

An Coimisiún Pleanála appeal

Third-Party Planning Appeal

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Reference: LRD26A/0051/WEB

Decision Order: P/1527/26

Date of Decision: 28 July 2026

Appellant: Resident of No. 26 St Vincent's Park

Property principally affected: No. 26 St Vincent's Park, Blackrock

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Introduction

This is a third-party appeal against the decision of Dún Laoghaire-Rathdown County Council to grant permission under planning reference LRD26A/0051/WEB for the proposed development at the St Teresa's site, Temple Hill/Temple Road, Blackrock.

I previously made a submission/observation to the Planning Authority. I am appealing because I consider that the proposal, in its current form, does not achieve an appropriate balance between the objective of delivering compact residential development and the protection of the established residential amenity of St Vincent's Park, particularly No. 26 St Vincent's Park, my home.

I do not object to the principle of residential redevelopment of the St Teresa's site or to the delivery of additional housing. My appeal is directed to the scale, distribution and consequences of the development now proposed, particularly at the sensitive interface with St Vincent's Park.

The appeal should be read cumulatively. The individual grounds address height and massing, daylight and overshadowing, traffic and access, trees and landscape, and reliance on conditions and mitigation. Although each issue requires assessment on its own evidence, residents will experience the resulting changes together in the same residential environment.

I respectfully request that An Coimisiún Pleanála refuse permission. If the Commission is otherwise minded to grant permission, I request that it consider material amendments and conditions capable of addressing the identified impacts, including a reduction and/or further setback of the upper levels and massing of Block D1 from St Vincent's Park.

Summary of Grounds of Appeal

This summary is provided for ease of reference. The detailed evidence, planning history and source material supporting each point are set out in the individual grounds that follow.

1. D1/B4 – Height, Massing and Transition. Block D1 changes from the previously permitted five-storey, 50-apartment building to a 4–7 storey, 125-apartment building. When considered cumulatively with B4, this materially changes the built relationship with the low-rise homes at St Vincent's Park. The planning history repeatedly recognised the need for an appropriate transition at this interface, including earlier concern regarding B4 and the subsequent Inspector's recommendation that B4 be omitted.

2. Daylight, Sunlight and Overshadowing. The increased height of D1 has an acknowledged consequence for St Vincent's Park. The appeal asks the Commission to examine carefully the applicant's technical assessment, the Planning Officer's acknowledgement of additional overshadowing, and the particular vulnerability of single-storey homes such as No. 26.

3. Traffic Capacity and Access. The appeal raises concerns regarding peak-period junction performance, the altered relationship between the development access and St Vincent's Park, and the fact that Condition 8 requires further demonstration of the acceptability of the proposed junction arrangement. These matters should be resolved on clear evidence rather than left uncertain at the point of permission.

4. Trees, Landscape, Noise and Residential Amenity. Mature woodland, trees, hedgerows and treelines form an existing physical, visual and ecological buffer. The applicant acknowledges substantial vegetation loss and that full quantitative replacement of canopy cover is not feasible. Replacement planting cannot immediately reproduce the function or maturity of existing vegetation (EIAR Chapter 6 – Biodiversity, PDF p. 122).

5. Conditions, Mitigation and Cumulative Impact. The Further Information process added assessment and mitigation but did not alter the overall heights, scale and massing, density, open space or parking. The appeal therefore asks the Commission to distinguish between impacts that can properly be managed by condition and impacts whose underlying cause requires a physical design response.

Taken together, these grounds raise a broader question of planning balance: whether the proposed level and distribution of intensification are appropriate at this particular interface with an established low-rise residential area, and whether the cumulative effect on No. 26 and St Vincent's Park has been adequately addressed.

Ground 1 – Blocks D1 and B4: Height, Massing, Transition and Impact on No. 26 St Vincent's Park and the Wider St Vincent's Park Residential Area

The principal concern under this ground of appeal is the substantial increase in the height, scale and massing of **Block D1**, when considered cumulatively with **Block B4**, and the resulting relationship with the established low-rise residential properties at St Vincent's Park, particularly my home at **No. 26 St Vincent's Park**.

I do not object to the principle of residential redevelopment of the St Teresa's site, nor do I contend that increased density or taller buildings are necessarily inappropriate across the entire site.

My concern is that the proposed development substantially increases height and massing, including at one of the site's most sensitive interfaces with existing residential development.

The central planning question is therefore not simply whether additional height can be accommodated somewhere within this large site. It is **where that additional height should be located, how it should transition towards established low-rise housing, and whether the residential amenity of the properties most directly affected has been adequately protected.**

1. D1 represents a substantial intensification of the previously permitted building

The **Notification of Decision to Grant Permission (LRD26A/0051/WEB)** records that the previously permitted Block D1 comprised a five-storey building containing **50 apartments**, whereas the current proposal changes D1 to a **4–7 storey building containing 125 apartments.**

This is a substantial change rather than a minor modification to an already permitted building.

D1 alone increases by **75 apartments**, together with a substantial increase in height, floor area and overall building mass.

