



An
Coimisiún
Pleanála

Inspector's Report PL-500104-DR

Development	Protected Structure: Amendments to permitted development D23A/0806. 12 additional residential units added to block C, with associated works and alterations.
Location	On lands located at Saint Annes, Dublin Road, Shankill, Dublin 18, D18H9V3 (A Protected Structure)
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0606/WEB
Applicant(s)	Maplepond Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellants	1) Dominic and Siobhan Hackett 2) Tony and Audrey Vines and Ors.
Observer(s)	Eamonn Deegan
Date of Site Inspection	16 th January 2026
Inspector	Suzanne Kehely

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2 EIA screening

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1.0 Site Location and Description

- 1.1. The site of 0.06 hectare is located in Shankill, a low density coastal suburban neighbourhood approximately 14km south of the City. The roughly triangular site has a 62m frontage along the Dublin Road from where it is accessed and it is otherwise surrounded by houses off the Dublin Road (R837) to the north and off the Shanganagh Road to the east. The grounds of Saint Annes Church and resource centre adjoin the site to the south. The site relates to a large, detached Art Deco house that is a protected structure and its grounds which have been subject of permission for infill development in the form of medium density terraced housing in two blocks north of the house and a 3- 4 storey apartment development to the south. Site works have commenced and the overall site is an active building site with temporary site offices. The original vehicular entrance has been relocated southwards along the Dublin Road and is operational. Extensive site clearance has taken place in the vicinity of the proposed apartment block, the substantive subject of this appeal. The original house has had its extension and outhouse demolished and refurbishment is outstanding.
- 1.2. Site boundary treatment comprises a mix of concrete block walls, timber fencing and temporary hoarding in addition to mature trees and hedging along and within bounding properties. A small area to the north fronts a private road Rathmichael Park that is a gated low-medium density residential cul-de-sac. The eastern boundary with Windrush – a small low density gated residential cluster is well screened at its southern end by mature evergreens substantially within the neighbouring property.
- 1.3. The location has good access to amenities and services such as in the village to the south, the nearby LIDL to the east and public transport. The site is served by 2 routes (L14 and E1) with 4 bus stops nearby. The Shankill DART station is c.900km away and connected by footpath and a cycle path. A Bus Connects corridor – Bray to City Centre - has been approved along the site frontage.

2.0 Proposed Development

- 2.1. The proposed development is for amendments to permitted residential development under PA reg ref D23A/0806 specifically reconfiguring Block C to provide 12

additional residential units. The proposal seeks to revise the layout of this block of 16 apartments to a layout providing 28 residential independent living units for older persons. The modification to Block C involves an increase in the 3rd /top floor level, building footprint and overall scale of this block.

2.2. The overall new build development for the overall site comprises 37 no. residential units (28 no. apartment units, 5 no. duplex units and 4 no. house units) and amounts to 2,213.43 sq.m. of gross floor development. The main elements are:

- Block A (3 storeys) containing 2 no. 2 bed apartment units, 2 no. 3 bed duplex units and 1 no. 3 bed end of terrace house. (no change)
- Block B (3 storeys) containing 4 no. 4 bed terraced houses. (no change)
- Block C (3-4 storeys) containing 28 no. 1 bed apartment units.

The 28 units range in size from 54.32 sq.m. to 66.98 sq.m. and all incorporate open plan living dining area, one double bedroom, one bathroom and storage. Each apartment has a private terrace > 5 sq.m.

2.3. Other ancillary elements of the scheme include: provision of 1 no. relocated vehicular access point further south along Dublin Road; a new pedestrian / cyclist access point via Dublin Road; 35 no. new car parking spaces (27 no. standard spaces; 6 no. electric vehicle spaces; and 2 no. disabled spaces); 18 no. standard bicycle parking spaces; 2 no. cargo bicycling parking spaces; 2 no. bin stores; an ESB sub station; public open space; and 2 no. communal open space areas including a new play area.

2.4. The application is accompanied by the following documentation

- Planning Statement: the main purpose is to provide social housing units for older persons in the community and on the Dun Laoghaire Rathdown County Council Housing List. It is stated that it will be managed by FOLD housing. This statement also provides a comparative quantitative summary table (pages 44-46) between the permitted Block C and that proposed.
- Statement by Conservation Architect
- St. Annes Street Energy Statement: This demonstrates enhanced building fabric performance, heat pumps, exhaust air heat pumps, MVHR and LED lighting with occupancy and daylight control where applicable..

- DMURS Compliance Statement
- Provisional BER Report for Block C – most units A2 with 7 units rated A3.
- Landscape Rationale
- Architectural Design Statement: addresses impact on Protected Structure setting
- Operational Management Plan (OMP)
- Older Persons Residential Scheme
- Lighting - confirmation of no change to lighting design
- Community Infrastructure Audit
- Arboricultural Assessment
- Sunlight, Daylight & Shadow Assessment (Impact Neighbours & Development Performance)
- Construction, Demolition & Environmental
- Waste Management Plan
- Construction, Demolition & Environmental
- Building Life Cycle Report
- Operational Waste Management Plan
- Road Safety Audit
- Traffic & Transport Assessment
- Cycle Audit
- Engineering Services Report: This report sets out key infrastructural elements based on removal stormwater from foul network to increase capacity and use of SuDS including blue and green roofs. Surface water is to be attenuated in a detention basin. The report includes an Infiltration report flood risk assessment report.
- AA Screening

2.5. The public notices describe the proposal in full as:

The proposed development will consist of amendments to the permitted residential development Reg. Ref. D23A/0806, which contains an existing residential dwelling known as Saint Anne's (A Protected Structure) as follows: a)
 Reconfiguration of Block C to provide a change from the permitted unit mix of 2-bed and 3-bed units, providing an overall increase of 12 no. residential units to now provide for a total of 28 no. 1 bed units within Block C from the

previously permitted 16 no. units, increasing the overall gross floor area of Block C from c. 2065.26 sqm to c.2213.43 sqm. b) Alterations to the ground floor of Block C comprising: removal of the previously permitted communal store; removal of the previously permitted bike store; repositioning of the stair core and lift area and the provision of 1 no. additional lift; the provision of a communal room, a plant room, a cleaner store, a lobby, and a universal WC. c) The relocation of the previously permitted bin store from the ground floor core of Block C to the north-western side of Block C, the removal of the previously permitted 10 no. visitor bike spaces to the north-western side of Block C, which are to be replaced with 4 no. visitor bike spaces to the north-western side of the revised communal open space area and 4 no. sheltered and secured bike spaces to the north-eastern area of the communal open space area. d) An overall decrease in the permitted cargo/bike parking spaces from 62 to 34 no. cargo/bike parking spaces. e) Modifications to the communal open space area reducing from c.338sqm to c.182sqm and the provision of 2 no. areas of outdoor gym equipment. f) Increase in the size of the public open space area from c.798sqm to c.1157sqm, re-location of the previously permitted natural playground area from the communal open space area to the south-western area of the site, and 2 no. areas of outdoor gym equipment adjacent to the communal open space area. g) Overall height to remain as permitted at 3-4 storeys. h) The remainder of the development permitted under Reg. Ref.D23A/0806 will remain unaltered by way of this planning application and no works are proposed to the Protected Structure as part of this application

3.0 Planning Authority Decision

3.1. Decision

By order dated 23rd September 2025 the planning authority issued a decision to grant permission for the proposed development subject to 11 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report (23/9/25): The proposal is treated within the parameters of the parent permission save for the variations for which permission is sought. The duration of the permission is therefore that associated with D23A/0806. The proposal is not considered to amount to a significant difference in terms of scale and bulk, impact on neighbouring dwellings by way of overlooking and the density is in accordance with compact settlement policy by reference to national policy and guidelines. In terms of impact on the Protected Structure, the Internal conservation report is noted in respect of having no serious concerns. The internal Architect's report is noted in its support generally for nature of use intended for older persons but the detailed accessibility issues are not considered material to the planning application. The concerns of the Transportation Planning Division are noted in respect of parking provisions as are the concerns of the Parks and Landscape Division and the respective recommendations are addressed by condition. Revisions for the car parking provision and bicycle parking for the entire site is therefore required and this moderately increases open space. The children's playground should be reinstated. In respect of overlooking concerns, it is considered the provision of privacy screening can address this matter. A condition is attached requiring details for submission for 5 of the proposed units in Block C.

The conditions are:

C1	Standard compliance
C2	Parameters of D23A/0806 apply
C3	Privacy screens for units 4,12,15,21 and 22
C4	Revised plans for car parking for overall site, maximum of 20 spaces
C5	Revised plans for bicycle parking with minimum of 28 residents covered spaces and 6 preferably covered visitor spaces for Block C and relocated long stay spaces.
C6	Revised landscaping plans for overall site to include reinstatement of playground to location permitted under D23A/0806
C7, 8, 9,10	Financial contributions

C11	Security Bond
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3.2.2. Other Technical Reports

Conservation Division Report:(11/9/25) no significant increase in the visual impact of the proposed changes to the scheme on the Protected Structure. However, the Conservation Division has grave concerns regarding the condition of the Protected Structure, which appears to be precarious. Urgent attention should be given to the structural condition of the Protected Structure to ensure its preservation. Conditions 5a and 5b attached to the previously granted planning permission should be emphasised.

5a. All works to the Protected Structure shall be carried out under the professional supervision of an appropriately qualified architect with specialised conservation expertise who shall manage, monitor and implement the works and to certify upon completion that the specified works have been carried out in accordance with good conservation practice. Prior to the commencement of development, details of the proposed consultant to be submitted to the planning authority for approval.

5b. The works herein permitted shall be phased to ensure that conservation works to the protected structure are carried out in tandem, in order to secure the long-term future of the building in accordance with Section 12.11.2.3 Development within the Grounds of a Protected Structure of the County Development Plan 2022-2028. Details of the phasing scheme must be agreed in writing prior to the commencement of development.

Architects' Department 27/8/25: In applying the Universal Design standards, there are some detailed internal design issues for disabled access. The site is very suitable for older persons and there is no objection in principle.

