



An
Coimisiún
Pleanála

Inspector's Report PL-500065-DS

Development	Three-storey for residential accommodation and all associated site works.
Location	Lands to the rear of Sisters Of The Holy Faith, Haddington Place (minor), Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	web2757/25
Applicant(s)	Granville Developments Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Granville Developments Limited
Observer(s)	Pembroke Road Association John Farrington and Michael McHale Board of Management of St. Christopher's Primary School

Yan Zhou

Date of Site Inspection

14th February 2026 & 18th February
2026

Inspector

Carol Hurley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	11
3.4. Third Party Observations	11
4.0 Planning History.....	13
5.0 Policy Context.....	14
5.3. Development Plan.....	15
5.5. Natural Heritage Designations	19
6.0 EIA Screening.....	19
7.0 The Appeal	19
7.1. Grounds of Appeal	19
7.2. Planning Authority Response.....	25
7.3. Observations.....	26
7.4. Further Responses	30
8.0 Assessment.....	31
9.0 Appropriate Assessment.....	56
10.0 Recommendation	57
11.0 Reasons and Considerations.....	57
12.0 Appendix 1	59
13.0 Appendix 2	62

1.0 Site Location and Description

- 1.1. The subject site is located on lands to the rear of Sisters of The Holy Faith, Haddington Place (minor), Dublin 4.
- 1.2. The site has a stated area of 0.084 hectares and consists of hardstanding. The site is bound by palisade fencing and stone wall to the north addressing Haddington Place.
- 1.3. The surrounding land uses consist of residential to the south, Gaelscoil Eoin to the west, Sisters of the Holy Faith Convent to the east and St. Christophers Primary School to the north. Lands to the east appear to be predominantly residential with mews laneway.
- 1.4. The building associated with the Sisters of The Holy Faith and St. Christophers Primary School are of a contemporary design idiom. Finishes to the Sisters of the Holy Faith consists of a muted brick and random rubble stone while finishes to St. Christophers Primary School consist of render addressing Haddington Place and red brick to Haddington Place to the west and Haddington Road to the north.
- 1.5. Access to the site is via Haddington Place (major) to the east. Haddington Place connects Haddington Road to the north with St. Marys Road to the south.
- 1.6. The site addresses Haddington Place which is a narrow roadway with cul de sac to the west. Footpaths are on the north and south sides in addition to double yellow lines on both sides of the road. The footpath on the south side of Haddington Place (minor) is narrow and has pinch points with light standards.
- 1.7. There is a garage for car parking associated with St. Christopher's school located directly opposite the appeal site. At time of site visit, cars entering the garage did so by reverse manoeuvre.
- 1.8. There is a double width footpath along the Haddington Place (major) to the east of the school, this is demarcated with pencil bollards. The roadway contains school zone painted signs.
- 1.9. There is on-site parking available to the east of the Sisters of the Holy Faith Convent at the southern end of Haddington Place (minor).

2.0 Proposed Development

- 2.1. The proposed development consists of the following;
- 2.2. Construction of a three-storey facility for the provision of residential accommodation and care to members of religious orders in need of care and will comprise of
- 38 no. bedrooms with en-suite. (4 no. bedrooms at ground floor level, 17 no. bedrooms at first floor level and 17 no. bedrooms at second floor level.)
 - Communal facilities at ground floor level including communal living areas, kitchens, chapel, library, reception/lounge, bin store, plant room, laundry room, stores, WC and office.
 - Provision of outdoor communal open space (239.9sqm) to the rear.
 - Provision of bike parking to the rear
 - Provision of pedestrian only access off Haddington Place
 - Landscaping, SuDS drainage, boundary treatments and all ancillary works necessary to facilitate the development.

Key Figures	
Number of Rooms	38
Site Area	0.084 (ha) 840 (sqm)
Ground Floor Area	508.10 (sqm)
Plot Ratio	1.66
Site Coverage	60.4%

The following documentation was received with the application along with standard drawings;

- Planning Report, prepared by Hughes Planning and Development Consultants.
- Design Statement, prepared by CDP Architecture.
- Schedule of Accommodation, prepared by CDP Architecture.

- Photomontages, prepared by CDP Architecture.
- Operational Waste Management Plan, prepared by Wave Dynamics Acoustics and Environmental.
- Outline Construction Management Plan, prepared by David Rehill Consulting.
- Site Specific Flood Risk Assessment, prepared by David Rehill Consulting.
- Engineering Services Report, prepared by David Rehill Consulting.
- Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau.
- Fire Safety Report, prepared by Ryan and Associates.

3.0 Planning Authority Decision

3.1. Decision

On the 19th September 2025, Dublin City Council issued a notification of a decision to refuse permission for the following reasons;

1. The proposed development, by the nature of its scale and location on a constrained infill site, with no provision within the site for the extensive vehicular activity which it would generate, would give rise to unacceptable levels of overspill vehicular activity on a narrow laneway. The proposed development would, therefore, endanger public safety by reason of a traffic hazard and obstruction of pedestrians, cyclists and other road users. Haddington Place (minor), a public road, is a key pedestrian/cyclist route providing access to two schools. The proposed development would create an undesirable precedent for similar type development, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature of the proposed development, a nursing home, it is considered that the lack of on-site car parking spaces for the proposed development would be seriously deficient and would be inadequate to cater for the parking demand generated. The proposed development would, therefore, be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and would not comply with car parking requirements, as set out in

the Dublin City Development Plan 2022 – 2028. The proposed development would create an undesirable precedent for similar type development, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development is reliant on upgrades to the public road on Haddington Place (minor) to facilitate safe pedestrian access, which are outside of the (red line) boundary. The proposed development would endanger public safety by reason of traffic hazard, as it has not been demonstrated that safe pedestrian access to the proposed development will be provided. The proposed development would create an undesirable precedent for similar type development, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the location and description of the subject site, details of the proposed development, the zoning objective for the site, planning history, consultee reports received, summary of the submissions and observations received, relevant Development Plan policies, objectives and standards, other relevant standards.

The assessment provides for environmental screenings in relation to Appropriate Assessment and Environmental Impact Assessment, which concludes that no further assessment is necessary.

The Planning Officer considered the nature of the proposed development as being within the definition of a 'nursing home' and as such was assessed in this regard which is a use listed as being permissible within the zoning objective.

No concern was raised regarding the use.

The design scale and height of the building was considered acceptable in addition to the site coverage and plot ratio being in keeping with the standards as set out in Appendix 3 of the Dublin City Development Plan 2022-2028.

No undue residential impact to the surrounding area was anticipated to arise from the proposed development.

Concern was raised in relation to the non-provision of car parking and the reliance on the public road for all parking, servicing, vehicular set down and pick up activities regard being had to the nature of the proposal as a nursing home.

Notwithstanding the Traffic Statement submitted which sought a relaxation of maximum car parking standards, the Planning Authority considered that the applicant had not provided a clear case to demonstrate a reduction in car parking need as per Appendix 5, Section 4 of the Development Plan.

The Planning Authority contended that the proposal would rely on upgrades to the public road to achieve the proposed widened footpath and building line set-back. No upgrades are proposed.

The Planning Authority concluded that the proposed development by virtue of the constrained infill site and location, with no provision within the site for the extensive vehicular activity which would be generated. The development would give rise to significant levels of overspill vehicular activity and would therefore endanger public safety by reason of traffic hazard. Haddington Place (Minor) is considered to be a key pedestrian/cyclist route providing access to two schools. The development was considered to be contrary to the proper planning and sustainable development of the area.

The report recommends that permission be refused in line with the decision issued.

3.2.2. Other Technical Reports

- Transportation Planning Division by report dated 29th August 2025 notes the observations of relevance to the division.
 - A maximum number of 15 staff are assumed for the proposed 38 bed elder care home.
 - Zero car parking is proposed.
 - Notes the context of the cul de sac, refers to the recent road changes in the school zone such as one way access from north to south on

Haddington Place, the narrowing of the carriageway in front of St. Christophers Primary School to facilitate a wider footpath, an accessible space located across from the subject site on Haddington Place, parking is restricted on the remainder of the road via double yellow lines.

- The footpath on the southern side of Haddington Place (minor) is 1.4m in width with the clear width reduced in places by a lamp post and signpost to 0.7m and 0.9m.
- The footpath on the northern side of Haddington Place (minor) is 1.3m in width and does not extend the whole length of the road, only in front of St. Christophers Primary School.
- The carriageway width is c. 4.8m widens to 5.7m towards the end.
- The building setback to facilitate a wider footpath in front of the site is noted but does not address the issue of the adjoining narrow footpath which provides access to Haddington Place (major).
- The proposed development is reliant on upgrades to the public road to facilitate safe pedestrian access which is outside the red line of the application site. No upgrades have been proposed and no letter of consent has been sought to include the road in the red line.
- The subject site is within Zone 2 of Map J of the Dublin City Development Plan and Table 2 sets out the maximum car parking requirements for nursing homes as 1 per 2 residents which equates to 19 no. spaces.
- No parking, set down or servicing spaces are proposed.
- The Traffic Statement does not reference the following criteria – impact on the amenities of surrounding properties or areas including overspill parking and impact on traffic safety including obstruction of road users.
- Serious concerns regarding overspill car parking and road safety together with the reliance on the public road for all parking, servicing, set down, pick up given the constraints of the local road network and the location within a school zone. Consideration must be given to the elderly demographic of occupants.

