooking from the proposed elevated garden terraces onto adjoining residential properties / private open spaces.</p>
<p><b>Criteria 6</b> - <i>To Promote Mix of Use and Diversity of Activities</i></p>	<p>The proposed development does provide for a mix of activities. Permission is being</p>

	<p>sought for a residential development along with a creche and a cafe. These latter uses are welcome and will encourage / facilitate an increased level of vibrancy / activity in the area.</p>
<p><b>Criteria 7</b> - <i>To ensure high quality and environmentally sustainable buildings.</i></p>	<p>The application was accompanied by a Preliminary Construction Management Plan (including Demolition and Waste Management). A finalised plan would be required to be submitted by way of condition to be agreed with the planning authority in the event the Commission are minded to grant permission.</p> <p>Other documentation submitted include a Building Lifecycle Report, a Climate Action Energy Statement, a Basement Impact Assessment and a Universal Access Statement.</p>
<p><b>Criteria 8</b> - <i>To Secure Sustainable Density, Intensity at Locations of High Accessibility</i></p>	<p>The proposed development is located in a 'City-Suburban / Urban Extension' area along Howth Road which has the benefit of high frequency bus services ('H' Spine – BusConnects). The location of Killester Dart Station relative to the site is also noted.</p> <p>The development provides for 142 'long stay' residential secure bicycle parking spaces at basement level and visitor spaces at surface level.</p> <p>I consider that the development of this site needs to strike a balance between the location of the site proximate to high frequency bus services and the prevailing character of the area which comprises</p>

	traditional residential development adjoining the site.
<b>Criteria 9 - To Protect Historic Environments from Insensitive Development</b>	<p>There are no historic designations associated with the appeal site.</p> <p>Two existing detached houses are proposed for demolition in order to facilitate the proposed development. Neither house is a Protected Structure.</p>
<b>Criteria 10 - To Ensure Appropriate Management and Maintenance</b>	An Operational Waste Management Report is provided with the planning application. Matters of security, management of public / communal areas, waste management, servicing and delivery can all be satisfactorily addressed by condition in the event that the Commission grant permission.

7.5.20. I note that the revised proposal put forward by the first party in the FI response involves a reduction in height of the proposed development ranging from 2 to 6 storeys and a decrease in the number of residential units from 86 to 75. However, it is apparent that the revised residential density of c 172 dph (net) remains in excess of densities set out in both the Sustainable Compact Settlement Guidelines and the Dublin City Development Plan 2022-2028. Furthermore, in my opinion, the revised proposal remains excessively high at six storeys, having regard to the character of the adjoining area which comprises low rise housing, predominantly of two storey design.

7.5.21. Condition 4 of the planning authority's decision to grant permission requires omission of a further 10 units and removal of the fifth floor. This would result in a total of 65 no. apartments. Condition 6 also requires the roof of the proposed development to be redesigned with revised plans and drawings to be submitted to and agreed in writing by the planning authority, prior to commencement. In my opinion, the aforementioned changes to the proposed development are significant and may give rise to unintended consequences or impacts. In the absence of appropriate plans, drawings and visuals of the revised development as envisaged by the planning authority pursuant to Conditions 4 and 6 which would provide certainty in respect of the proposal for this

prominent corner site, I do not consider it appropriate to recommend a grant of permission.

## 7.6. Residential Amenities

### 7.6.1. Impact on adjoining residential amenities

7.6.2. Concerns are expressed in the third party appeal and observation that the proposed development would have an adverse impact on the residential amenities of the area. Set out below is my assessment in this regard.

### 7.6.3. Overlooking

7.6.4. The submitted floor plans provided with the planning application (other than ground floor plans) fail to indicate site boundaries, surrounding properties and adjoining streets. As such it is not possible to undertake a proper assessment of the proposed development in terms of potential overlooking impacts on adjoining properties. This matter is referred to in Item 4 of the FI request which sought revised drawings and floor plans to address the above-mentioned deficits. As such, my assessment below in relation to potential overlooking issues relates to the revised drawings and proposals submitted in response to the FI request.

7.6.5. Several roof gardens of varying sizes and accessible to all future residents are proposed. The roof gardens are located at second, third and fourth levels and there are two at fifth floor level.