Drainage Planning Report (3/9/25): No objection - previous conditions apply

Environmental Enforcement Report (18/8/25): Further information required in respect of construction demolition and environmental waste plan. Otherwise, detailed conditions are recommended e.g site specific operational management plan

EHO: No objection subject to conditions

Building Control: No objections subject to conditions.

Housing Department: (2/9/25) No objection subject to conditions – this updates the Part V condition no.4 of D23A/0806)

Public Lighting Report (14/8/25) Further details required.

Parks and Landscape Services: (9/9/25): concerns about change in layout with attenuation tank where playground was and landscape proposals are to be revised to take into account the following items:

- a) Improve the design of the westerly open space, consolidating the play area into one area of the open space and introducing more variety into the proposed play elements rather than only having tree trunks and boulders scattered around.
- b) Omit the path on the southeastern open space under and to the east side of tree T6897 or else moving the path to the west side of the tree, out of its root protection area.
- c) Relocate the proposed bike parking to the front of the southerly building.
- d) Propose alternative tree species to *Carpinus betulus* 'Franz Fontaine' such as native Oak, for eg. *Fastigiata Quercus robur* 'Koster' but retain the larger sizes on all trees with staking as granted in 2024.

Previously, a play area was proposed in the south-easterly open space and this open space was level and open for ball play. While the slide is acceptable, the scattering of tree trunks around the open space in an ad-hoc fashion lacks cohesion in design/layout. A greater variety of play elements should be included and grouped and not intrude on the flat level area of the open space which is required for kick-about and ball play. Overall, this current design of this area is strikingly poor and should be improved.

Thirdly, the proposed tree species *Carpinus betulus* 'Franz Fontaine' is not considered appropriate planting, considering this site is losing a number of mature Ash trees, which are native. An alternative species like native Oak, such as *fastigiata Quercus robur* 'Koster' for example would be preferable, as a substitute.

Parks will not be taking in charge any of the open space as it is contrary to what is sought as good design with the proposed small incidental spaces.

Transportation Planning (18/9/25): consider that the proposed development should be amended by way of a Compliance Condition to reduce the car parking provision for the proposed overall development of Blocks A, B and C to a maximum of 20 No. car parking spaces, a total of 7 No. car parking spaces (one of which will be accessible) allocated to Block C, 9 No. car parking spaces allocated to the 9 units in Blocks A and B (in accordance with SPPR 3 of the Compact Settlements Guidelines), and 4 No. visitor car parking spaces (one of which will be accessible) in accordance with the 1 visitor car parking space per 10 units in Table 12.5 Car Parking Zones and Standards of the County Development Plan 2022-2028.

Transportation Planning also note that the submitted St. Annes, Shankill Preliminary Operational Management Plan (OMP) (June 2025) Section 2.6 Car Parking and Transport states that 'As part of the current proposal an additional transport option in the form of a courtesy shuttle service, is proposed and can be arranged in cases where a group of residents wish to use the service for communal outings, such as social events or external visits.'

proposed development should be amended by way of a Compliance Condition to provide a set-down/pick-up area to accommodate a medium sized minibus. [The planner did not consider this necessary.]

Cycle provision is too far way from Block C and generally unacceptable : Compliance Condition, to submit revised drawings/details for the proposed development showing a minimum of 28 No. secure covered resident cycle parking spaces and 6 No. preferably covered visitor cycle parking spaces to serve Block C in the proposed amended development, in accordance with the requirements of the Council's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018), and any relevant additional requirements of the DLR County Development Plan 2022 – 2028 Sections 12.4.6, 12.4.6.1 and 12.4.6.2. All cycle parking spaces should preferably be the DLRCC standard's preferred 'Sheffield' stand design. Low cycle stands which support bicycles by means of front wheels are not considered acceptable.

Building Control: 14/8/25: No objection subject to conditions - owners management company.

3.3. Prescribed Bodies

UE: No submission to planning authority. A letter of 18th July 2025 states in response to a Pre-connection enquiry that water and wastewater connection are feasible without infrastructure upgrade by UE (appended to applicant's Engineering Services Report)

EHO (27/8/25): No objections subject to conditions.

No submissions from other notified bodies: An Taisce, Heritage Council, The Arts Council, DHLGH, or NTA.

3.4. Third Party Observations

- 3.4.1. FOLD Housing: As an approved housing body FOLD Housing supports the development. They are negotiating purchase of 28 units in the scheme. It is noted that the design is age-friendly and adheres to Universal Design Guide standards allowing for aging in the same place.

4.0 Planning History

- 4.1. **PA REF202425** Section 5: Additional remedial and refurbishment works to Protected Structure at dwelling house at St. Annes over and above those approved under D23A/0806 including: Replacement of canopy posts; Replace ground floor timber floor; Damp proofing to walls; Replace steel beams; replace first floor boarding and ceiling; Remove boiler flue; install guarding at roof level and replace timber windows with aluminium windows and doors.
- 4.2. **Planning Authority Ref D23A/0806** (Details uploaded on Digital file on 20th January 2026) refers to permission for the redevelopment of the subject site and site preparation has commenced on foot of this. Permission for the demolition of 254 sq.m. of single storey domestic extensions structures and detached structures and removal of same; Refurbishment of the 2-storey house, Saint Annes, to provide a detached 4 bed dwelling house; Construction of 25 residential units (12 apartments, 7 duplex units and 6 houses as altered in FI plans all in 3 new build blocks 3 storeys

in height.) Each unit has private open space area. Other elements of the development include

- Relocation to the south of the vehicular entrance off the Dublin Road
- A new pedestrian/cycle access point
- 27 car park spaces (21 standard 4 EV, 1 disabled and 1 disabled with EV (altered in FI)
- 60 bicycle spaces (altered in FI)
- 4 cargo bike parking spaces altered in FI
- 2 bin stores
- ESB substation
- Public open space and 2 communal open space areas.

4.3. **ABP 317775-23 /PA ref D23A/0339** (file attached) refers to refusal of permission for Construction of 43 no. residential units and all associated site works on a site that includes an existing protected structure (RPS 1800), a two-storey dwelling house known as Saint Annes – no works to the protected structure proposed. The reason for refusal was:

Having regard to the presence of a structure on site 'Saint Annes' which is listed as a Protected Structure in the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and is listed on the National Inventory of Architectural Heritage as having Architectural, Artistic, Historical and Social Interest, it is considered that Block C, by reason of its design, scale, mass, height and proximity to Saint Annes', would materially and adversely affect the character and setting of the Protected Structure, while the omission of the protected structure itself from the application would be contrary to policy Objective HER 8 in relation to work to Protected Structures and the provisions of Section 12.11.2.3 in relation to development within the grounds of a Protected Structure of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.4. **An Bord Pleanála 317742-23** refers to approval in January 2025 for the 'Bray to City Centre Core Bus Corridor Scheme' The corridor extends along the site frontage to the southwest of site.

5.0 Policy Context

5.1. National Policy

- 5.1.1. The National Planning Framework (April 2025): This framework plan seeks to guide co-ordinated spatial planning with a core aim to achieve sustainable settlement growth that is proportionate to resources and infrastructure. It focuses on compact growth with a target of 50% of population and employment in the 5 cities and suburbs and more particularly sets a target of 40% of future housing being provided within built-up areas. (See NPO4, NPO 7, NPO43 and NPO45). A range of objectives focus on reducing car dependency and usage (see NPO 22 and 37. NPO40 focuses on meeting the needs of an aging population.
- 5.1.2. Other policy documents include and a comprehensive range of documents is also referred to in the applicant's Planning Application Report (page 51) and notably:
- Housing for All -A New Housing Plan for Ireland 2021
 - Transport Strategy for the Greater Dublin Area 2022-2042: Strategic objective include achieving: An Enhanced Natural and Built Environment - To create a better environment and meet our environmental obligations by transitioning to a clean, low emission transport system, increasing walking, cycling and public transport use, and reducing car dependency, (section 5.3.1) and Connected Communities and Better Quality of Life - To enhance the health and quality of life of our society by improving connectivity between people and places, delivering safe and integrated transport options, and increasing opportunities for walking and cycling. (section 5.3.2)

5.2. Statutory Planning Guidelines

- 5.2.1. NPF Implementation: Housing Growth Requirements - Guidelines for Planning Authorities (2025): seeks planning authorities to update development plans by variation if necessary, so as to implement s.28 housing related guidelines in achieving NPF objectives.
- 5.2.2. Planning and Design standards for Apartments – Guidelines for Planning Authorities (2025): These are the most recent ministerial guidelines, and they set out the latest standards for apartments but also defer to the Sustainable Residential Development

and Compact Settlement Guidelines (2024) for context. Chapter 3 sets out detailed apartment design standards. Section 3.3 refers to a need for variety and provision for older persons. The minimum floor area for a one bed unit is 45sq.m. and a studio is 32 sq.m. Dual Aspect is guided at 25% of the units, (SPPR 3). Section 4 sets out guidance for communal facilities, communal amenities and, play areas, bins and parking for cars and bikes in recognition of the expanding cycle path infrastructure. Section 4.4 refers to children's play areas. Toddler play areas should for example be provided in cases where there is in excess of 25 units with 2 or more bed bedrooms. Section 6.2 refers to the future operations and management of Apartment schemes

5.2.3. Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities.(2024): the focus of these guidelines is to provide guidance in both the making of the development plans and in development management/ assessment of individual applications, in order to achieve compact settlement and the associated efficient use of infrastructure and sustainable transport with emphasis on reducing car dependency while increasing public transport use and its viability. Detailed guidance is provided in terms of densities subject to context and some basic parameters are set in SPPRs to achieve a compact form.

- SPPR 1 - Separation Distances It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. In all cases, the obligation will be on

the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

- SPPR2 sets out minimum private open space standards such as 5sq.m. for one bed apartments.
- SPPR3 aims to reduce car parking provision in accessible areas.