- Refers to refusal reason for ABP-314822-22 (4544/22) which related to a senior living development and the lack of car parking was deficient and would therefore be prejudicial to public safety by reason of traffic hazard.
- It is contended that a nursing home would have a significantly higher drop off/pick up/servicing requirements than an independent senior living development.
- The parking requirements of visitors and staff must be considered.
- The report recommended that revisions to the cycle provision should be sought in the event of a request for further information.
- The TTS details all refuse collection and servicing will be accommodated on Haddington Place (minor).
- The proposal to accommodate all setdown/ servicing activities on the public road is not acceptable given the location within a school zone on a key pedestrian/cyclist route.
- While not set out or quantified, vehicular activity is likely to be significant.
- Given the constrained nature of the site, the development by virtue of the scale and location with no provision within the site for the vehicular activity that would be generated would give rise to unacceptable levels of overspill vehicular activity on a narrow laneway. As a result the proposed development would endanger public safety by reason of a traffic hazard and obstruction of pedestrians, cyclists and other road users.
- The report refers to the OCMP and notes that construction traffic would have to be carefully managed and in the event of a grant of permission on appointment of the main contractor that a Construction Management Plan be submitted to and agreed in writing with the Planning Authority.
- Overall, the report recommends a refusal for 3 reasons. The reasons reflect those of the Planning Officers recommendation.
- Drainage Division by report dated 13th August 2025 states no objection to the development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

- Environmental Health by report dated 28th August 2025 recommends conditions to be included in the event of a grant of permission. Conditions relate to Construction Management Plan and Noise.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Third party submissions received by Dublin City Council can be summarised as follows;

- Transition between two zoning objectives and the need to avoid abrupt transitions in scale.
- Ambiguity regarding the who would be occupying the proposed development and for what duration. Layout more akin to student accommodation.
- Contention that the proposed development does not meet the criteria under Section 14.7.14 of the Dublin City Development Plan 2022-2028.
- Concerns regarding the future repurposing of the scheme to more general residential accommodation.
- Constitutes overdevelopment of the site.
- If permitted the development would landlock the two schools, would limit further growth and expansion of school facilities where urban land is scarce.
- Residential impact to surrounding properties including over-looking, loss of light (including from proposed screening measures) and potential noise pollution.
- SPPR1 of the Sustainable and Compact Settlement Guidelines 2024 should not be applied to mitigate for over-looking.
- Loss of light and visual impact including proximity and scale upon the school environment in addition to noise during construction.
- Reliance on boundary planting for screening measure is not robust or enforceable.
- The main entry/exit point for the children in St. Christophers School is via Haddington Place.

- Lack of consideration of the School Zone as part of the Safe Routes to School initiative.
- Lack of reference to the traffic calming measures installed by Dublin City Council such as the widening of the footpath on Haddington Lane and the allocation of a disabled parking bay on Haddington Lane (Minor).
- Traffic Impact Report appears aspirational rather than specific to the subject proposed use.
- The Traffic Impact Report encourages pedestrian and cyclist movements and the use of public transport however the documentation does not address the narrow footpath along Haddington Place.
- Danger associated with construction and operational traffic and the school users including parking conflicts on surrounding streets. The school start/finish times stated in the documentation are not the only collection times.
- The proposal does not adequately address the service activity associated with the use or provide for a set down.
- Construction associated noise impact to the school users.
- No provision made for parking, the development will generate traffic from staff, visitors, families and deliveries to the site.
- No internal provision of dining/kitchen arrangements, no staff office, staff bedrooms, inadequate laundry room.
- Inadequate outdoor space. Reference to the need to provide 25% of public open space for residential developments.
- Inadequate fire and emergency access.
- Inadequate social infrastructure capacity, the development would place unsustainable pressure on existing schools, healthcare clinics, parks and transport systems.
- To grant the proposed development would undermine the traffic calming measures implemented by Dublin City Council which have enhanced the safety in the area.

4.0 Planning History

4.1. Subject site

PA Ref: 2658/14 – Grant permission for 3 years for 2 no. single temporary accommodation building units to house 4 no. classrooms.

PA Ref: 3937/18 – Grant permission for 1 year (until end of August 2019) for 2 no. single storey temporary accommodation building units, housing 4 no. classrooms.

PL 29S.233816 (PA Ref 4244/08) – Grant permission for the demolition of the former school and the construction of houses and apartments and all associated site works, the construction of a new convent and change of use of No. 4 and 6 Haddington Road from convent to residential.

Condition No. 2 – The area marked Site C (as shown on Map 01 Section 2.0 of the Planning Report prepared by OMS Architects, received by the planning authority on the 28th day of August, 2008) shall remain as institutional/open space unless authorised by a further grant of planning permission. This area shall not be used as a site compound during the construction period.

REASON: In the interest of community amenity.

PA Ref 3883/10 – Permission granted for alterations to previously approved two and three storey convent development, revisions stated to include revised floor plans (modest increase), new basement area of 163sqm, a three car garage relocated from Haddington Place (Major) to Haddington Place (Minor), provision of private courtyard to south of the site and provision of 8 bedroom units in lieu of 7 bedroom units.

Condition No. 8 – The terms and conditions of the permission for the original development, which issued under Ref.Ref. 4244/08, An Bord Pleanala Ref. PL.29S.233816 shall be fully complied with, except where modified by this permission.

Reason: To provide for an acceptable standard of development.

PA Ref 3413/11 – Permission granted for revisions to PL29S.233816 and PA Ref. 3883/10 for the omission of a portion of the approved development relating to the site of St. Marys Secondary School. The revisions consisted of omission of 11 no. houses, 2 no. apartments and the continuation of the existing school buildings on the site as

an educational facility. The remainder of the development to be carried out in accordance with PL29S.233816 and PA.Ref. 3883/10.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework

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 38

Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.

National Policy Objective 40

Local planning, housing, health facilities and services, transport/ accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.

5.2. Regional Policy

5.2.1. Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy

RPO 9.1

Local authorities shall ensure the integration of age friendly and family friendly strategies in development plans and other relevant local policy and decision making, including provision for flexible housing typologies, buildings and public spaces that are designed so that everyone, including older people, disabled people and people with young children can move around with ease, avoiding separation or segregation.

5.3. Development Plan

The Dublin City Council Development Plan 2022-2028 is the operative plan for the area.

The Development Plan came into effect on 14th December 2022.

The lands are zoned Z15 – Community and Social Infrastructure, the objective of which seeks *‘To protect and provide for community uses and social infrastructure’*

Relevant Policy

Policy QHSN23 – Independent Living, support the concept of independent living and assisted living for older people.

Section 14.7.14 – Community and Social Infrastructure – Zone 15

These lands comprise a variety of uses consisting of long-established complexes of institutional / community buildings and associated open grounds. Existing uses generally include community, social or institutional development such as schools, colleges, sports grounds, residential institutions and healthcare institutions.

These uses are essential to provide adequate community and social infrastructure to facilitate compact growth and the principle of the 15-minute city.

It is the policy of Dublin City Council to promote the retention, protection and enhancement of the city’s Z15 lands.

The policy sets out criteria for (a) development on Z15 lands and (b) development following cessation of Z15 use.

In respect of (a), proposals for limited residential / commercial development will only be permitted in exceptional circumstances where the applicant can demonstrate that the proposed development is required in order to maintain or enhance the function of the primary institutional /social/community use on the lands.

Six criteria are required to be met for development on these lands, however the criteria do not apply to assisted living / retirement home.

In respect of (b), development following cessation of Z15 use, this is not applicable in this instance.

A Masterplan is required for sites larger than 1ha for scenario A or B. The Masterplan is required to set out the vision for the lands and demonstrate that a minimum of 25% of overall development site/lands is retained for open space and/or community and social facilities. This requirement is not applicable if the footprint of the existing building to be retained on the site exceeds 50% of the total site area.

Section 15.5.2 – Infill Development

Infill development refers to lands between or to the rear of existing buildings which is capable of being redeveloped. Infill development should complement the existing streetscape.

Section 15.8.2 – Community and Social Audit

Applications for large residential developments or mixed-use developments should include provision for community type uses. This applies to all developments comprising 50 or more residential units. The purpose is to assess the provision of community facilities and infrastructure within the vicinity of the and to identify whether there is a need to provide additional facilities.

Section 15.9.17 – Separation Distances (Apartments)

Traditionally a minimum distance of 22m is required between opposing first floor windows. It is set out that in certain instances, depending on orientation and location in built up areas, reduced separation distances maybe acceptable. Separation distances will be assessed on a case-by-case basis.

In all instances, where minimum distances are not met, each development will be assessed on a case-by-case basis having regard to the specific site constraints.

Section 15.13.7 – Nursing Homes / Assisted Living

The need for nursing homes, regard being had to the aging population. Such uses should be integrated wherever possible into the established residential areas of the city, well served by community infrastructure and amenities. Future residents should expect reasonable access to local services.

Certain criteria are set out in respect of a change of use of a residential dwelling or other building into a nursing/elder care home such as

- Compliance with standards as set down in the S.I. No. 293 of 2016, Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2016.
- Compliance with HQIA
- The effect on the amenities of adjoining properties.
- Adequacy of off-street parking
- Suitable private open space
- Design and scale of the facility
- Proximity of high-quality public transport links and provision of good footpath links.

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

Appendix 5

Section 4.3.8 – Mews Parking

Refers to the provision of parking within mews lanes. Potential mews lanes are required to have a minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided.)

Considers that all mews lanes are shared surfaces and footpaths need not necessarily be provided, save for lanes where existing footpaths are present.

Section 8.2 Road and Footpath Standards.

This section refers to the Design Manual for Urban Roads and Streets (DMURS). This encourages an integrated design approach which views the street as a multi-functional space. All developments shall be constructed in accordance with DMURS.

All roads and footpaths within developments shall be constructed to Taking in Charge standards (Construction Standards for Road and Street Works in Dublin City Council (2020)).

Appendix 15 Land Use Definitions

Assisted Living / Retirement Home

Semi-independent housing accommodation specifically designed to meet the needs of older people and persons with disabilities in which dining, recreation, hygiene and health care facilities can be shared on a communal basis.

Buildings for the Health, Safety or Welfare of the Public

Use of a building, or part thereof, as a health centre or clinic or for the provision of any medical or health services (but not the use of a house of a consultant or practitioner; or any building attached to the house or within the curtilage thereof, for that purpose), hospital, nursing home, day centre and any other building for:

- The provision of residential accommodation and care to people in need of care (but not the use of a dwelling house for that purpose);
- The use as a residential school, college or training centre.

For the purposes of clarity, there is no definition of a nursing home.

*(*I note that an Observation submits that the proposal would be contrary to the following Policies QH1, QH8, SC25 and QH22, on review of the Dublin City Development Plan 2022-2028 I could not identify these policies)*

5.4. Section 28 Guidelines

- Design Manual for Urban Roads and Streets (DMURS)
 - Seeks to achieve well designed streets and the need to facilitate more sustainable forms of transportation including, walking, cycling and public transport with the focus on minimising car generated trips.
- Sustainable and Compact Settlements, Guidelines for Planning Authorities.
 - SPPR1 – Separation Distances

This SPPR relates to separation distances for residential developments and sets out that it is specific planning policy that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level.

There shall be no specified minimum separation distance at ground floor level or to the front of houses, duplex units and apartments units in

statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

5.5. Natural Heritage Designations

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

The appeal site is located c. 218m to the southeast of the Grand Canal pNHA (002104). Dublin Bay pNHA (000210) is located c. 1.749km to the east.