The previous permission for a five-storey D1 should not be treated as establishing that further height and massing at this location are automatically acceptable. There is an important distinction between accepting the **principle of a building** and accepting its subsequent **material enlargement.**

That distinction is particularly important at St Vincent's Park because this is not an interface between buildings of comparable scale. It is an interface between substantial multi-storey apartment development and an established low-rise residential area containing single-storey bungalows.

2. D1 and B4 must be assessed cumulatively

The **Notification of Decision to Grant Permission (LRD26A/0051/WEB)** confirms that B4 remains as previously permitted.

I recognise that B4 therefore has an existing planning history, and I am not asking the Commission simply to reassess B4 in isolation.

However, what is now proposed **behind and in combination with B4 has materially changed.**

From No. 26 and St Vincent's Park, the relationship will effectively be:

existing single-storey/low-rise homes → B4 → substantially enlarged D1 rising to seven storeys behind it.

Residents will not experience these buildings as separate planning applications or isolated architectural elements. They will be experienced together as part of the same built backdrop.



Figure 3 – Extract from the applicant's proposed ground-level site layout showing the D1/B4 side of the development and the adjoining St Vincent's Park residential area. Source: EIA Appendix 1.1 – Site Layout Plan – Proposed Ground Level, drawing 1706G-OMP-00-00-DR-A-1003. Reproduced as an extract for ease of reference.

Accordingly, the appropriate assessment is not simply whether B4 is acceptable and whether D1 is acceptable when considered separately. The Commission should consider the **combined height, massing and visual presence of B4 and the substantially enlarged D1** when viewed and experienced from St Vincent's Park.

3. The planning history expressly recognised St Vincent's Park as a sensitive interface

The need for an appropriate transition towards St Vincent's Park is not a new concern raised solely by residents in response to the present application.

The 2019 Dún Laoghaire-Rathdown County Council Chief Executive's Report for ABP-303804-19 described the then Block D1 as stepping from five storeys down to three storeys on its south-eastern

side towards St Vincent's Park, with a minimum setback of approximately 27 metres from the south-eastern site boundary. (2019 DLRCC Chief Executive's Report, ABP-303804-19, PDF p. 30; the same relationship is discussed again at PDF p. 44).

That earlier stepped form is significant because it demonstrates that the transition in building height towards the existing low-rise residential area was expressly recognised in the design and planning assessment of this particular interface.

The same **2019 Chief Executive's Report** raised a specific concern regarding B4. It described the proposed building as:

"elevated relative to the lands within its surrounds" (2019 DLRCC Chief Executive's Report, ABP-303804-19, PDF p. 44)

and considered that this would:

"further compound its visual impact" (2019 DLRCC Chief Executive's Report, ABP-303804-19, PDF p. 44).

The report consequently recommended omission of B4's upper floor:

"in order to provide an appropriate transition in height and scale to the adjoining residences to the south-east on St Vincent's Park" (2019 DLRCC Chief Executive's Report, ABP-303804-19, PDF p. 44).

This is important planning history. It demonstrates that **height, visual impact and transition towards St Vincent's Park were substantive planning considerations at this precise interface.**

4. The 2022 ABP-312325-21 Inspector's Report subsequently recommended that B4 be omitted entirely

The subsequent planning history of B4 reinforces the sensitivity of this location.

In the 2022 ABP-312325-21 Inspector's Report, the Inspector did not simply recommend a reduction in the height of B4.

Having assessed the landscape and visual effects of the overall development, the Inspector specifically identified Blocks C3 and B4 as exceptions to the otherwise broadly acceptable assessment and stated that they required amendment:

"to preserve the open character of the site and ensure appropriate visual impact" (2022 ABP-312325-21 Inspector's Report, PDF p. 144 / report p. 143).

Under section 18.0 Conditions, the 2022 ABP-312325-21 Inspector's Report consequently recommended:

"Omission of Block B4 and this area appropriately landscaped" (2022 ABP-312325-21 Inspector's Report, recommended Condition 2(b)(iii), PDF p. 172 / report p. 171).

Importantly, the Inspector's conclusion on landscape and visual impact was expressly reached **with those amendments incorporated**. The Inspector stated that, specifically with the omission of C3 and B4, the landscape and visual impact would be within acceptable parameters and would not result in permanent significant negative effects.

I recognise that the resulting decision was subsequently quashed by the High Court and remitted. **EIAR Chapter 2 – Site Context and Development Description** in the current application expressly records that the decision was quashed by High Court Order on **14 May 2024**.

I therefore do **not** suggest that the previous requirement to omit B4 is legally determinative of the present application.

Its relevance is as important planning history. It demonstrates that the acceptability of development at this particular part of the site has previously been subject to significant concern and that the Inspector's favourable overall landscape and visual conclusion in ABP-312325-21 was reached **after specifically recommending the removal of B4**.

This history becomes particularly relevant now because B4 must be considered together with a substantially enlarged D1.

5. The current proposal moves away from the earlier step-down approach

There is an important contrast between the earlier treatment of D1 and the present proposal.

The **2019 Chief Executive's Report** recorded D1 stepping down to three storeys towards St Vincent's Park.