5.3. Development Plan- Dun Laoghaire Rathdown Development Plan 2022-2028

5.3.1. Key Map Based objectives

- In this Plan, the site and surrounding lands to the east, west and north are governed by objective A where it is an objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities.' In this zone the following uses are permitted in principle: Assisted Living Accommodation, Community Facility, Childcare Service, Doctor/Dentist etc., Education, Health Centre/ Healthcare Facility, Open Space, Public Services, Residential, Residential Institution, Travellers Accommodation
The adjacent lands to the south which include the grounds of St. Annes Church and a community resource centre, are governed by the Objective SNI 'to protect, improve and encourage the provision of sustainable neighbourhood infrastructure'.
- The existing house on site is a Protected Structure, (RPS no 1800). The Church to the south, Saint Anne's, is also a Protected Structure, (RPS no, 1805.)
- The road frontage of the site is part of the City to Bray Core Bus Corridor –.

5.3.2. Open space

The PA planning report lists all relevant sections of the development plan related to housing standards for a site which includes a Protected Structure. In relation to open space:

- Section 9.4.1.5 Policy Objective OSR13: Play Facilities and Nature Based Play It is a Policy Objective to support the provision of structured, and unstructured play areas with appropriate equipment and facilities, incorporating and facilitating Nature-based Play with respect to the provision of Play Opportunities throughout the County, and to support the aspirations of the forthcoming Play Policy prepared within the lifetime of the Plan. These play facilities will also seek to maximise inclusivity and accessibility, to ensure that the needs of all age groups and abilities - children, teenagers, adults and older people – are facilitated in the public parks, open spaces and the public realm of Dún Laoghaire-Rathdown Development Management;
- Section 12.8.3 sets out standards for open space.
- Section 12.8.3.1 of the CDP 2022-2028 states that where a developer cannot provide 15% of the site as Public Open Space, Section 48 of the Planning and Development Act allows for a financial contribution in lieu of provision of open space.

5.3.3. Protected Structure policies and objectives

- Policy Objective HER8: Work to Protected Structures, states it is a Policy Objective to, *inter alia*:
 - (i) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
 - (ii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the ‘Architectural Heritage Protection Guidelines for Planning Authorities’.
 - (iv) Ensure that any development, affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.
 - (viii) Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

5.3.4. Section 12.11.2.3 'Development within the Grounds of a Protected Structure' states that development must be consistent with conservation policies and the proper planning and sustainable development... a balance must be struck between allowing compact development, while protecting the Architectural heritage and historic building stock within the County. A range of criteria for assessment is set out such as:

- the proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure,
- impact on existing features and important landscape elements including trees, hedgerows, and boundary treatments.
- Where a Protected Structure is part of a larger development, the works to the Protected Structure take place early on, preferably first, so that the conservation, and use of the Protected Structure is secured at the start of the project.
- The retention of an appropriate setting for the Protected Structure to ensure the relationship between the building, associated structures, amenity value, and/or landscape features remain unaffected by the development.
- Making a positive contribution to the urban neighbourhood and streetscape; ensuring the proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials/building fabric well considered; ensure the proposal positively contributes to the mix of uses, and / or building/dwelling typologies available in the neighbourhood.
- Impact of street furniture, car parking, hard landscaping finishes, lighting, and services. These should be designed using appropriate mitigation measures, such as careful choice of palette of materials, and finishes, and use of screen planting.

5.3.5. Density and Height Policies and Objectives: Section 13.1.2 refers to the aim to avoid abrupt transition in scale and density that would be detrimental to the amenities of the more environmentally sensitive zone. [Section 4.3.1 also acknowledges that the presence of protected structure on site acts as a constraint to higher density by reason of height, scale, massing and proximity.] Key policies on density include:

- Policy Objective PHP18: Residential Density – Increase housing supply and promote compact urban growth through the consolidation and re-intensification of

infill/brownfield sites... ensure a balance between the protection of existing residential amenities and the established character of the surrounding area.

- Policy Objective PHP20: Protection of Existing Residential Amenity. ...to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.
- Policy PHP27 – encourages the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.
- Appendix 5 – Policy Objective BHS 1 – Increased Height – consider taller buildings where appropriate within 1000 metre/10-minute walk band of DART Stations or Core/Quality Bus Corridor.
- Policy Objective BHS 3 – Building Height in Residual Suburban Areas - promote general building height of 3 to 4 storeys, coupled with appropriate density having regard to SPPR 3 of the Building Height Guidelines.

5.3.6. Neighbourhood – People Homes and Place: Key policies and objectives include:

- Policy Objective PHP3: Planning for Sustainable Communities - Identify, provide and/or improve appropriate supporting sustainable neighbourhood infrastructure in tandem with residential development.
- Policy Objective PHP42: Building Design & Height - Ensure new development complies with the Building Height Strategy as set out in Appendix 5.

5.4. **Natural Heritage Designations**

The nearest site is the Rockabill to Dalkey Island SAC (Site Code 003000), at 2.6km and the Dalkey Islands SPA (Site Code 004172) is approximately 4.5km away.

6.0 EIA Screening

- 6.1. Having regard to the nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to and removed from sensitive habitats/features, to the size of the site, the likely limited magnitude and spatial extent of effects, and the absence of significant cumulative effects, I conclude that there is no real likelihood of significant effects on the environmental factors set out in Section 171A of the Planning and Development Act 2000 (as amended) having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See Appendices for Forms 1 and 2.)

7.0 Water Framework Directive

- 7.1. The subject site is located in Shankill, c.14km south of Dublin City. It is situated within 1km of the coastal waters of Southwestern Irish Sea - Killiney Bay (HA10) Code IE_EA_100_0000. The groundwater body 'Wicklow' (Code IE_EA_G_076) underlies the site and this is 'at risk.' There is no watercourse on site and the nearest river is the SHANGANAGH_010 (code I E_EA_10S010600) over a kilometre to the north which flows to the coast and has 'good' status. The proposal comprises relatively minor variations to permission for the refurbishment of a dwelling and demolition of structures which has been substantially completed and construction of infill housing development which has commenced on this urban serviced site of 0.6hectares. The grounds of appeal refer in general terms to surface water attenuation and local impact but have not raised the matter of water quality within parameters of the Water Framework Directive. Based on available data, the Engineering Services Report found that there was no flood risk on the site. The Planning Authority report raises no issues as reflected on technical report by the Environment Division and Uisce Eireann, and I have no reason to believe that surface water cannot be managed within the capacity of site as has been already permitted.
- 7.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and,

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

- The nature and small scale of the proposed development.
- The proposed measures to manage surface water which factors in soil infiltration and climate change.

I therefore conclude that on the basis of objective information, 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.

8.0 The Appeal

8.1. Grounds of Appeal by Dom and Siobhan Hackett

- 8.1.1. These residents in the area submit that the proposed Block C has no evidence of being permitted at a height of 4 storeys. The submission is appended with the letter of objection to the planning authority and this refers to concerns that the revised Block C is too large in scale relative to adjacent housing and also as it relates to St Anne's, a Protected Structure on site. This is based on:
- The increase in floor area of Block C which is sizable at almost 10%.
 - The height of Block C having regard to approximate separation distances from St Annes (10m) Windrush House (11m) and 1 Windrush (6m) at 12.3m will 'loom over' the housing development at Windrush estate.

8.2. Grounds of Appeal by Tom and Audrey Vines and Others

- 8.2.1. Marston Planning Consultancy as agents, have submitted an appeal on behalf of the residents of 1,2 and 3 Windrush. The following submission are made against the decision to grant permission:

- The proposal constitutes a significant **intensification** of Block C and **reverses improvements** (as approved on D23A/0806) on the initial scheme that was refused permission (ABP2317775):
- The design increases the degree of **overlooking** and the design compares unfavourably in this regard due to:
 - The set back of the third floor from the eastern elevation as permitted restricted overlooking from the large living spaces at this level. The 2nd floor was also stepped back.
 - The substantially blank elevation previously omitted overlooking opportunity.
 - The 1st and 2nd floor level plans were 13.18 in depth and c. 12m from the nearest dwelling to in Windrush.
- The proposal for increased **massing and scale and change in form** of Block C within 3m of the eastern boundary will have a serious negative impact on the residential and visual amenity of the adjacent dwelling by reason of:
 - Overbearing impact as viewed from adjacent properties
 - Loss of privacy
- **The decision of the planning authority is inherently flawed** in determined the massing to be generally the same and there is **absence of mitigation** in that:
 - Inadequate boundary treatment to address loss of privacy
 - While the council implicitly acknowledges the potential for overlooking, the resultant screens required by condition do not address intrusion by proximity and no screens serve no.,.14
- As a mitigation measure **it is requested** that the Commission revises the proposals such that
 - **units 21 and 22 at 2nd floor level and unit 27 at 3rd floor level are omitted.**
 - **Balconies are integrated** to reduce perception of overlooking as well as overall massing.
- Impact on **settling and curtilage of a protected structure** Saint Anne's: Development has significant impact and is contrary to requirements in section 12.11.2.3 of the CDP.

- **Lack of Communal Open Space and poor open space layout** which as proposed offers a poor amenity and will be uninviting and underused. The concerns of the Parks Department are reiterated.
- The social housing intention is not confirmed by a contract and **section 47 and Part V conditions are unsatisfactory.**
- **Inadequate attenuation.** It is submitted that the management of surface water is a continued concern by the residents and the Commission is requested to assess this matter.

8.3. Applicant Response

8.3.1. The grounds are refuted and it is concluded that changes to mass and scale are minor and will not increase level of intrusion on the Windrush houses. The submission in Figure 3 (page 7) shows superimposed plans comparing permitted and proposed layout footprints. The omission of 3 units as suggested by the appellant is unwarranted given the relatively low density already moderated by the Protected Sprucer on site. It is clarified that access to the green roof is restricted. It is further argued that the revisions are, in design terms, overall better than permitted. The addition of screens as determined by the planning authority is considered to address concerns as it completely omits overlooking from Block C.

8.3.2. **Impact on Protected Structure:** The proposal as varied complies with the CDP criteria in section 12.11.2.3 and the urban development and building height guidelines chapter 3 in terms of design and massing and responding to its environment and avoids monolithic design. Overall, it makes a positive contribution. In support, it is stated that:

- This matter has been given careful consideration, and the overall scheme has achieved an appropriate balance under guidance of consultant conservation architect and notably to the satisfaction of the Conservation officer of DLRCC
- No increase in Block C overlooking, overshadowing or overbearing impact from the parent permission
- The ‘faceted’ profile reduces impact as viewed from the Dublin Road and thereby reduces impact on setting of Saint Annes
- The increase in the northern section of Block c will have very limited additional impact.