The appeal site is located c. 1.749km to the west of the Special Area of Conservation for South Dublin Bay (000210) and the Special Protection Area for South Dublin Bay and River Tolka Estuary (004024).

6.0 EIA Screening

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

See completed Form 1 and 2 on file.

7.0 The Appeal

7.1. Grounds of Appeal

The Commission received a 1st Party Appeal against the decision of the Planning Authority to refuse permission for the proposed development on the 14th October 2025. The grounds of the appeal can be summarised as follows:

- Mischaracterisation of the proposed use
 - The Planning Authority incorrectly assessed the proposal as a nursing home use under Section 15.13.7 of the Dublin City Development Plan 2022-2028. The proposed development will not operate nor function as a nursing home.
 - The use will function as the provision of independent residential accommodation for retired members of religious orders who are capable of living autonomously, requiring only minimal visiting support.
 - The level of care envisaged would be intermittent and non-institutional in the form of occasional visits from healthcare professionals rather than continuous medical oversight as would be required in a nursing home.
 - The applicant submits that the appropriate similar use would be assisted or senior living accommodation but not a nursing home governed by HIQA Standards.
 - It is contended that this mischaracterisation of the use formed the basis of the refusal reason No. 1 and 2. This led to the application of planning policies and development standards that are neither relevant or appropriate.
 - The building is anticipated to function like a large, shared dwelling rather than an institutional care facility.
 - The use would represent a continuation of the established use of the convent on the adjacent site to the east.
 - Residents will live independently with only limited visiting care or assistance if required.
 - Reference is made to The Health (Nursing Homes) Act, 1990, Section 2(1) which sets out a definition of a nursing home and specific reference to item (h)

2.—(1) In this Act, except where the context otherwise requires, “nursing home”, subject to subsection (2), means an institution for the care and maintenance of more than two dependent persons excluding—

premises in which a majority of the persons being maintained are members of a religious order or priests of any religion (other than premises in relation to which a payment has been made under section 7), but maintenance by a person of his spouse or of a parent, step-parent, child, step-child, grandchild, brother, step-brother, sister, step-sister, uncle, aunt, niece or nephew of the person or of his spouse shall, for the purposes of this definition, be disregarded.

- Considering the above and given the intended occupants, the development cannot be considered as being a nursing home.
- The HIQA framework governs registered care institutions providing continuing nursing and personal care under statutory oversight. It does not extend to independent or non-registered residential accommodation such as the proposed development.
- The operational model, as provided by Red Rock Developments demonstrates that the care provision is intermittent and visiting in nature.
- No staff will reside on site, no shift-based care operates and there is no 24 hour presence.
- The basis for refusal reason no. 2 is therefore unsupported when the correct classification is applied.
- The applicant has included a table comparing a typical nursing home use and the proposed development.
- It is contended that the Planning Authorities assessment was predicated on an erroneous understanding of the proposed use.
- For the avoidance of doubt, the applicant would be satisfied to accept a condition explicitly confirming that the permitted development shall operate as residential accommodation for retired members of religious orders and shall not be used as a nursing home or other institutional care facility.
- Traffic, Access and Pedestrian Safety
 - The appeal is accompanied by a submission prepared by NRB Consulting Engineers which reiterates that the proposed development will give rise to exceptionally low levels of vehicular movement, will

operate safely within the existing shared surface laneway and fully complies with Appendix 5 of the Dublin City Development Plan 2022-2028 and DMURS.

- The Planning Authority's conclusion that the proposal would endanger public safety by reason of a traffic hazard and obstruction of road users is not supported by any quantitative analysis.
- Data from the industry standard Trip Rate Information System Computer System (TRICS) demonstrates that a residential scheme of this scale would generate six vehicular movements in the AM and PM peak hours combined. This equates to one car movement every twenty minutes. The daily traffic volume would therefore amount to roughly 80 vehicle trips per day (two way AADT).
- The original submission to the Planning Authority included a Mobility Management Plan
- The consulting engineers treat this as a likely/worst case scenario with on site parking provided. In practice given the sites accessible location and omission of parking, actual vehicular movements will be limited.
- The inferred 'extensive vehicular activity' and 'overspill traffic' is unsupported and that the development would have a negligible impact on the local road network.
- The Planners report refers to the 'narrow nature of the laneway' as a constraint to safe operation, however this assessment does not reflect the current design guidance for shared surface mews lanes, as per Section 4.3.8 of the Appendix 5 of the Development Plan and DMURS.
- Haddington Place (minor) is a two-way road with footpaths on both sides and provides for low speeds, adequate sightlines and step-in margins for pedestrian refuge.
- The shared surface naturally calms traffic and promotes pedestrian priority in accordance with DMURS, which specifically encourages self-regulating low speed streets.

- NRB's swept path assessment and professional design input confirm that access and servicing can occur safely and efficiently.
- The assertion that the development would endanger public safety by excessive vehicular traffic or inadequate pedestrian provision is without foundation.
- **Appropriate Car Parking Provision**
 - In terms of parking provision, if assessed as residential accommodation for elderly persons in a highly accessible inner urban location, the proposed car free strategy is consistent with national policy (Sustainable and Compact Settlements Guidelines 2024 and Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025) and with the Development Plans maximum parking approach for highly accessible sites.
 - The Planning Authority's concerns in relation to parking and access derive from its assessment as a nursing home use. On this basis parking and access requirements were applied which are intended for institutional care facilities rather than residential development.
 - The absence of on-site car parking does not constitute a 'serious deficiency' but reflects best practice and policy compliance for developments of this nature.
 - The site is in walkable proximity to high quality public transport;
 - Between Grand Canal Dock and Landsdowne Road DART Stations (c.800m) with Grand Canal Dock being c.13 minutes' walk.
 - Haddington Road and St. Marys Road South bus stops are c. 9 minutes' walk and served by routes 4,7, 7A and 120 providing cross-city connectivity.
 - Short duration set down can be managed through time-controlled windows and via a Delivery and Servicing Plan and any minor frontage works can be conditioned.

- Notwithstanding the car free proposal, two alternative design approaches have been provided which demonstrate the provision of 4 no. car parking spaces and 6no. car parking spaces respectively.
- The applicants contends that in accordance with SPPR3 of the Sustainable and Compact Settlement Guidelines for Planning Authorities car parking at such a centrally located and highly accessible site should be substantially reduced or wholly eliminated.
 - Compliance with the Z15 Zoning Objective
 - The subject site is not located within an Architectural Conservation Area.
 - The development represents an appropriate and contextually sensitive form of residential accommodation for retired members of religious orders directly complementary with the existing Sisters of the Holy Faith Convent that adjoins the site.
 - The development would enable aging members of a religious order to continue residing within an established religious community in proximity to an existing place of worship and ministry, thereby reinforcing the existing institutional and social function of the Z15 lands.
 - As such the development falls within the permissible uses class such as assisted living/retirement home and buildings for the health, safety and welfare of the public.
 - The proposed use is not a nursing home.
 - Appendix 15 of the Development Plan defines “Buildings for the Health, Safety or Welfare of the Public” as including facilities for the “provision of residential accommodation and care to people in need of care”. The proposed development would provide minimal and intermittent support only consistent with residential accommodation and visiting assistance rather than institutional care.
 - The subject site is below the threshold of 1 hectare for the requirement for the provision of a masterplan as part of the Z15 Zoning Objective.

- Reference is made to Planning Authority Reference 4244/08 which identified the current site for future residential development and that the proposed development is entirely consistent with the earlier framework.
- Acknowledge that the Planning Authority accepted the proposed design, scale and height as being consistent with the established context.
- Consistency with National and Regional Policy Objectives
 - The proposed development is consistent with the overarching objectives of national, regional and local planning policy.

The applicant provided two alternative options for consideration by the Commission;

Option 1

An amendment to the ground floor level of the development to include the provision of four on site car parking spaces within the front forecourt of the development.

This parking would be perpendicular to the shared surface of Haddington Place.

This layout allows for a clear pedestrian route along the building frontage and maintains a landscaped buffer and bin store.

This option provides 194.5sqm of communal open space.

Option 2

This option provides an expanded layout with the provision of six car parking spaces which is achieved through a marginal reconfiguration of the forecourt area.

This option provides 194.5sqm of communal open space.

7.2. Planning Authority Response

Dublin City Council by letter dated 28th October 2025 can be summarised as follows;

- Request that An Coimisiun Pleanala uphold the decision of Dublin City Council to refuse permission.
- In the event that permission is granted, it is requested that the following conditions be applied.
- Payment of a Section 48 Development Contribution.

- Payment of a bond.
- Naming and numbering.

7.3. Observations

The observation received on behalf of Yan Zhou can be summarised as follows;

- In reference to the sunlight/daylight assessment which confirms that there will be ‘minor adverse’ impacts to at least five windows including those at No. 14 Haddington Place. These effects are contended to be adverse and constitute a material reduction in daylight and sunlight upon the parties home.
- Reference is made to case law in this regard, *Madden V An Bord Pleanala [2012] IEHC 306*.
- The Dublin City Development Plan 2022-2028 requires the protection of residential amenity, including access to daylight and sunlight.
- The proposed development would amount to a loss of privacy and subsequent contravention of the Dublin City Development Plan.
- The proximity and design would lead to significant over-looking into private gardens and habitable rooms.
- Reference is made to case law in this regard, *McNamara v An Bord Pleanala [1995] 2ILRM 125*.
- The proposal conflicts with Policy QH1, QH8, SC25 and QH 22 of the Dublin City Development Plan 2022-2028.
- Reference is made to case law in this regard, *Dundrum Retail Partnership v Dun Laoghaire CC [2003] IIR476*, whereby planning authorities must ensure consistency with their own plans.
- Noise and disturbance during the construction phase.
- Reference is made to case law in this regard, *Hanranhan v Merck, Sharp and Dohme [1988] ILRM 629*.
- Operational noise will also cause disturbance.

- Construction traffic will cause congestion and give rise to risks to pedestrians and children.
- Reference is made to case law in this regard, *O’Grianna v An Bord Pleanala* [2014] IEHC 632, whereby planning authorities must consider traffic and convenience.
- The nature of the development amounts to overdevelopment.
- As per the UN Convention on the Rights of the Child, children are entitled to enjoy a safe and healthy learning environment.
- Inadequate fire and emergency access.
- Inadequate social infrastructure capacity.
- Reference to case law in this regard, *Glanbia Foods v An Bord Pleanala* [2016] IEHC 322 as it relates to the failure to adequately assess community capacity constitutes inappropriate planning.