The present D1 instead rises to **seven storeys**.

Contextual intensification. I do not object in principle to appropriate residential intensification of the St Teresa's lands. However, intensification must respond to its receiving context. The transition from the established low-rise houses of St Vincent's Park to the substantially taller and bulkier D1/B4 built form at this sensitive edge is not, in my submission, a graduated or contextual transition. It represents a sharp increase in vertical scale adjoining an established residential environment.

The architectural and historical character of St Vincent's Park is also relevant to that context. The residents' consultants' appeal identifies the dwellings as forming part of a late-1930s housing scheme associated with architect and town planner Manning Robertson, and relies on that history as an additional reason for treating this residential edge sensitively. I rely on this point as supporting context rather than suggesting that the individual houses are Protected Structures.

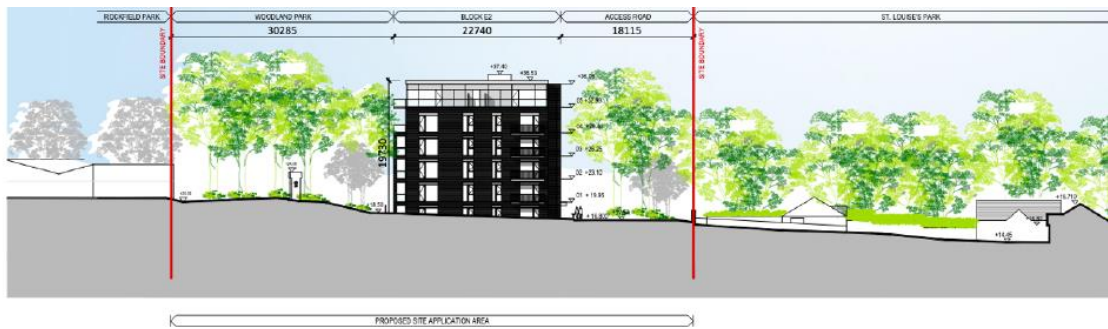


Figure 4.4 - Site section through E2 and St. Louise's Park

Figure 2 – Applicant's site section through Block D1 and St Vincent's Park. Source: EIA Report Chapter 4 – Consideration of Alternatives, Figure 4.5, PDF p. 10. Reproduced as an extract for ease of reference.

EIAR Chapter 4 – Consideration of Alternatives explains the evolution of the design in the context of the potential to intensify development and make better use of the extensive development site. It also relies in part upon mature tree belts providing “partial screening” from adjoining residential properties (EIAR Chapter 4 – Consideration of Alternatives, PDF p. 8).

I recognise the planning objective of making efficient use of serviced urban land and delivering additional housing.

However, the desire to intensify a large development site does not mean that every part of that site is equally capable of accommodating additional height.

There is a fundamental distinction between **appropriate intensification** and **excessive intensification at a sensitive residential boundary**.

The relevant question is not simply whether the St Teresa's site as a whole is capable of accommodating greater density and height. It is whether that additional height has been **appropriately distributed within the site**, having regard to the characteristics and sensitivities of its different boundaries.

6. The change in scale should not be understated

St Vincent's Park is characterised by single-storey bungalows and other low-rise residential properties.

Against that context, the scale of D1 and B4 is significant.

Even in ordinary planning terms, an additional storey can materially alter a building's relationship with adjoining low-rise homes. Here, however, the change is considerably greater.

D1 changes from the previously permitted five-storey, 50-apartment building to a building reaching **seven storeys and containing 125 apartments**.

This should be considered in conjunction with B4 rather than simply against the scale of the overall St Teresa's site.

A development may be capable of accommodating substantial height internally while still requiring a **clear step down at its boundary with established low-rise housing**.

Indeed, that is consistent with the earlier planning assessment, which expressly sought an:

“appropriate transition in height and scale”

towards St Vincent’s Park.

7. Particular impact on No. 26 St Vincent’s Park

These issues have particular consequences for **No. 26 St Vincent’s Park, my home**.

No. 26 is a **single-storey bungalow** adjoining this sensitive part of the development site.

By virtue of its single-storey form, the property is particularly susceptible to the effects of substantially taller neighbouring development. Unlike a multi-storey dwelling, it has no upper residential floor capable of obtaining outlook, daylight or sunlight above surrounding built form.

The cumulative B4/D1 relationship therefore raises particular concerns regarding:

- visual dominance and an increased sense of enclosure;
- loss of outlook and reduction in visible sky;
- overlooking and perceived loss of privacy from elevated residential accommodation;
- additional overshadowing and reduction in sunlight/daylight;
- artificial lighting from upper-floor windows, balconies and communal areas; and
- increased residential activity associated with the substantial enlargement of D1.

These impacts should not be artificially separated from one another.

It is the **combined effect of height, massing, proximity, elevated residential accommodation and activity** that determines how a major development is actually experienced from an existing home.

For No. 26, this represents a fundamental alteration to the existing residential environment.