7.6.6. In relation to the second floor roof garden at the north-western part of the site, there is potential for overlooking impacts to arise on the private open space associated with the adjoining dwelling at No. 1 Castle Court, a single storey house, given the approximate separation distance of 8m. There is reliance on planting to prevent overlooking impacts arising and I would also have a concern that noise from the rooftop terrace would injure the residential amenity of that property.

7.6.7. Similarly, I have a concern relating to the close proximity (c 3.52m to the boundary) of the proposed third floor rooftop terrace relative to the adjoining property to the east.

Again there is reliance on planting to prevent overlooking impacts arising and I note also that three existing trees are to be retained along this eastern boundary which will facilitate some screening. Notwithstanding, in my view, this large roof terrace measuring in excess of 90sqm has potential to generate noise and disturbance impacting on the amenity of the adjoining properties at St. Lawrence View.

7.6.8. In relation to the proposed development as originally applied for, I have similar concerns regarding overlooking and noise impacts arising on nearby residential properties from the roof gardens located at fourth floor level.

7.6.9. Daylight and Sunlight Analysis

7.6.10. For the purpose of clarity, the analysis below relates to the proposed development as set out in the application submitted to the planning authority on 15<sup>th</sup> April 2025.

7.6.11. Sections 3, 4 and 5 of the submitted Daylight and Sunlight Assessment relates to daylight in neighbouring buildings, sunlight in neighbouring buildings and sunlight to amenity in neighbouring properties, respectively. The Daylight and Sunlight assessments included in the report are prepared in accordance with BR 209:2022 Site Layout Planning for Daylight and Sunlight (third edition), also referred to as the BRE guidelines (2022), BS EN 17037:2018+A1:2021 Daylight in Buildings, also referred to as the UK Annex and IS EN 17037:2018 Daylight in Buildings.

7.6.12. Daylight in neighbouring buildings

7.6.13. In terms of assessment of adjoining dwellings, the BRE guidelines recommends that if a window retains a VSC (Vertical Sky Component) in excess of 27% with the proposed development in place then it will still receive enough daylight. If the existing VSC is below 27% or is reduced below 27% and below 0.8 times its former value then the diffuse light maybe adversely affected.

7.6.14. To examine daylight in neighbouring buildings post development, the windows of adjoining houses were assessed. The analysis includes assessment of Nos. 2 and 4 Lawrence Grove, Nos. 106, 111, 113, and 117 Howth Road, Nos. 3 and 4 St. Lawrence

View, Nos. 1, 2A, 3 - 14 Castle Court. Tables 6 to 12 inclusive of the report set out the results of daylight access to the aforementioned existing buildings.

- 7.6.15. The analysis confirms that when the proposed development is in place all windows assessed at Nos.106, 111, 113 and 117 Howth Road, No. 4 Lawrence Grove, Nos. 3 and 4 St. Lawrence View, Nos. 2A retain a VSC in excess of 27% or are not reduced below 80% of the existing VSC value and that ant potential loss of daylight will be negligible and meets the recommendations of the BRE guidelines BR209:2022.
- 7.6.16. An impact was noted on a window (7) on the side elevation of No. 2 St. Lawrence View. The analysis notes the room is served by a large window to the rear and considers the average reduction in VSC to 77.7% to be minor, marginally below the recommended 80%. An impact was also noted on a window (3) in the conservatory of No. 1 Castle Court. The analysis notes the conservatory is glazed on three sides and the roof and that the average ratio of VSC to windows 3 and 4 is 82.4%, a negligible reduction.
- 7.6.17. Conclusion: Based on the data and results presented in the analysis, the reduction in daylight to neighbouring buildings as a result of the proposed development would be negligible.
- 7.6.18. Sunlight in neighbouring buildings
- 7.6.19. In terms of assessment of relevant dwellings the BRE guidelines recommend assessing window walls for the APSH (Annual Probable Sunlight Hours) that face within 90 degrees of due south.
- 7.6.20. The analysis states the following: *For a proposed development to have a noticeable impact on the Annual Probable Sunlight Hours the value need to be reduced below the recommended 25% annual or 5% in the winter period from September to March. If the value is either below this to begin with or is reduced below this then it should not be reduced below 0.8 times its former value.*