The Observation received from The Board of Management, St. Christophers Primary School, can be summarised as follows;

- Lack of consultation with the school. Images used are out of date.
- Proposed development fails to comply with Section 15.5.2 of the Dublin City Development Plan 2022-2028 as it does not demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and details of existing buildings’.
- The proposed development would landlock two schools, limiting future expansion of community facilities.
- The proposal does not reflect the impact it would have upon neighbouring social infrastructure.
- Difficult to assess the impact on daylight and over-looking.
- Impact to the school during construction and operation in terms of loss of light.
- Concerns regarding the functionality as a nursing home.
- Applicable nursing home standards should apply.

- Confusion remains regarding who the occupants will be and for how long.
- Construction traffic concerns being immediately proximate to the school with 600 children in attendance. This has not been sufficiently addressed in the OCMP in addition to consideration of emissions and disruption and parking and set down.
- How will dust and dirt generated be dealt with and impacts to the new soft play astro turf area and external white walls of the school.
- Lack of regard to the School Zone implemented under the Safe Routes to School by Dublin City Council.
- Compliance with DMURS should be required.
- Future traffic plans are contradictory in terms of future occupants and how services will access the building.
- Inadequate infrastructure to support a 'walk wheel cycle'.
- Request conditions to be attached in the event of a grant of permission. These include restriction on construction vehicle hours, safe access, CMP, mitigation for over-looking, design changes, dust and noise control, restrict change of use and footpath clarification.

The observation received from Pembroke Road Association can be summarised as follows;

- Ambiguity regarding the proposed use, the applicant's contention and the details provided on the plans in terms of inadequate amenities.
- Inadequate fire and emergency access.
- Cycle parking is not well considered – no e-bike charging facilities or cargo bike spaces or mobility scooters.
- Inadequate communal open space.
- How will construction be managed with the constrained nature of the site.
- Archaeological assessment was required as part of PL29S.243030 due to the proximity to extant Baggotrath Castle, a Recorded Monument.

- The proposed development represents a commercial development and is contrary to the Z15 Zoning.
- There is no architectural, ecological or environmental offering to the street arising from the building.

The Observation received on behalf of John Farrington and Michael McHale, can be summarised as follows;

- Section 15.13.7 of the Dublin City Development Plan 2022-2028 relates to nursing homes and assisted living, and consideration of the seven bullet points must be taken into account.
- The accommodation to be provided to retired members of religious orders is irrelevant in terms of the level of support and activity that will be generated by the proposed development.
- No age ranges and levels of support the residents will require is provided as part of the application.
- The proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users.
- The Observers home bounds most of the southern boundary of the appeal site which includes windows at first floor level that are 5.9m and 10m from the shared boundary. The development would offer significant over-looking.
- Concern regarding the use of SPPR1 to address over-looking as the development is not a house or a duplex
- The separation distance between these windows and that of the windows associated with the subject development is inadequate.
- The separation distance should be greater than 16m.
- The rationale and justification of the applicant's interpretation of the nature of the use is flawed. The first party claim that the level of support that will be required is moderate. The floor plans indicate this to be a quasi-residential development.
- From a land use planning perspective, the proposed development contains many characteristics of a nursing home.

- The first party claims that the proposed development is designed to provide independent, residential accommodation for retired members of religious orders who can live autonomously and who require only limited, visiting support. The design of the development does not reflect this in any way.
- There are no understanding of the proposed use and no basis for claiming this forms a larger scale parochial type house.
- The assessment of the Transportation Planning Section was correct, and this remains the case whether the use is considered as a nursing home or a quasi-nursing home for retired members of a religious order.
- No attempt is proposed to address the poor footpath which is narrow.
- The existing disability parking space on the road would be lost as a result of the proposed development.
- The alternative scheme with 4 or 6 car parking spaces does not address the imbalance being proposed in this instance.
- The alternative schemes do not address the traffic implications associated with the proposed development.
- The number of residents and staff would result in traffic movements and haphazard parking.
- There is no capacity to absorb the development without serious negative impact to the traffic environment of the area.
- The proposed development constitutes over development of the subject site that is unjustified in terms of the use.
- In terms of the alternative schemes, Option 1 and 2 would see the bin store being relocated from the original integrated approach on the front elevation to being proximate to the observers boundary, giving rise to overbearance impact.
- Neither of the alternative approaches address the reasons for refusal.

7.4. Further Responses

None

8.0 Assessment

Having examined the application details and all other documentation on file, including the appeal, having inspected the site and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Use and Principle of Development
- Visual Integration
- Servicing and Additional Vehicular Activity
- Construction Management
- Pedestrian Facilities
- Car Parking
- Impact to Surrounding Area
- Daylight and Sunlight
- Carrying Capacity of Social Infrastructure
- Alternative Options
- Other Issues.
- Water Framework Directive
- Appropriate Assessment

8.1. Use and Principle of Development

8.1.1. The Planning Authority contended that the proposed development would be akin to a nursing home and the use was assessed as such. The Planning Authority accepted the use and raised no concerns in relation to the Zoning Objective (Z15).

8.1.2. I note that the first party contends that the overall use was misinterpreted by the Planning Authority and as such was incorrectly assessed which resulted in the negative outcome.

8.1.3. The applicant submits that the use will not operate as nor function as a nursing home. The intended use of the proposed development would be for retired members of

religious orders who are capable of living autonomously requiring only minimal visiting support.

- 8.1.4. The occupants would require intermittent care rather than continuous medical oversight.
- 8.1.5. It is submitted by the applicant that the most appropriate similar use would be assisted living or senior living accommodation.
- 8.1.6. I note that while Section 15.13.7 of the Dublin City Development Plan 2022-2028 refers to a use as 'Nursing Home', there is no such definition of this land use in Appendix 15 nor is there a reference to the specific use within the permissible uses or uses open for consideration in the Z15 Zoning Objective.
- 8.1.7. Appendix 15 of the Development Plan describes Assisted Living/ Retirement Home as being 'Semi-independent housing accommodation specifically designed to meet the needs of older persons and persons with disabilities in which dining, recreation, hygiene and health care facilities can be shared on a communal basis.
- 8.1.8. I note the concerns raised by Observers regarding the functionality of the use as a nursing home. It is submitted that the facility is likely to transition to a nursing home type care model and on that basis the relevant Nursing Home standards and associated Development Plan requirements should be assessed.
- 8.1.9. The concerns are noted; however, I do not agree that certain standards should be applied at the present time in advance of a potential change of use in the future.
- 8.1.10. As per the applicant's satisfaction, I would recommend that a condition be attached in the event of a grant of permission that specifically authorises the use as sought and any other subsequent change of use that maybe sought in the future would be required to seek planning permission.
- 8.1.11. Furthermore, I note the applicant's contention that the development is essentially one large residence, and the Observers associated concerns regarding the use being 'residential accommodation' and given the zoning objective this would require a variation or material contravention of the development plan.
- 8.1.12. Having regard to the context of the intended occupants together with the 'care' regimen set out, I am satisfied that the use is that of assisted living/retirement home. This use is acceptable in principle within the Z15 Zoning Objective.

- 8.1.13. I do not consider that the proposed development constitutes typical own door residential accommodation and I am satisfied that the ambiguity over intended occupants is clearly set out in the First Party submission.
- 8.1.14. I am also satisfied that the use would be consistent with the surrounding established uses, i.e. Sisters of the Holy Faith Convent to the east, St. Christophers Primary School to the northeast, Gaelscoil Eoin to the west and St. Marys Catholic Church to the northwest.
- 8.1.15. Notwithstanding the foregoing, I note the requirements of the Z15 Zoning Objective regarding the need to provide a masterplan which sets out the vision for the lands in addition to demonstrating that a minimum of 25% of the overall development site/lands would be retained for open space and/or community and social facilities.
- 8.1.16. I note that the Dublin City Development Plan 2022-2028 sets this requirement for sites larger than 1 hectare. I acknowledge that this site is less than 1 hectare.
- 8.1.17. I refer to PL29S.233816 (PA Ref 4244/08) and in particular, Condition no. 2 of the decision to grant permission which refers to the area marked as Site C as shown on Map 01 Section 2.0 of the Planning Report prepared by OMS Architects received by the Planning Authority on 28th August 2008 and which is stated shall remain as institutional / open space unless authorised by a further grant of planning permission.
- 8.1.18. The applicants appeal submission refers to this permitted development but only in the manner to set out that development of the subject site would be consistent with that of the earlier framework. The report of the Planning Authority does not refer to this restriction as set out in Condition No.2 of PL29S.233816.
- 8.1.19. From review of the plans associated with PL29S.233816, I note that the aforementioned Site C, overlaps with the current appeal site.
- 8.1.20. However, having regard to the wording of Condition No. 2 of PL29S.233816, I am satisfied that there are no implications for the proposed development on the subject lands.
- 8.1.21. The primary use of the overall Z15 lands are institutional and the use of the subject development would be complementary.

8.2. Visual Integration

- 8.2.1. I am satisfied that the proposed development does not have increased height or density over the existing prevailing context and as such assessment against the performance criteria set out in Table 3 of Appendix 3 of the Dublin City Development Plan 2022-2028 is not necessary.
- 8.2.2. I note the concerns raised which contend that the proposed development does not comply with Section 15.5.2 of the Dublin City Development Plan 2022-2028.
- 8.2.3. The subject site is not located within an Architectural Conservation Area or Conservation Area nor does the property immediately adjoin a Protected Structure.
- 8.2.4. The Planning Authority did not raise any concerns in relation to the proposed design and integration of the development within the surrounding streetscape.
- 8.2.5. I am satisfied that the design has a simple contemporary approach with a high-quality palette of materials. Having regard to the new insertions into the streetscape of St. Christophers Primary School and the Sisters of the Holy Faith Convent, each of which have a contemporary approach, the proposed development would integrate appropriately within the streetscape with no undue impact.
- 8.2.6. I do not agree with the Observers contention that the proposed development is not respectful of the scale and character of the surrounding neighbourhood. I would submit that the Photomontage 'Proposed View 01' clearly demonstrates that the proposed development is reflective of the surrounding scale.
- 8.2.7. As per Section 15.5.2 of the Dublin City Development Plan, the proposed development would complement the existing streetscape and respects and enhances the context.