The separate **Daylight, Sunlight and Overshadowing Ground** addresses the technical daylight and sunlight evidence in detail. However, the acknowledged additional overshadowing caused by D1 is also relevant here because it demonstrates a tangible consequence of placing additional height at this boundary.

8. This is not solely an issue affecting No. 26

Although No. 26 is particularly affected because of its immediate relationship with this part of the site, the issue is not confined to one property.

The **2019 Chief Executive’s Report** referred expressly to achieving an appropriate transition to the:

“adjoining residences”

at St Vincent’s Park.

The appropriate transition between the apartment development and the established residential area should therefore be assessed across the **St Vincent’s Park interface as a whole**.

The Commission should consider whether the progression from predominantly single-storey and low-rise residential development to B4 and then to a substantially enlarged D1 rising to seven storeys represents a sufficiently graduated transition in height, scale and massing.

9. The current Planning Officer’s Report acknowledges an actual consequence for St Vincent’s Park

The current **Planning Officer’s Report for LRD26A/0051/WEB** does not conclude that the increased height of D1 is without effect upon existing properties.

As examined more fully under the Daylight, Sunlight and Overshadowing Ground, the **Planning Officer’s Report** acknowledges:

“some additional overshadowing of adjoining development in St Vincent’s Park” (Planning Officer’s Report for LRD26A/0051/WEB, PDF p. 89).

I also ask the Commission to note the limitation of assessing this sensitive interface principally through public-realm visual material and selected daylight/sunlight receptors. The residents’ consultants’ appeal identifies the absence of representative verified private-residential viewpoints from the gardens or window level of the most directly affected St Vincent’s Park homes. Public viewpoints and site sections are useful, but they do not fully replicate the experience of D1/B4 from within an adjoining home or private garden. This is particularly relevant when the Planning Officer’s Report itself acknowledges some additional overshadowing of adjoining development in St Vincent’s Park.

This is important.

It establishes that the increased height is **not impact-neutral** for St Vincent’s Park.

The planning question is therefore whether sufficient weight has been afforded to that acknowledged impact when determining where the additional height and development intensity should be accommodated within this extensive site.

10. The Planning Officer’s Report reaches an “on balance” conclusion

The current Planning Officer’s Report for LRD26A/0051/WEB ultimately considers the residential-amenity effects acceptable “on balance”, having regard to considerations including the residential zoning of the site and the objective of compact/intensive urban development. (Planning Officer’s Report for LRD26A/0051/WEB, PDF p. 90).

I respectfully request that the Commission independently reconsider that balance.

The fact that the greatest impacts may be concentrated upon a relatively limited number of adjoining properties does not render those impacts insignificant.

For the residents concerned, those effects are experienced at the scale of their **homes, windows, gardens and everyday living environment**.

No. 26 should not receive a lower level of residential-amenity protection simply because it is one of the properties situated closest to a large development site.

Similarly, the legitimate objective of compact growth does not mean that additional height must be accepted at every location within that site irrespective of the characteristics of the adjoining neighbourhood.

Indeed, the substantial size of the St Teresa's site should provide greater opportunity to **distribute height and density internally**, allowing development to step down where it meets particularly sensitive existing residential boundaries.

11. Mature trees provide only “partial screening”

The applicant relies in part upon the landscape setting when explaining the site's capacity to accommodate additional height.

However, **EIAR Chapter 4 – Consideration of Alternatives** itself describes the mature tree belts as providing only:

“partial screening”

from adjoining residential properties.

The applicant therefore does not suggest that the increased built form will be completely screened.

More fundamentally, screening should not be confused with mitigation of building scale.

Trees and landscaping may soften the appearance of development, but they cannot remove excessive height, massing or proximity.

Their screening effectiveness also varies with species, season, maturity, condition and future retention.

The acceptability of the height and massing of D1 and B4 should therefore be demonstrated on their own planning merits rather than depending upon vegetation to disguise or partially screen the resulting built form.

This is particularly relevant given the substantial vegetation loss identified elsewhere in the application and addressed separately under the Trees, Landscape, Noise and Biodiversity Ground of this appeal.

12. The D1 communal roof terrace further illustrates the residential-amenity issue

The **Notification of Decision to Grant Permission (LRD26A/0051/WEB)** requires, prior to occupation of D1, the submission for written approval of the hours of use associated with its communal roof terrace and details regarding its management.

The stated reason is:

“In the interest of residential amenity.”

I recognise that management conditions are a legitimate means of controlling communal amenity areas.

However, this condition demonstrates that the Planning Authority itself considered activity associated with D1 capable of requiring specific control in the interests of residential amenity.

Management arrangements can regulate hours of use and behaviour.

They cannot mitigate the **permanent physical height, scale, massing and visual presence of D1.**

13. The concern extends beyond D1 to the cumulative increase in height across the wider development

While this appeal places particular emphasis on D1 and B4 because of their relationship with No. 26 and St Vincent’s Park, my concern regarding building height is **not confined to D1.**

The cumulative increase in height across the wider development also materially increases the overall scale, massing and visual presence of the scheme.

The issue is not simply whether each additional floor can be individually justified.