- The design reflects the architectural style of the Protected Structure.
- The overall site layout opens up the site and views of the protected Structure as viewed from the public realm.

8.3.3. Lack of Communal Open Space

- With respect to the allegation of halving the communal open space and leaving at 3% of the site it is clarified that the communal open space is being reduced from 338 sq.m (actually 240 for block C) to 182 sq.m. for Block C which is appropriate to the end users and exceeds Planning Design Standards for New Apartments Guidelines for Planning authorities(2025 by which of 140 sq.m. is required for Block C. It also exceeds 5.35sqm. per 1 bed unit as required by CDP standards.
- The communal open space is convenient and inviting sited for the older occupants of Block C while the gym equipment provides for opportunities for both physical activity and social interaction.

8.3.4. Poor quality Open space:

- In response to the concerns of the Parks Department as reiterated by the appellant, the applicant makes the case that the view is short-sighted as it does not take account of the nature of the users and requests that the Commission omits condition 6. It is further stated that the planning authority is overstating the concerns about the play equipment and requests a more considered approach on appeal.
- The requirements for a children's playground are disputed on the basis of the change in occupancy profile. This is due to the change for a mix of 2 and 3 bed units in Block c to one bed units only and for older users as supported by FOLD Housing. The Commission is requested to reconsider the requirement for a formal playground and permit the proposed age-appropriate gym equipment for the adult-dominant profile.
- Sunlight daylight: It is acknowledged that the amendment has altered availability of sunlight in the communal space north of Block C which previously was located substantially in an area with 2-hour sunlight at least in accordance with BRE guidance. The play area will achieve less sunlight (Figure 7 of appeal response

page 13) whereas the proposed relocated area to the southwest receives higher levels of sunlight – exceeding the 2-hour requirement.

- The communal open space is fully compliant with the BRE Guidelines as outlined in the Sunlight, Daylight and Shadow Assessment as prepared by Chris Shackleton and submitted as part of the application.

8.3.5. **Inadequate attenuation**

- In response to concerns about surface water management and attenuation the applicant refers to the Engineering Services Report prepared by GK Consulting Engineers submitted with the application. This sets out the extent of surface water and attenuation details, and the matter is further addressed by the council in its conditions of permission (nos. 18-27) which will be adhered to by the applicant.

8.3.6. **Lack of evidence of permission for 4 storey apartments**

- The appeal grounds in this regard are noted to refer to the apparent lack of evidence of permission for 3-4 storeys and 16 units in Block C. In this regard it is explained how the planning authority sought further information regarding Block C and in response an addition 2 units were added at roof level – a fourth storey. Permission for this amended design was not appealed; accordingly, these grounds of appeal should be disregarded.

8.4. **Planning Authority Response**

No further comments.

8.5. **Observations**

- 8.5.1. Eamonn Deegan with an address in Kildare has made general comments about the principle of development in that there is no objective need, nor infrastructure or amenities to cope with it and it is out of place. It is further submitted that no thought has been given to wildlife or general aesthetic and that it is likely to cause traffic congestion and public transport requirements. Other concerns relate to the quality of building materials, demolition and construction nuisance and risk of unfinished development which will be a burden on public finances.

8.6. Further Responses

None

9.0 Assessment

9.1. Issues

9.1.1. Having examined the application details and all other documentation on file, including the information received in relation to the appeal, having inspected the site, and having regard to relevant planning policies, I consider the substantive issues in this appeal can be addressed under the following headings:

- Principle of development
- Intensification of development
- Impact on amenity – loss of privacy and overbearing impact
- Impact on settling and curtilage of a protected structure Saint Anne's
- Substandard open space
- Surface water attenuation
- Traffic congestion and safety
- Part V compliance
- Parent permission status
- Other matters: impact on wildlife, construction nuisance, building standards

9.2. Principle of development

9.2.1. The proposed development seeks to modify one of three blocks of a permitted residential development and to modify ancillary facilities. The proposal is more specifically for an entire block of 28 one-bedroom units for elderly person such as this on the Housing List and/or in the community thereby providing a balance of house type in the wider environs. As this is a form of residential development and the site remains on lands governed by the objective A in Dún Laoghaire Rathdown County Development Plan 2022 – 2028 (CDP) where it is an objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities', the provision for this variation of residential layout is I consider acceptable in principle.

- 9.2.2. The observing party expresses an unsubstantiated view that there is no need for this development. In the Planning Application Report it is Brock McClure's considered opinion on behalf of the applicant that the proposed amendment represents a much needed residential care facility within the Shankill area and this is elaborated upon by reference to national policy and guidance and demand for such citing DLR's Housing Department which has confirmed there is a current wait list of 197 applicants on the Senior Waiting. The delivery of such is further supported by a letter from FOLD Housing Association expressing its interest in managing the occupancy of the proposed units for such use. While Fold occupancy is not legally binding, the PA planning report concurs with the Architects' Department in terms of the site being very suitable for Older Persons Accommodation and cites CDP Policy Objective PHP30 which supports older people to downsize while being afforded the opportunity to live in the community, which supports the nature of the proposal in principle.
- 9.2.3. At a strategic level the provision of additional housing in this urban site is supported by the National Planning Framework housing related policy objectives which seek to target 40% of projected future housing within built-up areas where there is existing infrastructure. (I refer to NPOS 7 and NPO 45 for example.) The provision of housing for the elderly also meets with the NPO 40 which focuses on the need to provide housing for an aging population. The basis of housing needs is further elaborated upon in detail in the Planning Application Report in section 9 which lists the planning strategic planning policy documents and emphasises the particular focus of Housing for All: A New Housing Plan for Ireland. I note this refers to a government target of 300,000 homes by 2030 (including 90,000 social homes). This policy document notably also refers to the restricted housing options for elderly and in the most recent housing guidance, Planning Design Standards for Apartment – Guidelines for Planning authorities, (2025), section 3.3, I note, recognises the need for variety in housing such as for older persons in independent units. Accordingly, I consider in strategic terms the provision of additional units with a focus on homes for elderly persons in an urban serviced area close to village amenities and highly accessible in terms of both bus and DART access, is acceptable in principle. In terms of visually assimilating into the surrounding area and the altered juxtapositioning of Block C

within the curtilage of a protected structure, such matters I consider to relate to design details and are addressed separately.

- 9.2.4. Accordingly I do not consider there are any reasonable grounds to refuse permission for the proposed variations to a permitted scheme based on any manifest conflict with strategic policy or land use objectives.

9.3. Intensification of development on site

- 9.3.1. It is argued by the applicant that the proposal constitutes a significant intensification of Block C and essentially reverses improvements (as approved on D23A/0806) on the initial scheme that was refused permission (ABP317775- file attached) on appeal.

While the additional 12 units give rise to an increase in density of units from around 41dph to 63dph, the site coverage and plot ratio reflect a negligible intensification in terms of actual bulk and massing. I note a comparative quantitative summary is included in drawing D25A-0606W. However, the schedule of comparisons in the Brock McClure Planning Application Report submitted puts the scale of change in context (see pages 44-46) and I have summarised these in the following table:

Development parameter	Parent permission (PA ref D23A/0806)	Proposed subject development
Site area	0.6 ha	None
Format	3 building blocks A, B and C	Only modifying Block C
Gross floor area	2065.26sq.m.	2213.43sq.m. (+148.17 sq.m)
Density	43.3dph	61 dph
Height of Block C	3-4storeys	3-4 storeys
Car parking	27 spaces	27 spaces (reduced by PA condition to 20 and not subject of appeal)
Plot ratio	61%	64% (+3%)
Site Coverage	25%	25%
Communal open space	Total 338sq.m. (98+ 240)	182sq.m. (-156 sq.m.)

Public Open Space	798	1157 (+359sq.m.)
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9.3.2. From my examination of the drawings and plans of the apartment block that formed part of the development that was refused, (ABP317775- file attached), the proposed changes do not I consider amount to a reversion to the previous design which was for a 5-storey development of c.14.8m in height and which had a larger floor area. While I note the unit numbers in that refused scheme are now increase from 34 to 38 units on the site, the reason for refusal of permission was based on impact on the protected structure and not density. I further note in this case that the bedroom numbers are in overall numbers reduced as a consequence of the change in house type from that permitted. Moreover, in terms of density, the scale at 63 units per hectare as calculated by the planning authority remains at the lower end of what is generally advocated in the Compact Settlement guidelines for such areas. I refer to Table 3.1 – Areas and Density Ranges Dublin and Cork City and Suburbs which guides 40-80dph at suburban/urban extension locations in Dublin but up to 150dph in accessible locations. An even higher range of 50 -250dph may apply in a highly accessible locations with good access to employment, education and institutional uses and public transport. The site location could fall under either type of urban area given the location of the approved high quality bus corridor network along the site frontage in addition to the nearby Dart station. However, having regard to the local character as defined by the surrounding residential development and the two storey protected structure, the refinement of the density to a lower level and in the format of a mix of terraced housing and duplex units and a medium to low rise apartment block which has been reconfigured with no material change in the site coverage (remaining at 25%) and only a marginal plot ratio increase, is appropriate and in accordance with the proper planning and sustainable development of the area.

9.3.3. In view of the density ranges at set out in the Compact Settlement Guidelines and the site characteristics in terms of accessibility, I do not consider the proposal can be considered as excessive for the area or that density constitutes reasonable grounds for refusal of permission. Permission is however predicated on meeting development management criteria in terms of protecting the residential amenity in accordance with

the development plan residential zoning objective, planning guidance and proper planning and sustainable development.