- 7.6.21. Relevant south facing windows are in Nos. 2-4 St. Lawrence View, No. 1 Castle Court and Nos. 3 -14 Castle Court. Tables 13 to 15 inclusive of the report set out the results of sunlight in the aforementioned existing buildings.
- 7.6.22. The analysis confirms that a window (7) at No. 2 St. Lawrence View would not meet criteria. However the analysis notes the following: The front facing living space will achieve the target values set out for annual and winter probable sunlight hours and therefore No.2 St. Lawrence View meets the BRE recommendation for sunlight.
- 7.6.23. The analysis confirms that when the proposed development is in place the windows assessed at Nos. 3 and 4 St. Lawrence View, Nos. 3 and 4 St. will achieve the target values set out for annual and winter probable sunlight hours and therefore meet the BRE recommendation for sunlight.
- 7.6.24. In terms of above-mentioned houses at Castle Court, 50 windows were tested with the majority exceeding target values set out for annual and winter probable sunlight hours and meeting the BRE recommendations. Firstly a conservatory window (3) in No.1 Castle Court recorded an impact outside BRE recommendations in the winter period. The conservatory is dual aspect. Secondly a rear ground floor window (25) in 8 Castle Court also recorded an impact outside BRE recommendations in the winter period. The analysis notes that this window serves a room also served by two other windows and two rooflights and therefore will be no perceived loss of sunlight to this room as a result of the proposed development.
- 7.6.25. Conclusion: Based on the data and results presented in the analysis, the tested windows generally exceed target values set out for annual and winter probable sunlight hours and meet the BRE recommendations.
- 7.6.26. Sunlight to neighbouring amenity spaces
- 7.6.27. The BRE guidelines indicates that for an amenity space to have good quality sunlight throughout the year, 50% of the space should receive in excess of two hours sunlight on the 21<sup>st</sup> of March.

- 7.6.28. Private amenity spaces in the properties to the north-west and north-east of the proposed development was assessed for potential sun on the ground. Figure 14 of the analysis shows existing and proposed radiation map of amenity, indicating available sunlight on 21<sup>st</sup> of March.
- 7.6.29. Table 16 sets out the results in terms of the calculation of the sun on the ground to adjacent amenity areas and demonstrates that Nos. 7 and 8 Castle Court and No. 2 Lawrence View would be most affected by the proposed development but that adjoining amenity spaces tested meet the BRE criteria detailed in section 7.5.25 above.
- 7.6.30. Conclusion: Based on the data and results presented in the analysis, the neighbouring amenity spaces accord with the BRE criteria i.e. 50% of each tested space receives in excess of two hours sunlight on the 21<sup>st</sup> March.
- 7.6.31. Residential amenity of future occupants
- 7.6.32. Sections 6, 7 and 8 of the submitted Daylight and Sunlight Assessment assesses daylight and sunlight within the proposed development, and sunlight to amenity spaces, respectively.
- 7.6.33. Sunlight to amenity areas
- 7.6.34. The assessment relating to sunlight provision to amenity areas within the proposed development concludes that all public and communal amenity spaces are well orientated for sunlight and achieve two hours of sunlight on 21<sup>st</sup> of March in excess of 50% of the area.
- 7.6.35. Conclusion: The proposed development is considered to meet the recommendations of the BRE guidelines for gardens and open spaces.
- 7.6.36. FI request
- 7.6.37. The planning authority considered there was a lack of adequate information within the Daylight and Sunlight Assessment provided with the planning application, given that it

failed to provide an assessment of private open spaces of each proposed unit (balconies and terraces) and that an assessment of No Sky Line (NSL) in all habitable rooms had not been completed pursuant to Appendix 16 'Sunlight and Daylight' of the City Development Plan. BR 209 'Site layout and planning for daylight and sunlight describes the NSL as *"The outline on the working plane of the area from which no sky can be seen"*. Appendix C in BR 209 states that *"If a significant area of the working plane (normally no more than 20%) lies beyond the no sky line (i.e., it receives no direct skylight), then the distribution of daylight in the room will look poor and supplementary electric lighting will be required."*

7.6.38. Concern was also expressed by the planning authority that having reviewed Table A.1 Daylight Provision Room Schedule (Appendix B of the report) several 'fails' at LKDs and Bedrooms are noted. Furthermore, 13 units fall below the minimum recommended 1.5 direct sunlight hours, which is a significant number.