The Commission should consider the **combined effect of increased height across multiple blocks** and whether the resulting development remains appropriately scaled to its receiving environment.

I recognise the objective of efficient use of urban land and compact development. However, that objective does not remove the need to consider the **distribution of height within a site.**

The appropriate planning question is therefore not merely:

Can additional height be accommodated on this site?

It is:

How much additional height can appropriately be accommodated, where should that height be located, and does its cumulative distribution provide an appropriate relationship with the established surrounding neighbourhood?

In my submission, the current proposal does not achieve the appropriate balance, particularly at the St Vincent's Park interface.

14. A more proportionate planning response is available

The concerns raised under this ground do not require a choice between accepting the development exactly as proposed and preventing substantial residential development of the St Teresa's site.

A more proportionate response is available.

I respectfully request that the Commission examine both the **overall distribution of additional height across the development** and, in particular, the **height and upper-level massing of D1 in its cumulative relationship with B4 and St Vincent's Park**.

If permission is otherwise considered appropriate, the **upper levels and/or overall massing of D1 should be reduced and/or further set back from St Vincent's Park**, thereby providing a clearer step down towards the established single-storey residential area.

Such an amendment could retain substantial housing delivery while reducing:

- visual dominance and sense of enclosure;
- additional overshadowing;
- overlooking and perceived loss of privacy;
- visibility of upper levels from St Vincent's Park; and
- the abrupt transition in scale between the proposed development and existing homes.

The Commission should also consider whether the **redistribution or reduction of height elsewhere within the wider development** is necessary to reduce its cumulative scale and visual impact.

This would respond directly to the longstanding planning principle identified in the **2019 Chief Executive's Report** of providing an:

"appropriate transition in height and scale"

towards the adjoining residences at St Vincent's Park.

Conclusion on Ground 1

The central issue is not whether taller buildings can be accommodated somewhere within the St Teresa's site.

It is whether the **amount and distribution of additional height are appropriate and, in particular, whether the substantially enlarged D1, considered cumulatively with B4, provides an appropriate transition to the established single-storey and low-rise residential development at St Vincent's Park.**

The planning history demonstrates a consistent sensitivity at this interface.

The **2019 Dún Laoghaire-Rathdown County Council Chief Executive's Report for ABP-303804-19** recorded D1 stepping down towards St Vincent's Park and expressly sought an **"appropriate transition in height and scale"** to the adjoining residences. It also identified B4's elevated position as capable of **"further compound[ing] its visual impact."**

The subsequent 2022 ABP-312325-21 Inspector's Report went further. It identified B4 as requiring amendment "to preserve the open character of the site and ensure appropriate visual impact" and recommended:

"Omission of Block B4 and this area appropriately landscaped" (2022 ABP-312325-21 Inspector's Report, recommended Condition 2(b)(iii), PDF p. 172 / report p. 171).

Significantly, the Inspector's conclusion that the landscape and visual impacts would be within acceptable parameters was expressly reached with the incorporation of the recommended amendments, including the omission of B4.

I recognise that the resulting decision was subsequently quashed by the High Court and remitted, and I therefore do not suggest that the previous requirement to omit B4 is legally determinative of the present application. The current **EIAR Chapter 2 – Site Context and Development Description** itself records that the previous decision was quashed by High Court Order on 14 May 2024.

Nevertheless, that history remains relevant because it demonstrates the longstanding planning sensitivity of this particular interface.

Against that background, the present **Notification of Decision to Grant Permission (LRD26A/0051/WEB)** records D1 changing from a five-storey, 50-apartment building to a **4–7 storey, 125-apartment building**, while B4 remains.

Furthermore, the current Planning Officer's Report for LRD26A/0051/WEB acknowledges "some additional overshadowing of adjoining development in St Vincent's Park" arising in the assessment of the increased D1.

The objective of compact development and increased housing delivery does not remove the requirement to determine **where additional height can appropriately be accommodated and where development should step down to protect established residential areas.**

In the case of St Vincent's Park, the planning history and the current evidence consistently demonstrate the importance of a sensitive transition.

Particular weight should be afforded to **No. 26 St Vincent's Park**, my single-storey home immediately affected by the combined B4/D1 relationship, as well as to the character and residential amenity of **St Vincent's Park as a whole.**

I respectfully submit that the substantially enlarged D1, considered cumulatively with B4, does not provide an adequate transition.

I therefore request that the Commission reconsider the **overall distribution of additional height across the scheme** and, in particular, require the **upper levels and/or massing of D1 to be reduced or further set back from St Vincent's Park**.

This would retain substantial housing delivery on the St Teresa's site while achieving a more appropriate balance between **compact development, appropriate building height and the protection of the existing residential amenity of No. 26 and St Vincent's Park**.

Ground 2 – Daylight, Sunlight and Overshadowing at No. 26 and St Vincent's Park

I have significant concerns regarding the daylight, sunlight and overshadowing effects of the amended development on the established residential properties at St Vincent's Park, with particular concern for my home at **No. 26 St Vincent's Park**, a single-storey bungalow adjoining this sensitive residential boundary.