9.4. Impact on amenity – loss of privacy and overbearing impact

- 9.4.1. The appellants who are adjacent residents in Windrush, are primarily concerned with the degree of overlooking from the upper levels of Block C as a consequence of the changes in design alongside the eastern boundary of the site which forms the rear boundaries of some of the appellant dwellings. The residents are opposed to the introduction of additional terraces and windows at upper levels and in such close proximity to their gardens and houses and do not consider the planning authority to have sufficiently considered the loss of privacy and reject their approach to addressing the matter by requiring by condition, screening of terraces.
- 9.4.2. The applicant refutes the grounds of appeal in this regard primarily by reference to only minor changes to mass and scale of Block C which will not increase the level of intrusion on the Windrush houses. In supporting documentation with the application, it is submitted that the development has been designed to an exceptionally high standard to contribute to the urban form of the area and it is considered that the proposal will not give rise to any undue impacts on the amenity of any adjacent residential properties. The response submission, in Figure 3 (page 7) shows superimposed plans comparing permitted and proposed layout footprints. The addition of screens as determined by the planning authority is considered to address concerns as it completely omits overlooking from Block C. Ultimately, the omission of 3 units as suggested by the appellant is considered by the applicant to be unwarranted given the relatively low density already moderated by the Protected Structure on site.
- 9.4.3. I note that in addition to the CDP aims to protect residential amenity in this residential zone that the provisions of the compact settlement guidelines in respect of separation distances as contained in SPPR1 which sets a minimum distance of 16m between directly opposing windows, states that apartments should be considered on a case by case basis to ensure suitable privacy measures are provided and will not have a significant negative impact on the amenities of occupiers on the existing dwelling. In this context, I have examined drawings and

floor plans in particular for both the existing permitted Block C layout. The blue line superimposed on the proposed layout outlines the footprint at each level. I note that the rear elevations of two nearest existing dwellings in Windrush to the east are at angles backing onto the subject site. The more northern existing dwelling is less than 10m from this boundary although the rear elevation is staggered and the garden, though wide, is shallower in parts. While the mature boundary screening will obscure overlooking at 1st floor level, the introduction of additional north facing terraces at upper levels at distances in the order of 3m from the boundary is I consider potentially intrusive. I refer the commission to the 3D image in the Architectural Design Statement on page 5 as an illustration of the changes on the north elevation. The intrusion is particularly so given the rear elevation orientation (of the neighbouring dwelling) in a southerly direction. However, at first floor level the replacement of two private terraces rather than external corridor deck access is probably less intrusive although the screen planting inhibits overlooking either way. The introduction of the unit 21 terrace will be a new addition at second floor level as compared to the internally accessed duplex upper level with no terraces. The proposed introduction of the east facing terrace at third floor level for unit 26 may also be perceived to overlook however, I note it will be set back from the gable end in the order of 5.7m from east facing window and 10.875m from the north and south terrace (that also face east). This is in addition to the 3m separation from the stie boundary. I also note that it is confirmed that there is no public or private access to the intervening green roof. Accordingly, I do not consider the layout at this level to give rise to undue overlooking or intrusion of privacy.

9.4.4. In the case of the more southern dwelling, oblique overlooking is limited and oriented southwards (e.g. from the proposed terrace for unit 22). As in the case of unit 26, unit 27 will be similarly set back and restricted in overlooking opportunity.

9.4.5. Accordingly based on my examination of the drawings for both the permitted and proposed schemes I accept that the proposed revision will increase the opportunity for overlooking and do not consider the provision of screens sufficiently mitigates this at a distance of 3m from the garden boundaries. I consider this can be addressed by a minor modification to the plans by the merging of units 21 and 22 and omission of the respective proposed bedroom floor areas. This would facilitate the setting back of the second floor from the eastern gable end and increase the separation from the

eastern boundary at this level. The terrace for the revised unit 21/22 could be provided in the southern elevation off the living area for the proposed unit 22. Fenestration for 27 would also have to be agreed to ensure no direct overlooking from the east facing windows on the third level I note that this elevation is stepped back as compared to the extant permission but that a window and extended east facing terracing is introduced. The expansive terracing and green roof however offer opportunity for screening and a privacy buffer, and I do not therefore consider the omission of this unit, as requested by the appellants, to be justified.

9.4.6. Accordingly, having regard to the juxtaposition of the proposed terracing within such close proximity at a height and to the character and amenities as enjoyed by dwellings within 10m of the proposed apartments I consider it reasonable and in accordance with the Compact Settlement Guidelines, to require modification of the proposed plans. This could be achieved by a condition of permission requiring that: the floor area and building mass at the 2nd floor level shall be reduced and set back from the eastern boundary by the omission of proposed bedrooms in both units 21 and 22 and the residual areas of these units shall be amalgamated to form one unit and that the north facing terrace shall be omitted. I consider this to reasonably address the concerns of the appellants in this regard without hindering the moderate intensification of the overall development site which in line with national policy in terms of achieving compact growth in serviced land and accessible to quality public transport.

9.4.7. With respect to overbearing impact, I note the depth of the block has been increased from around 15m to over 18m at ground first and second floor levels along the eastern boundary but that the overall setback from the east has been increased from 2 to 3m. The third level has been remodelled such that the set back is increased in part and reduced in part. (See drawings PL-C-200 and P L-C-21 for comparative plans at each level.) The massing for such a depth in close proximity will be more obvious at second level particularly as viewed from the more southern dwelling to the east. The modification to units 21 and 22 will step the 2nd floor level back by about 3m and will I consider improve the relationship between the existing and proposed development. While the sunlight and daylight analysis does not demonstrate an undue loss of daylight and sunlight into Windrush, this moderate reduction will improve sunlight in the late afternoon and offset the dominance of the expansive

blank elevation in such close proximity. On this basis I do not consider overbearing impact to constitute grounds for refusal.

9.5. Impact on settling and curtilage of a protected structure Saint Anne's

9.5.1. The proposed design of Block C is submitted by the appellants to reverse the required stepping of Block C in the previous grant of permission, and the appellant holds the view that the proposal has not been adequately considered by the council in this regard. Therefore, the proposal is argued to be contrary to section 12.11.2.3 particularly in terms of how the proposal now relates to the curtilage of a St Annes a Protected Structure.

9.5.2. The application was accompanied by an Architectural Design Statement by PMCA Architecture and Planning which I note is an RIAI Chartered architectural practice. This statement sets out the rationale and design process from the initial design of Block C as permitted in the parent permission. The statement includes a comparative design analysis with the Protected Structure having regard to the objective of maintaining a similar relationship between Block C the House. It is submitted that the footprint, height and profile reflect as close as possible with those of the permitted design. The analysis highlights the elements in the current revisions and positive elements such as

- A simplification of the north elevation facing the House.
- The relocation of the block entrance to southern elevation distinguishes the public realm to the south from the intervening private realm to the north of Block C
- The removal of the playground in the intervening space and its replacement with gym equipment – [explained in the planning statement and appeal response to reflect amenities suited to the residents of Block C]
- More accessible private and communal open spaces with enhanced amenity.

9.5.3. The redesign was reviewed by Dermot Nolan a Conservation Architect who concluded that as there is no increase in height, he is satisfied that there will be no increase in its impact on the protected structure.

9.5.4. The most relevant development plan criteria for assessment is set out in Section 12.11.2.3 which pertains to 'Development within the Grounds of a Protected

Structure' and states that development must be consistent with conservation policies and the proper planning and sustainable development... a balance must be struck between allowing compact development, while protecting the Architectural heritage and historic building stock within the County. The role of the Planning Authority is to have regard to National Policy; however, this must be done in tandem with other guidance Policy and any proposal for development within the grounds of a Protected Structure will be assessed in terms of the following

- The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, impact on existing features and important landscape elements including trees, hedgerows, and boundary treatments.
- Where a Protected Structure is part of a larger development...the works ...to the Protected Structure take place early on, preferably first...so that the conservation, and use of the Protected Structure is secured at the start of the project.
- The retention of an appropriate setting for the Protected Structure to ensure the relationship between the building, associated structures, amenity value, and/or landscape features remain unaffected by the development.
- Impact of associated works including street furniture, car parking, hard landscaping finishes, lighting, and services...
- ...make a positive contribution to the urban neighbourhood and streetscape; ensure the proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials/building fabric well considered; ensure the proposal positively contributes to the mix of uses, and / or building/dwelling typologies available in the neighbourhood.
- The retention of an appropriate setting for the Protected Structure to ensure the relationship between the building, associated structures, amenity value, and/or landscape features remain unaffected by the development.
- Impact of ...street furniture, car parking, hard landscaping finishes, lighting, and services. These should be designed using appropriate mitigation measures, such as careful choice of palette of materials, and finishes, and use of screen planting.

9.5.5. The images on Page 5 of the statement (which I have attached in the inspector's pouch at front of file) illustrates a 3D model imaging of the permitted and proposed Block as viewed from the north. This illustrates a reduced intervening space but with a rationalised elevation by the removal of the external steps. In terms of encroaching on the setting of the House, from my examination of the drawings, I note the increase in depth of Block C by about which marginally reduces the separation distance, however at roof level, the partial stepping forward is off set by the partial stepping back and the difference on balance is I consider negligible. In terms of design, the overall form, described as 'faceting' incorporates a stepping back of the upper levels which emphasises the horizontal massing at the lower levels and with some curved accent features in the principal frontage as viewed from along Dublin Road, the overall design broadly mirrors elements of the elongated and form of the original Art Deco House. I further note the form follows an irregular footprint responding to the triangular site and this, combined with the elevational modelling, presents an overall form that is not monolithic. The siting and massing provide views of the distinctive House from the public realm and road. Accordingly, I consider the determination by the Conservation Division of DLRCC to be reasonable in that there appears to be no significant increase in visual impact arising from the proposed changes to the scheme on the Protected Structure. In terms of the observing party's criticism of a lack aesthetic consideration, in view of the permitted development and variation that has been subjected to a considered design rationale as set out in the application supporting documentation and to an appraisal by the Planning Authority as informed by the Conservation Division and Architects, I do not consider the criticism to have any substantive basis in shaping a decision, other than reflecting a personal opinion.

9.5.6. Having considered the criteria in 12.11.2.3, while also noting the previously refused proposal for a larger and taller 5 storey apartment block on grounds of its impact on Saint Annes, I am satisfied that the proposed design which is informed by a consultant conservation architect, responds positively to its environment in terms of massing, height and design and does not detract from the setting or integrity of Saint Annes. I am satisfied that the design variation, in optimising the efficient use of serviced land, meets with the relevant heritage criteria of the development plan and will not unduly detract from the visual amenities of the area and more specifically

would not conflict with objective HER8 (iv) of the development plan in respect of ensuring that any development, affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials

- 9.5.7. While I note concern's by the Conservation Division about the condition of the Protected Structure during construction works, this comes under the governance of the parent permission. In conclusion, I do not consider there are any reasonable grounds to support a case that the proposed variation amounts to a development that materially detracts from the setting or integrity of Saint Anne's, a Protected Structure, to a degree that warrants a refusal of permission.