8.3. Servicing and Additional Vehicular Activity

- 8.3.1. The first reason for refusal relates to the constrained nature of the infill site which has no provision within the site to accommodate the extensive vehicular activity which the use would generate. The reason contends that the lack of such on-site provision would give rise to unacceptable levels of overspill vehicular activity on a narrow laneway.
- 8.3.2. Save for overspill arising from the issue of car parking, I consider that the use on the appeal site will generate other vehicular traffic for servicing requirements such as refuse collection, laundry, food delivery and likely maintenance. The latter would likely occur in an ad hoc and unplanned manner.

- 8.3.3. Section 2.4 of Appendix 5 of the Dublin City Development Plan sets out the requirements for service delivery and access strategy.
- 8.3.4. The applicant addresses servicing in Section 4.0 'Servicing Strategy/Plan within the Traffic Statement and Mobility Management Plan as submitted to the Planning Authority on 26th July 2025.
- 8.3.5. It is stated that deliveries and refuse collection would be made mainly off peak but notwithstanding the foregoing, there will be clearly a requirement for servicing. The proposed development is to be fully serviced from the roadway on Haddington Place (minor), with the applicant noting that double yellow lines are provided along the perimeter. It is indicated that other than weekly refuse collections, any infrequent deliveries to the site will be by small to medium sized vehicles such as a transit van and rarely the need for a larger vehicle such as a 7.5t box van or smaller rigid bodied truck. These vehicles are proposed to be accommodated at surface level, and it is stated that most of the vehicles could utilise the turning facility at the cul de sac to exit Haddington Place (minor) in forward gear. No tracking of these vehicles has been demonstrated in this regard.
- 8.3.6. The First Party submission states that deliveries would not be beyond typical domestic needs.
- 8.3.7. It is my contention that a communal residence with 38 no. occupants is likely to be quite different from a residential unit-based development in terms of larger vehicles for servicing requirements and the associated vehicular activity they will create.
- 8.3.8. Having regard to Appendix C of the First Party Submission, in addition to other staff, it is indicated that a cook would be present for four hours either side of lunchtime seven days a week. I would consider that a centrally run kitchen to accommodate for 38 no. residents would generate a delivery requirement alone that would be significantly different to that of a typical domestic dwelling.
- 8.3.9. I would also submit that the indicated laundry area would not appear to cater on-site for the laundry requirements of 38 people and laundry would likely be undertaken by external servicing.

- 8.3.10. It is stated that the refuse service provider will be responsible for the movement of bins from the bin storage area to the kerbside and the return of same to the storage area as part of their service supplier contract.
- 8.3.11. Noting the obligations of the service supplier for the refuse collection in relation to managing the bin collection and return to storage, this would likely require more time than the average emptying of bins which are generally presented to the kerbside by residents. Furthermore, the laundry room is not located proximate to the entrance for ease of deliveries, again likely to require a longer set down on the road.
- 8.3.12. In addition, while the applicant has provided the case that the use is not that of a nursing home, the use is intended for retired members of religious orders and in this regard infers a certain age. No accommodation has been made for taxi set down for occupants arriving by car. Section 1.4.7 of Building for Everyone: A Universal Design Approach sets out that such provision enables people to alight from a car close to the principal entrance of a building and that set down points are essential where designated parking cannot be provided close to the building.
- 8.3.13. The applicant has provided a Track of a standard refuse lorry accessing Haddington Place (minor). To service the subject site, this would necessitate the truck entering Haddington Place (major) at the northern end and driving southwards to a point beyond the junction with Haddington Place (minor) and subsequently reversing around the junction with Haddington Place (minor). I acknowledge that the track has been undertaken by professional engineers which notes that DMURS accepts that vehicles can track into the opposing lane at radii as they would be infrequent and demonstrates that the manoeuvre would be achievable.
- 8.3.14. Notwithstanding the foregoing, to undertake this manoeuvre requires the refuse truck to access Haddington Place (minor) in a reverse gear negotiating the narrow context with the presence of the on street disabled access car parking space, which street provides access by vulnerable users to the adjoining school sites.
- 8.3.15. From review of the documents, I have concerns that the 'track' of the truck interacts with the line of the on street car parking to the east of the convent on Haddington Place (major) in addition to the disabled access space on Haddington Place (minor).
- 8.3.16. No 'tracking' has been provided for the other service vehicles which the applicant submits could turn within the cul se sac to the west.

- 8.3.17. During my site visit I observed a refuse collection truck entering St. Marys Road from the junction of Northumberland Road to the southeast and negotiate the traffic along St. Marys Road during this peak commuter time of 8am – 9am. While it did not service the appeal site, it is evident that this type of servicing is undertaken during these hours. I note that refuse collections are carried out based on a designated route and can be planned in a time bound manner to avoid specific areas. Notwithstanding, I consider that the area remains constrained to be able to accommodate such servicing from within the road.
- 8.3.18. The applicant states that short duration set down can be managed through time-controlled windows and a delivery and servicing plan. I accept that an operational servicing plan could specify set times for deliveries. However, having regard to the constrained nature of the site, narrow roadway, poor pedestrian facilities and vulnerable road users, I consider that a realistic servicing solution should have been considered as part of the proposal and not to be retrofitted after the fact. Section 2.4, Appendix 5 of the Dublin City Development Plan sets out the requirements for servicing. The details for arrivals/ departures/ overall servicing/delivery management for student accommodation, co-living / shared accommodation are required to be submitted as part of the application. I would consider the nature of the proposed use similar in this regard in relation to the servicing. The servicing would be reliant on a constrained public road with limited space further reduced with the presence of a disabled access parking space and in the absence of a set down facility would not be acceptable. Having visited the site, particularly during the morning peak hour of 8-9am, I do not accept how a short duration set down could be appropriately managed where the road would become an informal set down.
- 8.3.19. As part of the appeal submission, I note the provision of a TRICS analysis which accompanies the appeal and asserts to be based on the worst-case scenario which includes for parking.
- 8.3.20. As per the submission prepared by NRB it is stated that the development would result in 3 vehicular movements each way in the commuter peak hours (8-9am and 5-6pm), the applicant equates this to 1 car / vehicle every 20 minutes. I would also submit that this could also be considered as 1 car/vehicle every 10 minutes based on the overall 6 trips.

- 8.3.21. The First Party contends that given the small quantities of traffic this could not be considered to be extensive. It is further submitted that the vehicular traffic generated by the development would be unnoticeable in the context of the urban network.
- 8.3.22. Having visited the site during the morning peak time of 8-9am (commuter time recognised by TRICS) I would contend that just three vehicular movements during this period would be highly noticeable within this network of narrow roads and vulnerable road users. When six movements are considered (three in three out), I would agree that the Planning Authority's consideration of the movements as being extensive would be valid and not onerous
- 8.3.23. Having regard to the context of the lane and the absence of any on street parking on Haddington Place (Minor) (save for the disabled access space) I consider that the proposed development should incorporate a set down facility which would alleviate the reliance of the public road to service the development and mitigate for impacts arising from the vehicular activity generated.
- 8.3.24. In this regard I would agree with the Planning Authority that as no provision has been made within the site to accommodate the additional vehicular activity this would give rise to unacceptable levels of overspill vehicular activity onto the narrow lane utilised principally by vulnerable users.

8.4. Construction Management

- 8.4.1. Observations also raise concerns in relation to the construction period and how access to the site would be achieved in a safe manner, regard being had to the vulnerable road users along both Haddington Place and Haddington Place (minor).
- 8.4.2. I note that the Construction Management Plan is 'Outline' at planning application stage and would be finalised on appointment of the Site Contractor. The OCMP does recognise the traffic calming measures and one-way systems in place in the vicinity of the subject site. While it would have been beneficial to have an outline construction transport management plan to demonstrate how large construction trucks would negotiate and manoeuvre Haddington Place to the north with the traffic calming in addition to the consideration of the disabled access parking space on Haddington Place (minor). Notwithstanding the foregoing, I am also satisfied that a construction period is time limited whereas the operational period would be in perpetuity.

8.4.3. I acknowledge concerns regarding the deficiencies in the Outline Construction Management Plan. I would contend that this could be dealt with by condition in the event of a grant of planning permission which would require the submission of a final Construction Management Plan on appointment of the Site Contractor.

8.5. Pedestrian Facilities

8.5.1. The First Party continues to refute the Planning Authorities use of the description 'Narrow Laneway' within the reason for refusal.

8.5.2. The First Party refers to Section 4.3.8 of the Dublin City Development Plan which relates to Mews Parking and sets out that all mews lanes will be considered to be shared surfaces.

8.5.3. The applicant submits that DMURS states that the maximum width of a shared street should be 4.8m, and Haddington Place therefore accords with this requirement. I note that DMURS actually states that the minimum width of a shared surface is 4.8m, this aligns with Section 4.3.8 of the Dublin City Development Plan which states that a mews laneway is required to have a minimum carriageway width of 4.8m or 5.5m where no verges or footpaths are provided).

8.5.4. I refer to Figure 11 of the First Party submission which sets out that the carriageway has a width of 6.25m and would assume the applicant's reference to DMURS requirements to be typographical error. I note however that this measurement has been taken adjacent to the northern elevation of the convent which also indicates that the footpath width is 1.5m on both the north and south sides of Haddington Place (minor). I further refer to Drawing No. 101, 'Proposed Site Layout Plan Alternative Option 01' which accompanied the appeal and note that the width of the carriageway directly adjacent to the subject site scales off to c. 5m in width. This plan also states that the width of the existing footpath along the boundary of the subject site is 1.255m. I consider that the dimensions provided on the scaled drawings would be more reflective of the existing environment. In this regard I contend that the applicant has not accurately reflected the dimensions of the road and footpath as they relate to the subject site within the appeal submission. In my opinion this contributes to ambiguity in relation to the adequacy of the pedestrian infrastructure.

8.5.5. Section 4.2.6 'Materials and Finishes' DMURS refers to the use of materials and finishes which define levels of segregation etc.