The issue should be considered in the context of the substantial amendment to Block D1 and its cumulative relationship with Block B4. The **Notification of Decision to Grant Permission (LRD26A/0051/WEB)** records that the previously permitted D1 was a five-storey building containing 50 apartments, whereas the current proposal increases D1 to **4–7 storeys and 125 apartments**.

The relevant question is therefore not simply whether an individual technical sunlight criterion is achieved, but whether the substantially increased height and massing of D1, together with B4, creates an acceptable relationship with the adjoining single-storey homes.

The Planning Officer's Report acknowledges additional overshadowing

Importantly, the **Planning Officer's Report** acknowledges that there will be:

"some additional overshadowing of adjoining development in St Vincent's Park" (Planning Officer's Report for LRD26A/0051/WEB, PDF p. 89).

in the context of the amendments to Block D1 and its increased building height. The **Planning Officer's Report** nevertheless considers the effect acceptable because the relevant amenity spaces continue to achieve more than two hours of sunlight on 21 March.

This is an important finding.

It establishes that the increased height of D1 has an identifiable effect on the sunlight environment of St Vincent's Park.

The question before the Commission is therefore not whether additional overshadowing occurs. **The Planning Officer's Report accepts that it does**. The question is whether the

extent and consequences of that additional overshadowing have been adequately assessed and whether they are acceptable having regard to the particular relationship between the proposed multi-storey development and the adjoining single-storey dwellings.

The two-hour criterion should not determine the wider planning question

I acknowledge that the BRE methodology relied upon in the **Daylight and Sunlight Assessment** provides an important technical benchmark for assessing sunlight to amenity areas.

However, achievement of this criterion should not be interpreted as meaning that an adjoining dwelling can experience no material residential-amenity impact.

In particular, the two-hour test does not by itself explain:

- where the additional shadow falls;
- which properties experience it;
- what parts of individual gardens or dwellings are affected;
- at what times of day the additional shadow occurs;
- how long it persists; or
- how the effect changes during periods of the year when the sun is lower and available sunlight is naturally more limited.

These considerations are particularly important for single-storey properties such as No. 26.

Difference between the Daylight and Sunlight Assessment and the Planning Officer's Report

There is also an important difference between the applicant's description of the impact and the subsequent assessment by the Planning Authority.

The **Daylight and Sunlight Assessment** states in relation to St Vincent's Park:

A further concern is the level of property-specific information presented for St Vincent's Park. The Daylight and Sunlight Assessment Report does include a qualitative shadow study for 21 March, 21 June and 21 December (Appendix B, beginning at report p. 86), and it assesses Sun On Ground on 21 March for 12 neighbouring spaces, including rear gardens across St Louise's Park and St Vincent's Park (section 3.1.4, report/PDF p. 27). However, the report does not present a separate, clearly identified full-year quantitative shadow assessment for No. 26 itself. Properties assessed as having a negligible effect are not discussed individually in the property-by-property narrative. I therefore ask the Commission to examine the submitted shadow diagrams and modelling specifically in relation to No. 26 and the St Vincent's Park interface, particularly given the Planning Officer's separate acknowledgement of "some additional overshadowing of adjoining development in St Vincent's Park".

"No additional overshadowing noted from the proposed development throughout the year to these existing dwellings." (Daylight and Sunlight Assessment Report; see also the report's shadow study at Appendix B and Sun On Ground assessment at section 3.1.4, PDF p. 27.)

However, the Planning Officer's Report subsequently acknowledges "some additional overshadowing of adjoining development in St Vincent's Park."

I respectfully request that the Commission examine this difference and satisfy itself, by reference to the underlying shadow modelling contained in the **Daylight and Sunlight Assessment**, as to the actual extent and location of the additional overshadowing resulting from the amended development.

Additional independent shadow evidence. The BPS Planning & Development Consultants appeal includes an independent seasonal shadow-path review and states that, at the evening equinox, Block D1 produces a shadow projection of approximately 55 metres affecting properties along St Vincent's Park (BPS appeal, Fig. 19, p. 44). I rely on this as supporting evidence of the potential reach of D1 shadowing across the St Vincent's Park interface, not as proof that the 55-metre shadow reaches No. 26 specifically. The applicant's own Daylight and Sunlight Assessment contains hourly baseline/proposed shadow diagrams for 21 March, 21 June and 21 December, but its quantitative sunlight-to-windows assessment excludes windows along St Vincent's Park because of their orientation, while its Sun on Ground assessment reports the selected gardens as having a 'negligible' effect. In those circumstances, I respectfully request that the Commission examine the underlying model and the particular position of No. 26 rather than treating the independent 55-metre figure as a property-specific measurement.

Particular impact on No. 26 St Vincent's Park

No. 26 is particularly sensitive because it is a **single-storey bungalow** situated immediately adjoining this part of the development site.

At certain times of the year, I have personally observed the existing **St Teresa's Gate Lodge casting shadow into the garden of No. 26**. I mention this as a factual observation from living at the property rather than as a technical assessment of shadow duration. It demonstrates that No. 26 is already sensitive to shadow cast by built form on the adjoining site.