7.6.39. On foot of a FI request (Item 5) relating to the above matters, a revised Daylight and Sunlight Assessment was provided, relating to the revised proposal comprising 75 apartments across six floors. The revised Assessment noted that 58 of the 75 private amenity spaces (balconies / terraces) received in excess of 2 hours sunlight on the 21<sup>st</sup> of March, which equates to 77.3% of private amenity areas. (Appendix D of the revised Assessment refers).

7.6.40. No Sky Line (revised development)

7.6.41. The revised Assessment provides for No Sky Line given its reference in the Dublin City Development Plan 2022-2028 and finds that 96.8% of habitable rooms have sky visible over more than 80% of the assessment plane. The six rooms which do not meet the value are bedrooms which are considered to be less important in the BRE guidelines. (Appendix E of the revised Assessment refers).

7.6.42. Conclusion: Quantum of habitable rooms in the revised proposal with sky visibility over more than 80% of assessment plane is acceptable.

7.6.43. Daylight within proposed (revised) development

7.6.44. In terms of daylight provision within the revised development, the revised Assessment has assessed all habitable rooms for daylight provision by using the illuminance methods which assesses the daylight levels over at least 50% daylight hours in the year and uses a weather file data set. Compliance is demonstrated by a calculation of Daylight Provision with the illuminance method under BS EN 17037:2018+A1:2021. Table 18 sets out a summary of results which shows that 100% of rooms achieve the target values for daylight provision set out in the standard. Appendices A and B refer.

7.6.45. Conclusion: Daylight provision within the revised development is acceptable, with 100% of rooms achieving target values for daylight provision.

7.6.46. Sunlight within proposed (revised) development

7.6.47. In terms of sunlight provision within the revised development, the revised Assessment notes that BR209:2022 (third edition) and BS EN 17037 set out recommendations for sunlight hours to be achieved preferably in a main living space. The guidelines recommend the sunlight hours should be assessed, preferably on the 21<sup>st</sup> of March over the course of the day. The guidelines set three levels of achievement. Minimum 1.5 hours, Medium 3 hours, and High 4 hours. Table 20 sets out the summary of results of assessment of sunlight hours which shows that 65 out of 75 units (86.7%) have a window to a Living room or Kitchen / Dining room which face within 90 degrees south. In the revised development of 75 units, 81.3% have living spaces which achieve the minimum recommended 1.5 direct sunlight hours. (Appendix C of the revised Assessment refers).

7.6.48. Conclusion: Sunlight provision within the revised development is acceptable, with in excess of 81% of living spaces achieving minimum recommended amount of sunlight hours.

7.6.49. Overall conclusion relating to Sunlight and Daylight:

7.6.50. Having regard to the updated Daylight and Sunlight Assessment received at FI stage, the revised proposal which includes 75 residential units generally demonstrates compliance with guidelines relating to daylight and sunlight provision within the

development and its amenity areas and to neighbouring buildings and their amenity spaces.

7.6.51. Having regard to the Daylight and Sunlight Assessment received with the planning application, the proposed development as set out in the public notices, which includes 86 residential units, generally demonstrates compliance with guidelines relating to daylight and sunlight provision to neighbouring buildings and their amenity spaces. However no data was presented to assess private open spaces and the Daylight Provision Room Schedule indicated several fails within rooms across the proposed development. Similarly, there are 13 units within the proposed development which fail to meet the minimum recommended 1.5 direct sunlight hours, which is considered a significant number. Having regard to the foregoing, I consider the proposed development as applied for would adversely impact the residential amenity of future occupants and as such I consider that the first party appeal should not succeed..

#### **7.7. Impact on trees**

7.7.1. The applicant has submitted a tree survey and Arboricultural Impact Assessment (AIA) as part of the planning application documentation. The tree survey and AIA indicates there are 78 no. trees on site, the majority of which are Category B (18) and Category C (49) trees. There is one Category A tree, a mature sycamore, at the entrance to the site. The AIA states that the proposed development will necessitate the removal of all trees from within the site apart from two trees (T68 and T69) with the north-east corner of the site. The Tree Impact and Protection Plan (Ref. 24-542-03) identifies the trees proposed for removal.