- 8.5.6. It is evident that the area has been subject to the installation of Safe Routes to School measures by way of pencil bollards, road markings (Haddington Place (minor) and extended width footpath along Haddington Place (major)). However, the carriageway operates as a road, it is finished in tarmac, has double yellow lines, raised kerbs and footpaths. Section 4.3.4 'Pedestrianised and Shared Surfaces' DMURS sets out that shared surface streets and junctions are integrated spaces where pedestrians, cyclists and vehicles share the main carriageway.
- 8.5.7. It is my opinion that the context of this laneway by the established uses including two schools, teaching academy and a convent is not a typical residential mews laneway from the offset. Furthermore, I consider that the carriageway operates as a road and not as a shared surface in the context of DMURS.
- 8.5.8. The applicant contends that the pavement edge treatments are not technically footpaths but are effectively step-in or step-up areas to allow some measure of protection to vulnerable users. I do not agree with this, having regard to the finish of the area, footpaths, tarmac and double yellow lines, for any person to enter this space and assume they are on a shared space would add significant confusion both to the pedestrian (a vulnerable child) and vehicle user, further adding to traffic conflicts.
- I note Drawing No. 100 'Landscape Masterplan' prepared by Mitchell and Associates associated with PL29S.233816 (PA Ref 4244/08) indicates the roadway as being a shared surface however the road has not been finished as it was set out in the aforementioned masterplan.
- 8.5.9. I do not accept the applicant's description of the carriageway as a shared surface to address the safety concerns raised by the Planning Authority in the recommendation to refuse permission.
- 8.5.10. The applicant submits that the low traffic volumes generated by the proposed development in a lightly trafficked urban area will not result in endangerment to public safety.
- 8.5.11. I would refute the First Party's contention in this regard. I acknowledge that the period for intensification of traffic within an area such as this which adjoins a school is generally confined to three set times during the day Monday – Friday, morning drop off, junior cycle pick up followed by senior cycle pickup, excluding after school activity and summer use. It is my opinion that the morning drop off is the busiest time

as this represents the entire school and coincides with the general morning commute for workers.

- 8.5.12. I undertook my site visit before and during the morning drop off to St. Christophers Primary School.
- 8.5.13. I noted that a significant number of students were waiting within Haddington Place (minor) and congregating on the footpaths to the north and south of the road in addition to standing on the road itself.
- 8.5.14. There was also a substantial level of vehicular activity on Haddington Place (Major).
- 8.5.15. St. Marys Lane to the east which is accessed off St. Marys Road to the southeast appeared to be substantially trafficked with vehicular activity associated with the school. While maybe an isolated incidence I observed a car having to reverse westwards from St. Marys Lane back onto Haddington Place (Major) and rejoin the school traffic travelling south.
- 8.5.16. I also note that cars accessing the parking garage associated with the school located immediately to the north of the application site were doing so in a reverse manner. I observed cars undertaking this manoeuvre prior to the children congregating.
- 8.5.17. The lane also appears to serve vehicular activity associated with Gaelscoil Eoin in addition to two dwellings.
- 8.5.18. I would contend that the area is heavily trafficked during the associated operational times of the school and the traffic and pedestrian movements occurring during these operational times give rise to potential for conflict and obstruction to road users.
- 8.5.19. In relation to the Planning Authority's third reason for refusal, the First Party submission states that the original application neither proposed nor required any upgrades to the public road or footpaths.
- 8.5.20. I note that the plans as submitted to the Planning Authority indicated that the building line would be recessed from existing building line to provide a wider footpath.
- 8.5.21. The report of the Transportation Division acknowledged the detail in the plans however submitted this did not address the issue of the adjoining narrow footpath which provides access to Haddington Place (major).

- 8.5.22. The First Party contends that the development would tie into the existing footpath which would be repaired with the agreement of Dublin City Council and that the development contribution payable (in the event of a grant of permission) would address the concerns raised.
- 8.5.23. The First Party also contends that the adjacent public street should be defined as a Shared Surface as per Development Plan policy and in this regard no public road footpath upgrades would be necessary or required.
- 8.5.24. I would submit that a comprehensive approach would be required for works to the laneway for it to be considered as a shared surface design. As per DMURS, a shared space can include a loading area which as per Figure 4.80 of DMURS when provided within a verge can revert to pedestrian space when not in use. However, it is my opinion that extensive consideration would be required to introduce a shared surface approach to Haddington Place (minor) regard being had to the vulnerable road users and 3rd parties involved.
- 8.5.25. The applicant is seeking a development with zero car parking provision based on the subject site's location and accessibility to public transport however lack of consideration has been given to meaningful pedestrian access.
- 8.5.26. Section 2.1 Appendix 5 of the Dublin City Development Plan sets out that the layout for all developments shall seek to maximise pedestrian permeability within the development and to improve pedestrian and cycle linkages to the wider road network, as far as possible.
- 8.5.27. I note that the footpath on the southern side of Haddington Place (minor) is narrow and constrained in places with the presence of lamp stands and at time of site visit, bins.
- 8.5.28. I consider that improvements to the pedestrian infrastructure would also benefit the vulnerable users of both the subject development and that of the adjacent school sites.
- 8.5.29. On this basis I share the concerns of the Transportation Division of the Planning Authority that the proposed development would be reliant on upgrades to the public road to facilitate safe pedestrian access. In this regard, the proposed development

would endanger public safety by reason of traffic hazard as a result of poor pedestrian access to the proposed development.

8.5.30. The development is specifically proposed as a pedestrian access only off Haddington Place. In the absence of improvements to the footpath, in addition to the non-provision of a set down facility to mitigate for vehicular activity associated with the proposed development, I consider that the development amounts to an inappropriate overdevelopment of the site in this regard. I contend that the reason for refusal in respect of traffic hazard is reasonable

8.6. Car Parking

8.6.1. The second reason for refusal by the Planning Authority relates to deficiencies in the provision of car parking on the site to serve the development, as assessed as a nursing home. The Planning Authority contended that the lack of parking would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity of the site and as such would not comply with the parking requirements as set out in the Dublin City Development Plan 2022-2028.

8.6.2. The subject site is located within Zone 2 whereby the Development Plan sets out that a relaxation of maximum car parking standards will be considered in Zone 1 and 2 for any site located within a highly accessible location.

8.6.3. I acknowledge the concerns raised by the Transportation Division with regard to the criteria associated with Appendix 5, Section 4.0 of the Dublin City Development Plan 2022-2028.

8.6.4. The Planning Authority considered the proposed use as a nursing home. The report of the Transportation Division noted that the applicant did not provide a complete case for a relaxation as per the requirements of Appendix 5, Section 4, noting that the criteria of 'impact on the amenities of the surrounding properties or areas including overspill parking and impact on traffic safety.

8.6.5. The proposed use as a retirement home would generate a car parking requirement of 19 no. spaces. Table 2 of Appendix 5 of the development plan sets out the parking standards as maximums. I note that the subject site is located within Zone 2 which enables a relaxation of the requirements. The Plan while referring to a relaxation of such provision does not refer to the elimination of car parking in its entirety. In this

regard I would contend that in the absence of the provision of any car parking the proposed development would be considered to be a material contravention of the Development Plan. I note that the Planning Authority did not refuse permission based on a Material Contravention of the Development Plan. In this regard, I submit that the Commission are not bound by the requirements of Section 37(2)(b) which specifically refers to decisions from the Planning Authority where permission has been refused on the basis that it is a material contravention of the plan.

- 8.6.6. Notwithstanding the foregoing, I am satisfied that there is compelling policy within Section 28 Guidelines such as the Sustainable Residential Development and Compact Settlement Guidelines to enable consideration of a development with no provision for car parking.
- 8.6.7. I would submit, that in this instance, the site is not proposed as a 'typical residential development' and the future occupants of which will be advised of zero parking available as indicated in the Mobility Management Plan. The site is well served by public transport. Furthermore, Haddington Road and Baggot Street to the north and west contains many amenities such as a supermarket, banks, coffee shops and churches which would all be accessible by foot.
- 8.6.8. The development proposes zero car parking with the accompaniment of a Mobility Management Plan to support the rationale for zero car parking on site.
- 8.6.9. The MMP outlines the accessibility to the surrounding public transport services in addition to the range of facilities and retails services available locally on Baggot Street. The Plan states that a Travel Plan Coordinator would be established.
- 8.6.10. The MMP submits that the zero provision of car parking is an effective demand management measure.
- 8.6.11. I also note that the Traffic Statement submits that the non-availability of car parking spaces would be fully communicated to all staff and visitors. I am satisfied that in the event of a grant of permission, that a condition could be attached requiring compliance with the MMP.
- 8.6.12. Having regard to the First Partys definition of the end users and together with the location of the subject site I would consider that this site would be appropriate for the relaxation of car parking standards. I would submit that the occupants would be in an

appropriate position to utilise public transport, walk or cycle to avail of surrounding amenities.

- 8.6.13. I acknowledge the reason for refusal by the Planning Authority and in this regard based on the assessment of the information before me, I do not consider that the reason for refusal should be upheld
- 8.6.14. Following review of the information and undertaking my site visit I concur with the concerns raised by the Planning Authority and those contained within the Observations regarding traffic safety arising from additional vehicular activity associated with the subject development.
- 8.6.15. While I can accept a rationale for the non-provision of car parking this does not eliminate other necessary vehicular activity associated with the appeal site.
- 8.6.16. Having regard to the existing vehicular activity associated with the established uses on the lane in addition to the likely service access arrangements for the proposed development, in the absence of a detailed servicing strategy and appropriately designed set down facility, I am not satisfied that all movements can be safely accommodated within Haddington Place (minor) without giving rise to a traffic hazard and obstruction of pedestrians, cyclists and other road users, regard being had to the very vulnerable road users. I am satisfied that the first and third reasons for refusal are valid and should be upheld.
- 8.6.17. I consider that the vehicular activity associated with the subject development gives rise to unacceptable risk to vulnerable pedestrian users of the lane and does not provide for a safe shared space as set out by the applicant.
- 8.6.18. I recommend that permission be refused in this regard.

8.7. Impact to Surrounding Area

- 8.7.1. An Observation submits that it is hard to assess the impact on daylight and over-looking (on the playground and school) as currently proposed as being injurious in addition to impact to dwellings in the vicinity. Over-looking from the rear (south) elevation has also been raised.
- 8.7.2. I note that the applicant has provided a detailed assessment of sunlight and daylight which is discussed below.