9.6. **Substandard Open Space**

- 9.6.1. The appellant raises concerns about the overall standard of open space in terms of quantity and quality as reflected in what is considered to be a poor layout. The loss of communal open space is criticised, and the concerns of the Parks Department are referred to in general terms with respect to quality issues and the uninviting nature for future occupants.
- 9.6.2. In the first instance, to put in context of overall amenity for occupants, I note that the standards of proposed apartments exceed the standards set out in the Planning Design Standards for New Apartments Guidelines for Planning authorities (2025). I note the PA is generally satisfied with the overall provision of amenities by reference to the development plan and to these standards - the only variation being that internal as opposed to external storage is provided for within the apartments which typically ranges from 54.32sq.m. to 6.98sq.m. for a 1 bed apartment – the minimum standard is 45sq.m. subject to provisions. The degree of dual aspect is queried in that some of windows are set back and do not provide the degree of aspect required. Accordingly the 79% dual aspect is in the opinion of the planning authority not accurate - 11 units are identified with full dual aspect and this still exceeds the minimum requirement of 25% units to be dual aspect .In terms of external private space the [provision of such is in the range of 5-22.5m and exceeds the standards in the Apartment Guidelines (2025) A communal room is also provided at ground level with a open southerly aspect.

Communal Open Space

- 9.6.3. With respect to the allegation of halving the communal open space and leaving at least 3% of the site, the applicant clarifies that the communal open space is being reduced from 338 sq.m. to 182 sq.m. for Block C and this is counterbalanced by an increase in public open space. The communal space exceeds Planning Design Standards for New Apartments Guidelines for Planning authorities (2025) by which 140 sq.m. is required amount for Block C. It also exceeds 5.sqm. per 1 bed unit as required by the development plan standards. (section 12.8.3.2). The planning authority has no issue with the quantum however there are concerns about the location and detailed design/use.
- 9.6.4. Similarly, in terms of quantum, the public open space requirements for 15% of the site area is considered to be met by the planning authority with the provision of 1157sq.m., although fragmented. The areas I note are mapped in the Landscape Rationale submitted with application as is required in section 12.8.1 of the CDP. However, planning authority has concerns about the re-siting and layout of the play area as indicated in the Parks and Landscape Services report.

Open space layout and use

- 9.6.5. The planning authority has concerns about the relocation of the playground (as part of communal open pace) from the communal area north of Block C to the public open space near the site entrance northwest of Block C which is considered more appropriately to be kept open and free as a kick about area and generally usable space. In this regard, the layout of scattered tree trunks is also of concern.
- 9.6.6. The applicant makes the case the need for a traditional formal playground adjacent to the apartments does not take account of the nature of the predominantly older occupant of the site and therefore mature adult users of the adjacent space. The communal open space as proposed to the north of Block C is in the opinion of the applicant, convenient and inviting and specifically sited for the older occupants of Block C while the gym equipment provides for opportunities for both physical activity and social interaction. It is further stated that the planning authority is overstating the concerns about the play equipment and requests a more considered approach on appeal. The applicant, while not an appellant, requests in its response to the third-party grounds of appeal in this regard that the Commission omits condition 6. In this

way I accept that the applicant has the opportunity to provide an appropriate and user specific type of open space and level of amenity so as to therefore create an inviting space.

Playground

9.6.7. Most specifically the requirements for a children's playground are disputed on the basis of the change in occupancy profile. The arguments are:

- The proposed 28 apartments are single bed are design for older occupants and not 2 and 3 bed family units.
- The demand for play area will only be generated by the 9 other units and the play needs can be met by the provision of nature-based play are in the open space to the west.
- The area to the west will have more sunlight as compared to area north of block C. and while meeting with the BRE guidance on the BRE Guidelines as outlined in the Sunlight, Daylight and Shadow Assessment as prepared by Chris Shackleton and submitted as part of the application Sunlight it would simply be better place where there is more sunlight.

The Commission is therefore requested to this reconsider the requirement for a formal playground and permit the proposed age-appropriate gym equipment for the adult dominant profile.

9.6.8. I note development plan provides extensive guidance on open space in addition to wider guidance on urban design and amenities.

- Section 12.8 set out requirements and of note:
- Nature Based Play: The Council is moving towards a more Naturebased Play philosophy and approach with respect to the provision of Play Opportunities in the County. This involves shifting the emphasis from merely equipment-based provision to using and leveraging the genius loci and landscape character of outdoor sites in combination with natural elements (e.g. earth sculpting, mounding, ponds, tree stumps). This Nature-based approach provides more rewarding experiences and improves health and well-being
- Public open spaces, within new development should be capable of providing opportunities for play e.g. playgrounds, small pitches, etc. Playgrounds on

public open space should be carefully sited within residential areas to ensure they are both easily accessible and overlooked by dwellings, while not causing a nuisance to nearby residences

- Landscape Rationale: Regard should also be had to Policy Objective OSR13: Play Facilities and Nature Based Play Communal Open Space: Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year in accordance with BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', (2011). The communal open space should be visible from, and accessible
- Playgrounds in communal open space areas should be carefully sited within residential areas to ensure they are both easily accessible and overlooked by dwellings, while not causing a nuisance to nearby residences

9.6.9. In applying these standard I consider the recent Planning Design Standards for Apartments, Guidelines for Planning Authorities (2025) are relevant as they refer specifically to children's play area in section 4.4 which states that Children's play needs around the apartment building should be catered for within the private open space associated with individual apartments within small play spaces (about 85 – 100 sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/ guardians, and within sight of the apartment building, in a scheme that includes **25 or more units with two or more bedrooms**; and within play areas (200–400 sq. metres) for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms.

9.6.10. In this context I consider the provision of a gym-based amenity space designed for adults to be more appropriate for a 37 new build scheme incorporating a 28 one- bed unit complex and that its location in an immediate adjacent space is convenient and benefits form overlooking. Given that the Apartment Guidelines (2025) do not mandatorily require a designated children's play area in a communal type space for this scape and type of residential development, I consider the provision of such amenities in the location generally to be a positive contribution to the development.

- 9.6.11. With respect to the informal play areas in the public open space, I consider the development plan policies as cited above provide for this type of nature-based play but perhaps for older children and this area has the potential to also be enjoyed by older residents. I further note that the units to the north are adjoined by a communal area of c.92 sq.m. and this provides a convenient adjacent space for residents with young children. The opposing dwellings have private gardens.
- 9.6.12. I accept however that landscaping, including the precise delineation of the spaces taking account of planting and car parking modifications by way of reducing car parking to 20 spaces should be the subject of agreement to ensure an adequate standard of development and the provision of suitable planting. In respect of the loss of communal space and using public open space for play area that is more typically in a communal space, and in effect making it a communal space there is provision in the development plan to attach a financial contribution condition to address the shortfall. However, I consider that subject to detailed layout and landscaping, the nature-based play area could be classed as public open space. The peripheral area that is to be planted as with wildflowers is good use of a prominent margin directly overlooked by the apartment. The public open space will also be increased by the reduction in car parking. I therefore do not consider it necessary to attach such a condition for the variations proposed.
- 9.6.13. In terms of the proposed amendment to the bin storage, I note that this is acceptable to the planning authority and that there is a rationale for more convenient access and collection which is reasonable.
- 9.6.14. In terms of management, I note Appendix C of the SRDCSGs recommends that Operational Management Plan /Report (inc. Lifecycle Report) be submitted for all developments consisting of housing with communal access, facilities and areas open space. In view of the express statement by the Parks and Landscaping Division about not taking in charge, a condition of this nature is I consider appropriate.
- 9.6.15. On balance I do not consider the proposed open space configuration to constitute reasonable grounds for refusal.

9.7. **Surface Water attenuation**

9.7.1. The appellants have an on-going concern about that the management of surface water and the Commission is requested to assess this matter. In response to these concerns, the applicant refers to the Engineering Services Report prepared by GK Consulting Engineers submitted with the application. I have reviewed his report and note a key element is the removal of stormwater from foul network to increase capacity. Detailed calculations are provided to implement this strategy, and the design features are based on the following parameters and conditions:

- The foul pipe network for the site is designed for 2.82 l/s based on the discharge unit method. This is within the capacity of the receiving public sewer system. All connections will be in accordance with the requirements of Irish Water and the recommendations of IW Code of Practice for Wastewater Infrastructure.
- Surface water: to be attenuated in a detention basin of 85m³. The calculated volume based on the FSR method is 85m³ at the minimum 2.8 l/s acceptance rate into the Public Sewer. The surface water design methodology is in accordance with the criteria below:
 - The pipe network is designed for a rainfall intensity of 50mm/hr, BS8301 8.8.2 or 1in 2year return period.
 - Allowance for 20% Climate change.
 - Attenuation storage in accordance with SUDS C753 & DLRCC requirements.
 - Design for interception of the first 5mm of all rainfall events.
 - Designed based on Wallingford method outlined in the CIRIA Report R156 (1996) and SuDS Manual C753
 - Approximately 440m² of extensive green roof with blue roofing beneath the areas of green roofing covering the flat roof areas.

9.7.2. I further note that:

- a flood risk assessment was carried out and that the site has no official data or record of flooding. In support of this the CFRAMS maps indicate site does not flood.
- Uisce Eireann has raised no objection, and the report is appended with a Confirmation of feasibility for connection.

- An Infiltration report has been completed which concludes that test results indicate a relatively low infiltration rate and that these ground conditions are factored into the drainage design.

9.7.3. Significantly, the Drainage Planning Report of 3/9/2025 raises no concerns subject to all drainage related conditions and obligations of the parent planning being applied and the applicant acknowledges these requirements. I am satisfied that the drainage has been addressed comprehensively and appropriate to the site circumstances of the site in determining the extent of surface water and attenuation details. The matter is further addressed by the Planning Authority in its conditions of permission of the parent permission (nos. 18-27) which will be adhered to as confirmed by the applicant.