7.7.2. Parks, Biodiversity and Landscape Services consider the extent of tree loss from the site to be significant and contrary to Dublin City Development Plan policy, namely Section 15.6.9 regarding retention of trees. Noting the very high tree loss (97% of existing trees) from the site, the planning authority requested, by way of FI, that the scheme be reviewed to facilitate greater tree retention and generous compensatory tree planting. In response, the documentation provided by the Landscape Architect indicates 66 trees are to be removed, with four to be retained at the north-eastern boundary. A total of 83 trees will be planted including semi-mature evergreen oak at the western boundary and a mix of native and ornamental trees elsewhere on site

providing amenity value. However, it is clear the proposed development will necessitate significant tree loss, with in excess of 90% of trees, including Category A and B trees, to be removed.

- 7.7.3. Section 15.6.9 of the Dublin City Development Plan 2022-2028 relates to Trees and Hedgerows and states the following: *Dublin City Council will seek to protect existing trees and hedgerows when granting planning permission for developments and will seek to ensure maximum retention, preservation and management of important trees, groups of trees, and hedges as set out in Section 10.5.7 of the plan.* Section 10.5.7 relates to Urban Forest.
- 7.7.4. The proposed development would conflict with Section 15.6.9 of the Dublin City Development Plan 2022-2028 and in my view it would constitute a Material Contravention of Section 15.6.9 of the Plan due to the significant quantum of trees to be removed from the site to facilitate the proposed development.
- 7.7.5. However, I advise the Commission that if it is minded to grant permission for the proposed development, it may do so, having regard to section 37(2)(a) of the Planning and Development Act 2000 as amended.

## **7.8. Car parking provision**

- 7.8.1. The third party appeal raises an issue about insufficient car parking provision serving the proposed development, with concerns that overspill parking from the apartment units would impact nearby roads at Castle Court and Lawrence Grove and may potentially cause a traffic hazard.
- 7.8.2. The appeal site is located within Zone 2 of Map J of the Dublin City Development Plan 2022-2028 which occurs alongside key public transport corridors where a maximum of 1 car parking space per unit could be permitted.
- 7.8.3. The proposed development provides for 46 no. basement level parking spaces. At surface level, 4 no. car parking spaces including 2 in connection with the proposed commercial uses and 2 for shared GoCar / visitor spaces are proposed, in addition to a set down area and a single parking space for delivery / service vehicles.

- 7.8.4. The Transport Report provided in support of the application justifies the proposed level of parking provision referencing the availability of public transport in the area and parking / set down areas proposed. The report refers to the Design Standards for Apartments, Guidelines for Planning Authorities (2023) which states that car parking should be substantially reduced or wholly eliminated in central and / or accessible urban locations.
- 7.8.5. The Transportation Planning Division raised concerns regarding under provision of car parking to serve the proposed development and that the ratio of car parking to residential units should be increased in addition to provision of four car club spaces and other measures to meet mobility needs of future residents. Given the nature of the proposed development comprising a mixed-use development of 86 residential units and two commercial units including a childcare facility and café, I would share the concerns of the planning authority regarding under provision of car parking on the site.
- 7.8.6. I note the revised proposal as submitted to the planning authority on 21<sup>st</sup> August 2025 provides for a reduction in the number of residential units from 86 to 75 and provision of a total of 52 no. parking spaces consisting of 6 no. spaces at surface level and 46 no. spaces at basement level. These are made up of 40 no. residential spaces, 4 no. car share spaces, 3 no. accessible spaces, 2 no. creche/café spaces, 2 no. motorcycle spaces (with the dimensions of car parking spaces) and 1 no. visitor parking space.
- 7.8.7. Given that the number of residential units has reduced to 75 as per the FI response and that the number of car parking spaces has increased on site to provide a residential car parking ratio of 0.55 (41 car parking spaces excluding 3 accessible spaces), and having regard to the highly accessible nature of the site on the Bus Connects H-Spine route, I consider there is adequate on-site car parking such that the likelihood of parking overspill occurring on nearby residential roads will be significantly reduced.
- 7.8.8. **Other issues**
- 7.8.9. Precedent cases

Sections 2.6 and 2.7 of the Architecture and Urban Design Statement set out a number of case studies / permitted apartment developments in the local and (mainly) wider area, referred to as 'precedents.' I note however that the majority of the cases specified are subject to a different zoning objective and/or located between 0.65km and 3.6km from the appeal site. As such, and noting the different contexts of the cases put forward by the applicant, in my opinion, they do not constitute precedents. This appeal case must be assessed and determined on its own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.

#### 7.8.10. Planning Authority conditions

7.8.11. Many of the conditions reflected in the planning authority's grant of permission are of a standard nature and would be appropriate for a mixed-use development.