- 8.7.3. In relation to over-looking of the school playground, I note that the proposed first and second floor levels of the subject development consist of single bedrooms, each of which have a window on the northern elevation which addresses Haddington Place (minor).
- 8.7.4. I appreciate concerns in relation to over-looking of the school playground however I would submit that any development of the subject lands on this inner urban site would give rise to an element of interaction with / over-looking of the playground to the north of the site. I would however submit that given the time restricted use of the playground, Monday to Friday that any potential for over-looking would be infrequent, not continuous and therefore would not be detrimental in this regard. I also note that the playground is further set back from the initial boundary due to the presence of the car parking garage which increases the separation distance and visual buffer.
- 8.7.5. In relation to over-looking to the rear, Drawing No. 202 entitled 'Proposed First and Second Floor Plan' lodged with the Planning Authority on 26th July 2025 indicates that the first and second floor levels would have a stated setback of 3.255m from the ground floor level. This yields a separation distance of c. 10.6m and 11.8m off the rear boundary from the first-floor level. I note that the rear boundary is somewhat angled with the distance increasing to the west of the site.
- 8.7.6. The eastern side of the rear elevation includes for angled windows to alleviate potential for over-looking concerns.
- 8.7.7. I note the Observers concerns regarding the Planning Authorities use of SPPR1 of the Sustainable and Compact Settlement Guidelines as a means to rationalise over-looking and separation distances.
- 8.7.8. While I accept that SPPR1 of the aforementioned guidelines relates to residential development, the guidance gives an indication of thresholds that are acceptable to ameliorate for concerns in relation to over-looking between opposing windows at first floor level with respect to residential use which is generally the most sensitive use and subject to impact.
- 8.7.9. I note that the dwelling to the immediate south of the application site contains an extension at first floor level. This extension is served by two narrow vertical windows on the northern elevation. Based on the plans associated with PA Ref. 4203/16, the bedroom is served by one window on this elevation (north), and the other window

serves an en-suite. The main window serving this bedroom is located on the western elevation. In any event, there is an overall separation distance of c. 18m between the southern elevation of the proposed development and the extended footprint of the dwelling at No. 4 St. Marys Road.

8.7.10. I also note that given the ground floor footprint of the dwelling to the south is immediately proximate to the mutual boundary wall, the primary area of usable open space is located to the west of the dwelling. Given the location of the space, this reduces the extent of the southern elevation of the proposed development to give rise to perception of over-looking.

8.7.11. I would also submit that each of the rooms within the southern elevation of the proposed development contain one window only. This would be significantly less intense than that of an apartment development which would be likely to contain windows serving a bedroom, living spaces and a balcony.

8.7.12. I would consider that to further ameliorate for perception of impact upon the amenity space of the dwelling to the south, the windows serving bedroom numbers 32, 33 and 34 could be positioned in an angular manner.

8.7.13. Concerns raised in relation to over-looking arising from the northern elevation of the development into the private amenity area and habitable rooms associated with a dwelling to the northwest of the site are noted and acknowledged. I also note that SPPR1 of the Sustainable and Compact Settlement Guidelines, submits that there is no specified minimum separation distance at ground level or to the front of houses, apartments and duplex units and assessment should be determined on a case-by-case basis to prevent undue loss and privacy.

8.7.14. In this regard, I submit that these spaces are separated from the subject site by the laneway and are located behind a stone wall. I do not consider that in the urban context of the site's location, the development would be unduly impactful in this regard.

8.7.15. I note Section 15.9.17 'Separation Distances (Apartments)' of the Dublin City Development Plan 2022-2028 sets out that '*traditionally a minimum distance of 22m is required between opposing first floor windows...In certain instances, depending on orientation and location in built up areas, reduced separation distances maybe acceptable. Separation distances between buildings will be assessed on a case-by-case basis. In all instances where minimum separation distances are not met, each*

development will be assessed on a case-by-case basis having regard to the specific site constraints and the ability to comply with other standards set out within this chapter in terms of residential quality and amenity'

- 8.7.16. I acknowledge that Section 15.9.17 of the Development Plan relates to guidance for apartment development. I do not consider that the wording is so specific that it would in my view be sufficiently specific to justify the use of the term 'materially contravene' in terms of normal planning practice. Furthermore, the overall separation distance at 18m is not materially less than 22m. I acknowledge national guidance for apartment development which allows a separation distance of 16m between opposing first floor windows and less in some cases.
- 8.7.17. I note the concerns raised regarding the inaccurate provision of site levels between the subject site and the site to the south. Having reviewed the plans associated with PA Ref 4203/16 and the detail submitted with the subject site, I note that the subject site appears to be c. 0.8m higher than that of the opposing site. I acknowledge the inaccuracies raised by the Observers, however I would submit impact in respect of over-looking is generally determined based on separation distances, as set out on the site layout plan.
- 8.7.18. I am satisfied that the three-storey height, the set back off the boundary and stepped approach to the south elevation of the proposed development would ameliorate for undue overbearance impact. I accept that the proposed development would be highly visible from the properties to the south along St. Marys Road however the development, in my opinion would be consistent with the established pattern of development along Haddington Place (Minor). The site at present is undeveloped and given the city centre location would likely see some form of development commensurate with the surrounding urban form to ensure the sustainable use of the lands. I do not accept that the scale and massing represent overdevelopment of the site in this regard.

8.8. Daylight and Sunlight

- 8.8.1. In terms of concerns raised in relation to loss of light. The application included a Daylight and Sunlight Assessment Report which has been undertaken by 3D Design Bureau. This assessment includes an accompanying shadow study of the proposed development. The report is stated to focus on impact assessment, in accordance

with the recommendations set out in the BRE Guidelines (Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 3rd Edition).

- 8.8.2. The properties assessed include St. Christophers School, Sisters of the Holy Faith Convent, No. 14 Haddington Place, St. Brigids School and No. 4 St. Marys Road. The assessment also considered the amenity areas of St. Christophers School, 14 Haddington Road (office area and amenity area), 13. Haddington Road, St. Brigids School amenity area, and Sisters of the Holy Faith amenity area. Given the orientation of the site, I do not consider that assessment of properties on St. Mary's Road require assessment.
- 8.8.3. It is contended by the Observations that the proposed development would have a severe negative impact on the amenity of the school to the north of the site in terms of loss of sunlight to the outdoor play area. While I appreciate the invaluable source of amenity these spaces provide to the students, I also note the detailed sunlight and daylight assessment which was undertaken. Having regard to the orientation of the site relative to the path of the sun together with the surrounding built footprint, I consider that the proposed development will not give rise to undue detrimental impact to either play areas associated with the school, regard being had to the Spring Equinox. From the analysis undertaken, I note that the built footprint of the school itself contributes to shadow during the early part of the day and the structure to the west also contributes to shadow in the afternoon.
- 8.8.4. I note that Section A.3.1 of the Daylight and Sunlight analysis undertaken by 3D Design Bureau confirms the areas assessed that will receive above 2 hours of sunlight on March 21st which accords with industry best practice.
- 8.8.5. I acknowledge the concerns raised by the Observer in relation to the 'minor adverse' impact result that would arise to 5 no. windows including those of the observer located to the northwest of the subject site.
- 8.8.6. It is contended that while described as minor, these effects are still adverse and constitute a material reduction in daylight and sunlight which ultimately diminishes the Observers residential amenity.
- 8.8.7. I note that the aforementioned property addresses Haddington Place with a stone wall, a small patio to the north of the wall with glazing in the form of bevelled glass blocks serving the patio area. Beyond this wall, is the south elevation of the dwelling which

consists of an apex height window. This apex style window, projects above the stone wall albeit set back from the boundary wall.

- 8.8.8. From review of the results, the apex window which projects above the boundary wall has been categorised as 'non applicable' with the assertion that the baseline WPSH (Winter Probable Sunlight Hours) values are low and any change is likely to compound this.
- 8.8.9. The results of the APSH (Annual Probable Sunlight Hours) indicate that the development would have a negligible level of effect. Additionally, the patio area to the south of this apex window has also been classified as 'non applicable' as the baseline sunlight hours are low.
- 8.8.10. The dwelling is served by an additional patio to the west which yields a negligible result.
- 8.8.11. I note that the results of the VSC (Vertical Sky Component) indicate that the development would have a negligible level of effect on the assessed windows.
- 8.8.12. I acknowledge the concerns raised and while I note no 'minor adverse' effect result for the property to the northwest of the subject site it is my opinion that the context of this site, being set behind a stone boundary wall restricts availability of light in the first instance and hence the reasoning for the non-applicable results.
- 8.8.13. I consider that the assessment has been undertaken in accordance with industry best practice in this regard and I do not consider that the proposed development would give rise to significant impact to the residential amenities of this property in a manner that would give rise to disproportionate interference with the Observers enjoyment of their home, regard being had to the additional external spaces and westerly orientated windows serving the ground floor level of the dwelling.

8.9. Carrying Capacity of Existing Social Infrastructure

- 8.9.1. Concern has been raised that there is inadequate social infrastructure capacity to serve the proposed development. These concerns relate to unsustainable pressure on existing schools, healthcare clinics, parks and transport systems in the locality.
- 8.9.2. Having regard to the intended occupants of the building, I am satisfied that the development would not give rise to pressures upon schools. Furthermore, I do not agree that at a maximum occupancy of 38 bedrooms would place unacceptable

pressures on healthcare, parks and transport systems, regard being had to the city centre location. I would consider that the proposed development would be in accordance with Section 15.8.2 of the Dublin City Development Plan 2022-2028 in this regard.

8.9.3. Concern has been raised that the development on this site would landlock the adjacent school site to the north and limit the future expansion of essential community facilities.

8.9.4. In my opinion, to land lock a site would mean that access would not be possible. The development of the subject site being located on the opposite side of the road would not limit access to the school site to the north. I note that the school site to the north underwent extension redevelopment in recent time.

8.9.5. I am satisfied in this instance there is no evidence that there is a need for further space for expansion of adjacent uses and no specific objective in the Dublin City Development Plan 2022-2028 in this case. The adjoining school was recently redeveloped and the lands associated with the appeal site were previously utilised as temporary classrooms pending the construction of the new school. However, I note that the subject lands are not within the ownership of the school and there is no restriction on the lands that must allow for development consisting of school expansion. The proposed use is permissible in its own right within the Z15 Zoning Objective and is otherwise consistent with the wider established uses.

8.9.6. I would submit that impact arising from Construction in terms of noise and dust/dirt could be adequately dealt with by condition in the event of a grant of permission. The construction period would be limited and short term.

8.9.7. While there is no specified open space requirement within the Dublin City Development Plan 2022-2028 in respect of assisted living type development, I am satisfied that the level of open space provision is acceptable and the orientation would provide for a quality space. I do not accept that the open space should provide for views for the occupants. Regard must be had to the city centre location where most developments, including standard residential use do not have the amenity of a view to enjoy. The subject site is within walking distance to the Grand Canal for added proximate amenity.