For No. 26 in particular, I am concerned about the additional effect of the substantially taller and larger built form represented by B4 and the amended D1 upon sunlight and daylight to my kitchen, which is located toward the rear-garden side of the house, and potentially upon my rear garden. These concerns are addressed in the context of the applicant's technical material rather than as a substitute for it.

This concern is reinforced by the **Planning Officer's Report**, which acknowledges additional overshadowing at St Vincent's Park.

Accordingly, I respectfully request that the Commission examine whether the **Daylight and Sunlight Assessment** adequately establishes the property-specific effect upon No. 26, including the effect upon its windows and private amenity areas, rather than relying solely upon an overall compliance result for St Vincent's Park.

The cumulative B4/D1 relationship must be considered

The **Notification of Decision to Grant Permission** confirms that B4 remains as previously permitted.

However, B4 should not therefore be considered entirely separately from the daylight and overshadowing consequences of the amended D1.

The amendment materially changes the built environment behind and in combination with B4.

The relevant planning question for existing residents is the **cumulative relationship created by B4 together with the substantially increased height and massing of D1.**

This is particularly important from No. 26 and the wider St Vincent's Park boundary, where the buildings will be experienced together as part of the overall built backdrop.

The **Daylight and Sunlight Assessment** should therefore demonstrate whether the combined built form results in materially greater overshadowing, reduced sky visibility, visual enclosure or loss of daylight than arose under the previously permitted arrangement.

The planning history demonstrates the sensitivity of this boundary

The sensitivity of St Vincent's Park to increased height is not a new issue.

The 2019 Dún Laoghaire-Rathdown County Council Chief Executive's Report for ABP-303804-19 described the then Block D1 as stepping down from five to three storeys on its south-eastern side towards St Vincent's Park, with a minimum setback of approximately 27 metres from the south-eastern site boundary. (2019 DLRCC Chief Executive's Report, ABP-303804-19, PDF p. 30; the same relationship is discussed again at PDF p. 44).

The same **2019 Chief Executive's Report** also recommended reducing Block B4 by one storey expressly:

"...to provide an appropriate transition in height and scale to the adjoining residences to the south-east on St. Vincent's Park."

This planning history is highly relevant.

It demonstrates that achieving an appropriate transition towards St Vincent's Park has previously been expressly recognised by the Planning Authority as a planning consideration.

The present amendment substantially increases D1, including height reaching seven storeys. The need for an appropriate transition has therefore not disappeared and, in my submission, requires particularly careful consideration.

Trees do not eliminate the daylight or overshadowing issue

The applicant also relies to some extent upon existing mature tree belts when considering the relationship between the increased built form and neighbouring residential properties.

Significantly, **EIAR Chapter 4 – Consideration of Alternatives** states that:

“the presence of the existing mature tree belts assists in providing partial screening”

from adjoining residential properties.

The applicant's own terminology is therefore **“partial screening”**, rather than complete screening.

EIAR Chapter 4 – Consideration of Alternatives also confirms that D1 reaches seven storeys.

Landscaping cannot remove the physical height or mass of D1, nor can visual screening prevent shadow cast by the building itself.

Furthermore, as addressed separately in the Trees, Landscape and Biodiversity ground of this appeal, the proposal involves substantial vegetation loss and the applicant acknowledges that full quantitative replacement of existing canopy cover is not feasible.

The acceptability of the substantially increased built form should therefore be demonstrated independently of an assumption that mature vegetation will screen its effects.

Residential amenity requires more than numerical compliance

I recognise the national policy objective of delivering compact residential development and additional housing at appropriate locations.

My concern is not that increased density or taller buildings should be prohibited throughout the St Teresa's site.

The issue is whether this additional height has been appropriately distributed within the site and whether D1 provides an adequate transition at one of its most sensitive residential interfaces.

The **Planning Officer's Report** itself acknowledges additional overshadowing at St Vincent's Park.

In my submission, achieving the relevant BRE amenity-space criterion does not, by itself, resolve the broader effects upon **daylight, sunlight, outlook, sky visibility and sense of enclosure**, particularly for the single-storey dwellings situated closest to the development.

Conclusion on Ground 2

The Planning Officer's Report expressly acknowledges “some additional overshadowing of adjoining development in St Vincent's Park” associated with the amendments to D1 and its increased height.

This is particularly significant when considered alongside the **2019 Dún Laoghaire-Rathdown County Council Chief Executive's Report for ABP-303804-19**, which expressly recognised the need for an appropriate transition in height and scale towards the residences at St Vincent's Park.

I therefore respectfully request that the Commission independently examine the underlying daylight and shadow analysis contained in the **Daylight and Sunlight Assessment**, with particular attention to **No. 26 St Vincent's Park and the cumulative effect of B4 together with the substantially enlarged D1.**

The assessment should establish not simply whether a two-hour amenity-space criterion is achieved, but the actual location, magnitude, duration and seasonal characteristics of the additional shadow and its consequences for the residential amenity of the properties most directly affected.