7.8.12. As set out in section 7.5 of this report, Conditions 4 and 6 of the planning authority's grant of permission require omission of several units (10 in total), removal of the fifth floor and other design changes to be agreed in writing by the planning authority, prior to commencement. In my view, the changes to the proposed development pursuant to Conditions 4 and 6 are material and significant. In the absence of plans, drawings and visuals of the revised development as envisaged by the planning authority pursuant to Conditions 4 and 6, my view is that the current proposal for these lands should be refused.

#### 7.9. **Water Framework Directive – Screening**

7.9.1. The nearest surface water feature to the proposed development is the Tolka Estuary transitional waterbody located approximately 0.6km south of the proposed development. The Tolka river enters the South Dublin Bay and River Tolka SPA approximately 1.3km south-west of the proposed development. The proposed mixed-use development comprises demolition of two houses and outbuildings and construction of 86 no. apartments, café, and creche within a block ranging in height from 4 to 7 storeys above basement level and all associated works.

7.9.2. 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 & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reasons for this are as follows:

- The nature of works comprising a medium scale of development on a brownfield infill site zoned for residential development within an urban environment.
- Location-distance from nearest waterbodies and lack of direct hydrological connections from the site to any surface and transitional water bodies.
- Standard pollution controls that would be implemented.

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

#### **7.10. Appropriate Assessment**

7.10.1. An Appropriate Assessment Screening Report prepared by Scott Cawley was submitted with the planning application.

7.10.2. I have considered the proposed development of the construction of 86 no. apartments, a creche, a café and all associated site works in light of the requirements of Sections 177S and 177U of the Planning and Development Act 2000, as amended.

7.10.3. The subject lands are brownfield in nature and contain two detached houses and outbuildings. The surrounding area is developed in the form of predominantly residential units. The site is generally flat in terms of topography. There are no water courses on or adjoining the site. The area is served by public water supply and foul drainage. The nearest surface water feature to the proposed development is the Tolka Estuary transitional waterbody located approximately 600m south of the subject lands.

7.10.4. In accordance with section 177U (4) of the Planning and Development Act, 2000, as amended, I conclude that the proposed development (project) would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required. See Appendix 3 of this Inspector's Report.

7.10.5. This conclusion is based on:

- The nature and limited scale of the proposed development.
- The separation of the site from any European Sites through existing established urban development.
- The absence of ecological pathways to any European Site.
- Taking into account the Screening Report from Dublin City Council, the planning authority for the area.
- Scientific information provided in the AA Screening Report.

7.10.6. No measures intended to avoid or reduce harmful effects on European Sites were taken into consideration in reaching this conclusion.

## **8.0 Recommendation**

8.1. I recommend that permission be refused.

## **9.0 Reasons and Considerations**

1. The net residential density of both the proposed development of 86 apartments as applied for on the subject site at Howth Road, Dublin, zoned Z1 and the revised proposal of 75 apartments, as included in the response to the planning authority's Further Information request, is 197.5 dwellings per hectare and 172.2 dwellings per hectare respectively. Such densities would be contrary to both Appendix 3 of the Dublin City Development Plan 2022-2028 and Table 3.1 and Section 3.4 of the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024). As such, the proposed development would constitute overdevelopment on a brownfield

suburban site and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of its height, scale, density, massing and the resulting significant tree loss would have a detrimental impact on the established character of this part of the Howth Road, through the provision of a four to seven storey apartment development into an area primarily consisting of two storey houses. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would seriously injure the residential amenities of existing properties in the area through overlooking and noise impacts from proposed roof gardens, particularly in relation to properties at number 1 Castle Court and number 2 Saint Lawrence View. Furthermore, the future residential amenity of occupants would be negatively impacted due to a significant proportion of residential units within the proposed development falling below the minimum recommended direct sunlight hours quantum.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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John Duffy  
Planning Inspector  
3<sup>rd</sup> February 2026