9.8. **Part V/social housing**

9.8.1. The appellants are concerned that the social housing intention is not confirmed by a contract and section 47 and Part V conditions are unsatisfactory. The PA planning report acknowledges that it is no application by an Approved House Body and accordingly the Housing Department requests Part V agreement. It is noted that an exemption certificate has not been sought. Ultimately the PA considers that this matter is addressed by the requirements for compliance with a condition requiring a Part V agreement in the parent permission. As the proposal seeks additional residential units, I consider the attachment of this condition is appropriate for the subject application in the interest of clarity.

9.9. **Traffic Congestion and Safety**

9.9.1. The observing party refers to traffic congestion as a consequence of the proposal. I note that the application is accompanied by a Traffic and Transport Assessment which concludes that:

- the site access junction on the R837 will operate within capacity for the assessment years 2026, 2031 and 2041,
- adequate visibility splays are available at the proposed access and
- that the scheme is provided with adequate car parking and bicycle parking.

9.9.2. In terms of detailed safety measures the scheme has been subject to a road safety audit and this I note includes detailed recommendations of a minor nature and which are achievable. I refer to surface finishes, visibility, swept path surface details. I note the repositioning of the entrance southward away from an opposing junction and petrol station and is a I consider an improvement in reducing conflict with such junction. Moreover, in terms of traffic safety, the proposal is to the satisfaction of the Transportation Division.

9.9.3. Strategically the Layout and interface along the Dublin Road frontage provides for a future bus corridor and by placing housing in such a site convenient to range of non-car based options to travel in line national transport policy as set out Transport Strategy for the Greater Dublin Area 2022-2042, the development has the potential enhance public transport viability and is I consider positive in terms of transportation. I note that the development was fully appraised in the parent application wherein the layout and design was subject of co-ordination with the requirements of the NTA and addressed in the further information in consideration of that case. In that a the requirement was revised to from 35 to 37 car park space. In this case the overall design and review of car parking in light of the change in unit type has been appraised by the Transportation Department and is generally acceptable subject to a maximum of 20 car park spaces in the context of statutory planning guidelines parking details such as reducing parking and location of bicycle parking have been addressed by condition. I further note that traffic safety was not an issue nor have the local residents in the area raised this as an issue in the grounds of appeal. I do not consider there is any basis to consider that development would give rise to undue traffic congestion. Ultimately it would not I consider be prejudicial to public safety by reason of traffic hazard and should not be refused on this basis.

9.9.4. In relation to car parking the applicant sought to maintain 27 but the planning authority has restricted this to 20 and this has not been appealed by the applicant.

9.10. **Parent Permission Status**

The public notice description of the proposed development refers to 'amendments to the permitted residential development Reg. Ref. D23A/0806' and in terms of height it states that 'Overall height to remain as permitted at 3-4 storeys'. The appeal grounds in this regard refer to the apparent lack of evidence of permission for 3-4 storeys and

16 units in Block C. In this regard it is explained by the applicant how the planning authority sought further information regarding Block C and in response an additional 2 units were added at roof level – a fourth storey in effect. Based on the history file details it would appear that the Planning Authority was satisfied that this revision did not warrant revised public notices and subsequent Permission for this amended design was I note not appealed nor was the validity of the decision challenged. While the Commission may wish to seek further legal opinion on this and whether or not revised notices in this instance would be helpful, I have based my assessment on the understanding that the permission granted for the amended design is valid.

9.11. **Other Matters:** impact on wildlife, construction nuisance, building regulations, building completion.

- 9.11.1. The observing party refers to a lack of consideration of wildlife whereas the application detailed plans in the documentation submitted with the application demonstrates how the design has been informed by many aspects of the natural environment I refer to the Arboricultural report which has informed the landscape masterplan which incorporates boundary tree retention along northern and partly along eastern boundaries. The landscape masterplan provides for 1157sq.m. of public open space and the site layout incorporates a continuous corridor around the perimeter of the site. A detailed planting schedule includes a variety of indigenous trees and wildflower planting although I note the Parks Division proposes different species which is a matter of detail that can be addressed by condition. Overall, the site coverage of 25% and reduced car parking enhances the opportunity for urban biodiversity at ground level and this is augmented by the green and blue roofs. Having regard to the urban context and zoning for the site I consider this to be acceptable in terms of appropriately protecting biodiversity in the environs. Furthermore, the development at a high level does not pose a significant environmental risk having regard to the screening exercise for both Appropriate Assessment and the need for EIA.
- 9.11.2. The observing party raises general concerns about noise and dust generated at the construction phase. I note that condition 11 of the parent requires a construction Management Plan and to include measures to control temporary noise, dust and airborne pollutants in addition to measures to prevent nuisance and adverse health

effects. As permission would be within the parameters of this parent permission this matter has already been addressed and no additional conditions in this regard are required.

9.11.3. The concerns about concrete building materials and quality related issues as well as fire safety matter are more appropriately governed by the building regulations and not within the scope of this planning application. I do not consider conditions in this regard are warranted.

9.11.4. The concern about building completion is addressed by the provisions in the Planning Acts and Development Management Guidelines for attaching a condition of permission requiring the lodgement of a bond or security. This has been applied by the planning authority and therefore risk of competition does not reasonably constitute grounds to refuse permission.

10.0 AA Screening

10.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Dalkey Islands SPA (Site Code 004172), the Rockabill to Dalkey Island SAC (Site Code 003000), South Dublin Bay SAC (Site Code 000210), and the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

10.1.2. This determination is based on:

- The absence of any ecological pathway from the development site to the nearest European Sites.
- Scale nature of the development site and location of the development in a fully developed and serviced urban area.

11.0 Recommendation

11.1. I recommend that the permission be granted permission subject to amended conditions.

Reasons and Considerations

Having regard to the site location on lands zoned 'A' where it is an objective to provide residential development and improve residential amenity while protecting existing residential amenity', the acceptable nature in principle of increasing density on a highly accessible site in a serviced urban area having regard to housing provision objectives of the National Planning Framework (as revised 2025), the provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 and also having regard to the nature, scale and design of the proposed and permitted development on the site and the pattern of existing development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not detract from the setting or integrity of Saint Anne's a Protected Structure within the site, would be acceptable in terms of urban design, and quantum of development and amenities and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 31 st July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise
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	<p>stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiun Pleanála for determination.</p> <p>Reason: In the interest of clarity</p>
2	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (Register Reference D23A/0806) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s)</p>
3	<p>The proposed plans shall be amended as follows:</p> <ul style="list-style-type: none"> (a) the floor area and building mass at the 2nd floor level shall be reduced at set back from the eastern boundary by the omission of the proposed bedrooms in both units 21 and 22 and these unit shall be amalgamated form one unit and the north facing terrace shall be omitted. (b) Vertical privacy screens shall be provided to the open ends of units 4, 12 and 15. (c) Privacy screening measures shall be provided for the east facing living room window in unit 27. <p>All such details shall be submitted for the written agreement with the planning authority prior to commencement of development of Block C.</p> <p>Reason: In the interest of residential amenity of the properties to the east of the proposed development.</p>
4	<p>The proposed car parking layout shall be amended as follows:</p>

	<p>(a) Overall car parking shall be reduced to a maximum of 20 car spaces for Blocks A, B and C</p> <ul style="list-style-type: none"> a. 7 car park space for Block C b. 9 car park spaces for Blocks A and B, and c. 4 visitor spaces. <p>(b) Spaces nos. 6-12 shall be removed and replaced with public open space.</p> <p>All such details shall be submitted for the written agreement with the planning authority prior to commencement of development of Block C.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
5	<p>The bicycle parking layout and facilities shall be amended /clarified to provide, in accordance with the Council Standards for Cycle Parking and Associated Cycling Facilities for New Development and relevant provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028 as follows:</p> <ul style="list-style-type: none"> (a) A minimum of 28 secure covered resident cycle parking spaces. (b) 6 preferably covered visitor cycle parking spaces to serve Block C (c) Long stay cycle facility indicated in the site layout plan (drawing number PL-S-100 Rev. F) shall be relocated to the south of Block C. <p>Low cycle stands with front wheel support shall not be used in meeting requirements for a. and b.</p> <ul style="list-style-type: none"> (d) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. <p>Details to be submitted to and agreed in writing with the planning authority prior to commencement of development of Block C.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to</p>

	serve the proposed development, in the interest of sustainable transportation.
6	<p>The site shall be landscaped including the provision of a gym area in the communal open space and nature-based play area in the public open space generally in accordance with submitted layout but subject to comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <p>(iii) The species, variety, number, size and locations of all proposed trees and shrubs[which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.</p> <p>(iv) Details of screen planting which shall not include cupressocyparis x leylandii</p> <p>(v) Details of roadside/street planting which shall not include prunus species.</p> <p>(vi) Hard landscaping works, specifying surfacing materials, furniture [gym equipment] and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment</p> <p>(c) A timescale for implementation including details of phasing.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>

7	<p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least [three] years and shall include details of the arrangements for its implementation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
8	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity and to ensure an appropriate high standard of development</p>
9	<p>No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts, or other external plant other than those shown on the drawings hereby approved unless authorised by a prior grant of planning permission. Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.</p> <p>Reason: In the interest of visual amenity and to protect the setting of Protected Structures in the area.</p>
10	<p>Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
11	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of</p>

	<p>the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
12	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
13	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
14	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiun Pleanála for determination.</p> <p>. Reason: To secure the protection of trees on the site.</p>

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.