8.10. Alternative Options

- 8.10.1. I acknowledge that two alternative options have also been provided by the applicant. The amendments would include for a reduction of four rooms and the creation of an undercroft area to include for car parking. I welcome the First Party's attempt to address the reasons for refusal.
- 8.10.2. I would submit that the provision of a very modest extent of car parking would be nominal and in my opinion would be to the detriment of the area in relation to the creation of overspill traffic. I would consider that this approach would likely contribute to unacceptable vehicular overspill in the area as it may encourage additional vehicular movements onto the lane. Where no parking is provided from the offset and communicated as such there is less chance of the creation of vehicular overspill arising from the car parking element.
- 8.10.3. Furthermore, having regard to the constraints of the site and the roadway, I am not satisfied that the movements associated with the perpendicular parking spaces as proposed could be safely accommodated for within the site.
- 8.10.4. I note DMURS sets out that perpendicular spaces require additional design considerations. Perpendicular spaces generally require a minimum carriage way width of 6m. However, it is recognised that additional manoeuvrability can be provided by designing wider spaces of 2.6m with a subsequent reduction allowance in the carriageway width to 5m. The roadway varies in width from c. 4.9m to c.5.1m in a south-westerly direction as it relates to the subject site.
- 8.10.5. I am not satisfied that the detail provided within the two alternative options clearly demonstrate the proposed car parking would be designed in accordance with the requirements of DMURS.
- 8.10.6. Furthermore, having regard to the side walls of the building, visibility upon exit would be limited. Having regard to the proposed design, together with the manoeuvres required for access and egress, limited pedestrian intervisibility and the poor pedestrian facilities which would be further compromised, the proposed provision of car parking would give rise to obstruction of pedestrian users and create a traffic hazard.
- 8.10.7. The proposed alternative options which accompany the appeal, indicate the omission of the integrated bin storage from the front of the building to be located within the rear communal space.

- 8.10.8. The alternative location for the bin store does not appear practical or reasonably accessible. Given the layout, the proposed car parking would restrict access along the south side of the building. It is unlikely that bins of this nature would be brought through the building and could be left on the street which would further reduce the space for pedestrians. In this regard I do not consider the amendments would mitigate for the concerns raised in relation to servicing of the development or pedestrian safety.
- 8.10.9. The two alternative options provides for a building line setback. Option 1 would provide for a greater setback on the eastern side of the main entrance which would indicate an improvement to the footpath to the immediate front of the development. However, the provision of on-site car parking with each of the proposed options, has limited vehicle -pedestrian intervisibility, with access and egress over the existing narrow footpath which would if permitted would undermine this already constrained infrastructure.
- 8.10.10. The alternative options do not address the provision of accessible bicycle parking.
- 8.10.11. The implications of the under croft area would also undermine the design approach and in my opinion result in a dominant building within the streetscape which would be emphasised by virtue of the narrow roadway.
- 8.10.12. I consider that the implications arising from the alternative options are not sufficient to overturn the reasons for refusal.
- 8.10.13. Furthermore, I also acknowledge the development description of the original proposal which sought pedestrian access only to serve the development. In this regard I consider that the alternative options which propose vehicular activity would be materially different to the original development description.
- 8.10.14. My assessment is based upon the plans submitted to the Planning Authority on 26th July 2025.

8.11. Other Issues

- 8.11.1. The issue on lack of engagement between the applicants and surrounding sites was raised. While I appreciate that engagement between adjacent landowners in respect

of proposed development is desirable and maybe seen as 'good neighbours' however there is no obligation for this occur. I consider that it was within the applicant's rights to lodge the planning application without undertaking engagement with the adjacent property owners.

- 8.11.2. The development proposes bicycle parking in the form of Sheffield stands in an apparent half bunker style shelter to the rear of the site. I share concerns noted within the Observation regarding the provision of cycle parking.
- 8.11.3. Section 2.5 of the Dublin City Development Plan 2022-2028 sets out that bicycle storage shall be fully accessible to users of varying abilities in addition to demonstrating how cargo bikes and adapted bikes would be facilitated.
- 8.11.4. The appropriate integration of accessible and secure cycle parking will encourage the use of cycle mobility for everyday needs such as shopping and delivery etc.
- 8.11.5. Section 3.1 of the Development Plan sets out that short stay spaces shall be located in highly visible areas for ease of access.
- 8.11.6. The Site Layout Plan, Drawing No. 101 submitted to the Planning Authority on 26th July 2025 details the provision of all bike storage to be located in the southeast corner of the private communal space to the rear of the building.
- 8.11.7. The applicant is proposing zero car parking based on the location of the site. In this instance I consider that the provision of integrated, accessible and secure short and long stay bicycle parking should be at the forefront of the design to promote the use of cycling.
- 8.11.8. The report of the Transportation Division of the Planning Authority raised concerns in relation to cycle parking and submitted that this could be addressed as part of a request for further information.
- 8.11.9. I consider that the design and integration of suitable bicycle storage could be considered as part of a revised design approach. In this regard I do not consider that this deficiency in information would warrant a refusal given the substantive reasons outlined above but would be required to be addressed.
- 8.11.10. For reference I note that the MMP discusses the cycle parking and refers to the provision of secure weather sheltered bike storage within the building. I note that the cycle parking as proposed is not located within the building either in the original

proposal or the alternative layouts but is located within the rear communal area. Consistency should be provided across all particulars.

8.11.11. Concerns raised in relation to archaeological assessment are noted and acknowledged. From review of Map Set E of the Dublin City Development Plan 2022-2028, the subject site is not identified as lying within an area of archaeological significance. I note the presence of DU018-055 (Baggotrath Castle) to the southwest of the site, being located on the northern side of Baggot Street Upper however the site is not located within a zone of archaeological potential. This was not raised in the report of the Planning Authority. In the event of a grant of permission, archaeological monitoring of excavations could be attached as an appropriate condition to ensure no undue impact to sensitive archaeological material that maybe present in the vicinity of the site.

8.12. **Water Framework Directive**

8.12.1. The subject site is located within the urban area of Haddington Place in Dublin City c. 234m to the southeast of the IE_09_AWB-GCMLE (Grand Canal Main Line (Liffey and Dublin Bay)). The site is also located c. 747m to the northwest of the IE_EA_09D010900 (Dodder_050).

8.12.2. The groundwater is IE_EA_G_008 (Dublin) which is described as a poorly productive bedrock.

8.12.3. The site overlies a Locally Important Aquifer with bedrock which is moderately productive only in local zones.

8.12.4. No water deterioration concerns were raised in the planning appeal.

8.12.5. I have assessed the development seeking permission 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.

8.12.6. The reason for this conclusion is as follows:

- Nature of works e.g. modest scale and nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

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

9.0 **Appropriate Assessment**

9.1. I have considered the development seeking permission in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The site is located c. 1.78km to the west of the Special Area of Conservation for South Dublin Bay (000210) and the Special Protected Area for South Dublin Bay and River Tolka Estuary (004024).

9.2. The development is seeking permission consists of the construction of a three-storey facility for the provision of residential accommodation and care to members of religious orders in need of care and will comprise 38 no. bedrooms, communal facilities, office, provision of outdoor communal space, parking, provision of pedestrian only access off Haddington Road, landscaping, SUDS drainage, boundary treatments and all ancillary works.

9.3. Having considered the brownfield nature of the site, the nature, scale and location of the development seeking permission, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

9.4. I conclude that on the basis of objective information, that the development seeking permission would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1. Having considered the contents of the application, the decision of the planning authority, the provisions of the Development Plan, the grounds of the 1st party appeal, Observations and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be refused for the reasons set out hereunder.

11.0 Reasons and Considerations

1. The proposed development is served by a narrow roadway which provides access to the adjoining primary schools and other properties. The pedestrian facilities are constrained.

The proposed development comprising of Assisted Living/Retirement Home with shared facilities would give rise to the generation of additional vehicular movements along this roadway which includes drop-off and servicing activity.

The absence of adequate turning or setdown facilities along this roadway or within the proposed development site would necessitate reversing and turning movements along the roadway and on the wider network.

Having regard to the current function of the roadway and the quality of existing pedestrian facilities, the proposed development and the vehicular movement associated therewith, would give rise to a risk to public safety by reason of a traffic hazard or obstruction of road users or otherwise.

The proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Carol Hurley

11th March 2026

12.0 Appendix 1

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	PL-500065-DS
Proposed Development Summary	Three storey facility for the provision of residential accommodation and care to members of religious orders and will comprise 38no. bedrooms with en-suites. The development includes for other communal facilities, communal open space, provision of bike parking, pedestrian access only off Haddington Place, landscaping, SUDS drainage and boundary treatment.
Development Address	Lands to the rear of Sisters of The Holy Faith, Haddington Place (minor), Dublin 4
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	

<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" 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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	

Inspector: _____

Date: _____

13.0 Appendix 2

EIA Preliminary Examination

Case Reference	PL-500065-DS
Proposed Development Summary	Three storey facility for the provision of residential accommodation and care to members of religious orders and will comprise 38no. bedrooms with en-suites. The development includes for other communal facilities, communal open space, provision of bike parking, pedestrian access only off Haddington Place, landscaping, SUDS drainage and boundary treatment.
Development Address	Lands to the rear of the Sisters of the Holy Faith, Haddington Place (minor), Dublin 4
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The urban site is serviced, and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance due to its scale.</p> <p>The development by virtue of its type and nature does not pose a risk of major accident and/or disaster or is vulnerable to climate change.</p> <p>The operation does not pose significant risks to human health.</p> <p>The size and scale of the proposed development would not be departure from the established height of the receiving environment.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites,	<p>The development is situated in an urban area on a site addressing the street.</p> <p>The site is not located within an Architectural Conservation Area or Conservation Area.</p> <p>The site does not contain any Protected Structures itself nor is it immediately adjacent to any protected structures.</p> <p>The site is not immediately proximate to any archaeologically sensitive sites. However, DUO18-055 Baggotrath Castle is located to the southwest of the site. Archaeological monitoring of excavations</p>

<p>densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>would be an appropriate condition, in the event of a grant of permission. It is submitted that the localised impacts however would establish a visual change to the setting and character of the area but is not considered to be excessive.</p> <p>The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development on serviced lands, likely limited magnitude and spatial extent of effects and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)