## Form 1 - EIA Pre-Screening

### No EIAR Submitted

<b>Case Reference</b>	PL-500043-DN
<b>Proposed Development Summary</b>	Demolition of 2 houses and outbuildings and construction of a mixed use development comprising 86 no. apartments, café, and creche within block ranging in height from 4 to 7 storeys above basement level and all associated works.
<b>Development Address</b>	110 and 114 Howth Road, Clontarf, Dublin 3, D03 KV60 & D03 DE48.
<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 development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<p>Class 10(b)(i): Threshold of 500 dwellings. 86 dwellings are proposed.</p> <p>Class 10(b)(iv): Urban Development - Threshold of 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. Site size is given as 0.46 ha.</p> <p>Class 14: Works of demolition. Quantum of demolition not unlikely to have significant effects on the environment.</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>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500043-DN
<b>Proposed Development Summary</b>	Demolition of 2 houses and outbuildings and construction of a mixed use development comprising 86 no. apartments, café, and creche within block ranging in height from 4 to 7 storeys above basement level and all associated works.
<b>Development Address</b>	110 and 114 Howth Road, Clontarf, Dublin 3, D03 KV60 & D03 DE48.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>This is a mixed-use development comprising 86 apartments, a creche and a cafe on a brownfield urban infill site measuring 0.46ha. The site is presently used to accommodate two dwelling houses. Demolition of both houses are proposed in order to facilitate the proposed development.</p> <p>The proposed development would not result in the production of significant waste, or emissions of pollutants. Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> <p>The proposed development is not an integral part of any larger project and there are no cumulative considerations.</p> <p>The project will cause physical changes to the appearance of the site during the site development works.</p> <p>The project connects to the public water and wastewater systems which have sufficient capacity to cater for demands arising from the project.</p>
<b>Location of development</b>	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>

<p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is zoned Z1 ‘Sustainable Residential Neighbourhoods’ in the Dublin City Development Plan 2022-2028.</p> <p>The existing use on site is residential.</p> <p>The site is not within or immediately adjacent to any European Sites. The nearest European Sites are the South Dublin Bay and River Tolka Estuary SPA c0.62km to the south-west, and the North Dublin Bay SAC and the North Bull Island SPA both located c 2.3km to the south-east.</p> <p>There are no known sites of archaeological significance in the immediate vicinity of the site.</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><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>Some cumulative traffic impacts may arise during construction stage.</p> <p>No transboundary effects arise as a result of the proposed development.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>
<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	<p><b>Schedule 7A Information required to enable a Screening Determination to be carried out.</b></p> <p>Not applicable.</p>
<p><b>There is a real likelihood of significant effects on the environment.</b></p>	<p><b>EIAR required.</b></p> <p>Not applicable.</p>

## Appendix 3

### Screening the need for Appropriate Assessment

#### **Appropriate Assessment :Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

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

The proposed development comprises demolition of 2 houses and outbuildings and construction of a mixed use development comprising 86 no. apartments, café, and creche within block ranging in height from 4 to 7 storeys above basement level and all associated works.

The applicant submitted an Appropriate Assessment Screening Report prepared by Scott Cawley as part of the planning application documentation which concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites. Table 1 in the Screening Report titled '*Summary of Analysis of Likely Significant Effects on European Sites*' does not identify any European Site within the Zone of Influence of the proposed development.

The planning authority, within their assessment, considered that the proposed development would not be likely to have a significant effect individually, or in combination with other plans and projects, on the Natura 2000 network and that appropriate assessment is not therefore required.

#### **European Sites**

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The nearest European Sites are the South Dublin Bay and River Tolka Estuary SPA c 0.62km to the south-west, and North Dublin Bay SAC and North Bull Island SPA both located c 2.3km to the south-east.

There are no direct natural hydrological connections from the subject site to Dublin Bay.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

The proposed development site does not support populations of any fauna species linked with the Qualifying Interest / Special Conservation Interest populations of any European Site.

**Likely impacts of the project (alone or in combination)**

Surface water run-off and discharges from the proposed development will drain to the existing local surface water drainage network. Foul water will discharge to the sewer for onward treatment at the Ringsend WWTP. I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP, however, upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. I also note that evidence shows that negative effects to European sites are not arising.

Having regard to the distance separating the site to the nearby Natura 2000 site there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPA/SAC's identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natura 2000 sites located within the zone of influence.

### **Overall Conclusion**

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 Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and limited scale of the proposed development.
- The separation of the site from any European Sites through existing established urban development.
- The absence of ecological pathways to any European Site.
- Taking into account the Screening Report from Dublin City Council, the planning authority for the area.
- Scientific information provided in the AA Screening Report.

No mitigation measures are required to come to these conclusions.