Suzanne Kehely

Senior Planning Inspector

30th January 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL500104-DR-25		
Proposed Development Summary	Amendments to permitted development D23A/0806. 12 additional residential units added to block C, with associated works and alterations.		
Development Address	On lands located at Saint Annes, Dublin Road, Shankill, Dublin 18, D18H9V3 (A Protected Structure)		
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	x	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	x	Class 10(b)(i) of Part 2: 500 dwelling units Class 10(b)(iv) of Part 2: Urban Development	
No	x	it does not equal or exceed any relevant quantity, area or limit where specified for that class	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			

	Threshold	Comment (if relevant)	Conclusion
No			No EIAR or Preliminary Examination required
Yes	<p>Class 10(b)(i) of Part 2: 12 additional units proposed while the threshold is 500 dwelling units.</p> <p>Class 10(b)(iv) of Part 2: The threshold for Urban development which would involve an area greater than ... 10 ha in the case of other parts of a built-up area. The site area is 0.6ha.</p>		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - EIA Preliminary Examination – Form 2

An Coimisiún Pleanála Case Reference	PL500104-DR-25
Proposed Development	Amendments to permitted development D23A/0806. 12 additional residential units added to block C, with associated works and alterations.
Development Address	On lands located at Saint Annes, Dublin Road, Shankill, Dublin 18, D18H9V3 (A Protected Structure)
<p>The Commission carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</p>	
<p>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>	<p>The development would consist of the construction of a three separate structures on a site of 0.6ha in a built-up suburban area. The development would provide an additional 12 units by reconfiguring Block c and changing from 2 and 3 bed units to one bed units. This accommodation of additional units is by minimal increase in footprint, floor area and bulk. The top floor will increase in area. The overall site coverage remains at 25%. The overall proposed development remains at a greater scale than immediately surrounding residential developments with modest changes to that permitted.</p> <p>No material additional waste is likely as demolition phase of ancillary domestic structures has been substantially complete. The proposed development by itself or cumulatively would not I consider require the use of substantial natural resources or give rise to significant risk of pollution or nuisance, would not pose a risk of major</p>

	<p>accident and/or disaster, and due to its location would not be vulnerable to climate change. It would present no risk to human health. The site is not at risk of flooding as confirmed in the Engineering Report submitted by the applicant.</p> <p>The site coverage remains as permitted and does not by itself or cumulatively involve the use of substantial natural resources to give rise to significant risk of pollution or nuisance. The development, in overall terms, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, nor is it vulnerable to climate change. Subject to compliance with the conditions recommended by the planning authority in terms of safeguarding the environment the proposal does not present significant risks to human health. Issues of residential amenity, and traffic are addressed within the scope of planning considerations as set out in the planning assessment.</p>
<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, densely populated areas, landscapes, sites of historic, cultural or</p>	<p>The site is brownfield and is not located within a designated protection area for a natural landscape, habitat or any species.</p> <p>A section at the southern end of the site is located within the zone of archaeological potential of a recorded monument (a 12th-century cross) in St Annes Church grounds to the south of the site. In the attached history file it is explained that the cross was moved to in 1937 c0.7km to the south. The development as varied would not have the potential to significantly impact on the cross.</p> <p>The site is served by a local urban road network and is fronted by the approved Bray to Dublin City bus corridor. The land take that is required to facilitate the bus corridor, has been factored into the design of the development. The provision of this is not obstructed by the proposed</p>

<p>archaeological significance).</p>	<p>development as varied, this would be available for future residents in addition to the DART service at Shakill station</p> <p>The bus corridor works are scheduled to be carried out in a phased manner with an overall programme of 36 months, so there is potential for an overlap of construction works on both projects, although as works have already commenced on the application site in the form of site clearance and demolition works and commencement of construction of Block B, and entrance, overlap with Bus Corridor works is likely to be for a limited duration. It is unlikely that works relating to the bus corridor and site development will give rise to any significant cumulative effects.</p> <p>Vehicular traffic impact on carrying capacity is likely to be negligible</p> <p><u>Surface Water:</u> Impacts on water quality will be mitigated by standard good practice construction stage measures and the operational surface water drainage system. The development will implement a range of natural drainage systems which will control surface water run-off and improve its quality before discharging to the sewer network.</p> <p><u>Foul drainage:</u> The proposed development would connect to public water and wastewater services provided by Uisce Eireann, upon which its effects would be marginal, taking account of the diversion of surface water from the foul sewer and would not have the potential to significantly impact on any ecologically sensitive site or locations, with the nearest European site being located c2.6km to the north-east and off shore..</p>
<p>Types and characteristics of potential impacts</p>	<p>The proposed development, will involve a minor variation to development that has already been screening. It will not be visually incongruous in the immediate setting of Protected</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>Structure within the site or adjacent to it. The principle of intensification by itself is not likely to result in significant environmental effects. Construction works will be negligible as compared to that permitted on site and are subject to environmental and monitoring conditions of the parent permission.</p>	
<p>Conclusion Having regard to the nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to and removed from sensitive habitats/features, to the size of the site, the likely limited magnitude and spatial extent of effects, and the absence of significant cumulative effects, I conclude that there is no real likelihood of significant effects on the environmental factors set out in Section 171A of the Planning and Development Act 2000 (as amended).</p>		
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>	<p>Yes or No</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>	<p>Yes</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	<p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>No</p>
<p>There is a real likelihood of significant effects on the environment.</p>	<p>EIAR required.</p>	<p>No</p>

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3 – Appropriate Assessment Screening

Screening for Appropriate Assessment	
Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case file PL500104-DR-25	
Brief description of project	Amendments to permitted development under PA ref. D23A/0806 for 12 additional residential units added to a reconfiguration block C, with associated works and minor alterations to open space and facilities.
Brief description of development site characteristics and potential impact mechanisms	<p>On lands of single dwelling where construction works have commenced pursuant to permission and located at Saint Annes, Dublin Road, Shankill, Dublin 18, D18H9V3 (A Protected Structure)</p> <p>The site is a serviced urban site and is set back just under 1km from the coastal waters of Killiney Bay</p> <p>The site is not located within or directly adjacent to any Natura 2000 sites (SAC or SPA). The nearest site is the Rockabill to Dalkey Island SAC (Site Code 003000), at 2.6km and the Dalkey Islands SPA (Site Code 004172) is almost 4.5km. c7km north of the site are also indirectly connected by the coastal waters.</p>
Screening report	<p>Y prepared by JM McConville and Associates</p> <p>This report identifies 13 sites on page 4 and skips to concluding that no effects are likely having regard to the QI and effects on Area reduction, Disturbance, Fragmentation, Density reduction or Water Quality modifications. No mitigation is required to achieve this.</p>
Other reports	The engineering Report also contains detailed measures for surface water drainage. Standard waste management is

	<p>provided for with a Construction waste management Plan and an operational waste management plan. Tree removal has been permitted on foot of the extant parent permission and no material changes to this are proposed.</p> <p>The Planning authority report concluded that Appropriate Assessment can be screened out.</p>
Natura Impact Statement	N
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
The Dalkey Islands SPA (Site Code 004172)	<ul style="list-style-type: none"> • Roseate Tern • Common Tern • Arctic Tern <p><u>Conservation Objectives</u> Dalkey Islands SPA National Parks & Wildlife Service</p>	4.5km north east	No direct connection	N
Rockabill to Dalkey Island SAC (Site Code 003000)	<ul style="list-style-type: none"> • Reefs • Phocoena phocoena (Harbour Porpoise) <p><u>Conservation Objectives</u> Rockabill to Dalkey Island SAC National Parks & Wildlife Service</p>	2.6km north east	No direct connection	N

<p>Others: South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210)</p>			<p>Due to coastal water and separation distance no ecological connections</p>	<p>N</p>
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Commentary

I note and that the nearest Site is in coastal areas and the associated islands are off shore and the nearest indirect link is via the coastal waters within 1km of the site and to which run-off may drain to.

The site is therefore not located within or adjoining any European Sites, and there are no direct pathways between the site and the European site network. The proposed development would not result in any direct effects such as habitat loss on any European site.

Applying the source-pathway-receptor model in determining possible indirect impacts and effects of the proposed development, sources of potential impact are considered to include:

- Release of hydrocarbons, solvents, cementitious materials during construction to surface water and groundwater.
- Deterioration of water quality by overloading of foul water drainage system and release of effluent into the Irish Sea during the operational phase.
- Elevated noise and dust levels during demolition and construction

Where an ecological pathway exists, indirect impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species and habitats that are dependent on high water quality, that require maintenance of natural vegetation composition and for mobile species, unimpeded access. It is also possible to be within a flight range of ex-site QI Terns.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Given the separation distance and intervening urban area, it is reasonable to conclude that the subject site is not suitable for ex-situ Terms being a residential house and garden and therefore given the removed suburban locations no disturbance of species is likely to arise.

The proposal incorporates measures to divert surface water from the foul sewer and nature based drainage solution are proposed based on detailed calculations having regard to infiltration capacity and climate change as set out in the engineering report submitted with the planning application and as appraised to the satisfaction of the planning authority.

Ultimately the run-off is to be contained and managed and there will be no discharge to the nearby coastal waters. The AA screening report stated the attenuated surface water on site, will be discharged into an existing surface water sewer on Dublin Road via a Hydrobrake flow control device and penstock valve. There will therefore be only a slight increase in the quantity of surface water discharged but no variation in the quality. UE have confirmed availability of connections and development has commenced on site. No material adverse change to surface water run-off is likely to arise nor, due to dilution factor, will it be contaminated and no significant increase in foul water will arise. Discharges from the site to the Bray Shanganagh Wastewater Treatment Plant will be negligible. There is no potential for contamination of coastal waters arising directly from the development site Accordingly significant effects can be ruled out.

Accordingly, in respect of the Dalkey Islands SPA (Site Code 004172), the Rockabill to Dalkey Island SAC (Site Code 003000), there is no direct hydrological connectivity between these European sites and the development site. The development site is located in a developed serviced urban area. It can be concluded that there are no significant hydrological or ecological connectivity pathways between the European Sites and the development site.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation	objectives of the site*
As above	Impacts	Effects

	None	None
Likelihood of significant effects from proposed development (alone):	No	No
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	No	
Step 4 Could proposed development result in likely significant effects on a European site?	No	
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Dalkey Islands SPA (Site Code 004172), the Rockabill to Dalkey Island SAC (Site Code 003000), South Dublin Bay SAC (Site Code 000210), or the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.</p>		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Dalkey Islands SPA (Site Code 004172), the Rockabill to Dalkey Island SAC (Site Code 003000), South Dublin Bay SAC (Site Code 000210), and the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The absence of any ecological pathway from the development site to the nearest European Sites.
- Scale nature of the development site and location of the development in a fully developed and serviced urban area.
- Location-distance from nearest European sites.