If the Commission is not satisfied that an acceptable relationship has been demonstrated, I respectfully request that the **upper levels and/or massing of D1 be reduced or further set back from St Vincent's Park.**

Such an amendment would not prevent substantial residential development of the site. It would instead provide a more appropriate transition towards established single-storey homes and reduce the additional overshadowing of St Vincent's Park acknowledged in the **Planning Officer's Report.**

Ground 3 – Traffic Capacity, Access and the St Vincent's Park Junction

I have significant concerns regarding the capacity and operation of the proposed access junction and, in particular, the consequences for existing residents of St Vincent's Park who will share this junction with traffic generated by the proposed development.

This concern is not based simply on the fact that Temple Road is already heavily trafficked. It arises from the applicant's own traffic modelling, the Planning Authority's Further Information request, the subsequent assessment by the Transportation Department, and the wording of Condition 8 of the decision to grant permission.

The Applicant's Original Traffic Modelling

The applicant's Traffic and Transport Assessment identified significant capacity constraints at the relevant junction during peak periods.

The Planning Authority itself subsequently recorded that the modelling showed the junction operating at or above capacity, including Degree of Saturation values approaching or exceeding 100% and negative Practical Reserve Capacity values. (Planning Authority transportation assessment / Further Information traffic review; see Planning Officer's Report and Transportation Department assessment).

These results are important because they indicate a junction already subject to substantial operational pressure during peak periods.

Despite those results, the applicant concluded that the impact of development-generated traffic would be limited and that the effect on the surrounding road network would be negligible or unnoticeable.

The Planning Authority was sufficiently concerned by the apparent difference between the modelling results and this conclusion that it specifically required the applicant, through Further Information, to explain and reconcile the position.

Further Information Did Not Remove the Underlying Capacity Constraint

In response to the Further Information request, additional traffic analysis and explanation were provided.

The Transportation Department ultimately accepted the applicant's position that the development would not materially worsen the operation of the junction.

However, importantly, the revised assessment did **not** establish that the junction would cease to operate at or above capacity.

The underlying constrained condition therefore remains.

The relevant planning question is consequently not simply whether development-generated traffic represents a relatively small percentage of total traffic on the wider road network.

The question is whether adding additional traffic movements to an already constrained junction provides a safe, efficient and acceptable access arrangement for both the proposed development and the established residents who already depend upon that junction.

Particular Impact on St Vincent's Park

Reduced Parking Provision and Risk of Overspill

Parking provision should also be considered together with the substantial increase in residential intensity. The application description records a revised total of 244 car-parking spaces, a decrease of 28 spaces, while the residential development increases from the previously permitted 291 apartments to 414 apartments. In other words, the scheme accommodates 123 additional apartments while providing fewer car-parking spaces overall.

I recognise that planning policy supports sustainable transport and that a lower parking ratio is not, by itself, evidence that a development is unacceptable. My concern is the practical consequence at this particular location. St Vincent's Park is an existing residential estate sharing the access environment with the proposed development, and the applicant's traffic assessment already identifies peak-period pressure at the N31/Temple Hill/Site Access junction. In that context, the Commission should be satisfied that the combination of substantially more dwellings and reduced on-site parking will not displace parking demand onto St Vincent's Park or other surrounding residential streets, thereby adding to obstruction, manoeuvring, access difficulty and traffic pressure for existing residents.

This concern should therefore be assessed cumulatively with the junction-capacity and access issues addressed below. If the Commission is not satisfied that overspill parking can be avoided in practice, I respectfully request that the parking and mobility arrangements be reconsidered and that any necessary safeguards be secured before permission is confirmed.

This issue has a direct consequence for St Vincent's Park.

Residents already use the Temple Road junction to enter and leave the estate. Under the proposed arrangement, that established residential access becomes integrated with the principal access serving a development of 414 apartments together with associated childcare, café, visitor, delivery and servicing activity.

The proposal therefore does not simply add vehicles to Temple Road. It changes the function and intensity of the existing access environment at St Vincent's Park.

The junction drawings indicate that residents of St Vincent's Park will not have a dedicated signal phase giving them independent priority when exiting the estate.

This is particularly relevant during peak periods when the applicant's own modelling identifies the greatest capacity constraints.

For existing residents, the practical issue is therefore whether increased development traffic will result in:

- longer delays entering or leaving St Vincent's Park;
- increased queueing at the estate entrance;
- greater interaction between existing residential traffic and development-generated traffic;
- increased conflict between vehicles, pedestrians and cyclists; and
- reduced convenience and reliability of access during peak periods.

These effects should be considered from the perspective of the existing residential community and not solely by reference to the percentage increase in traffic on the wider N31 network.

Condition 8 is Particularly Significant

Condition 8 of the Planning Authority's decision requires the developer, prior to commencement, to submit a Junction Capacity Monitoring and Mitigation Strategy. (Notification of Decision to Grant Permission, Condition 8, PDF p. 9).

Significantly, that strategy must include a detailed assessment of the predicted impact of development-generated traffic and must:

"Demonstrate the acceptability of the forecast increases in delay, queue lengths and congestion" (Notification of Decision to Grant Permission, LRD26A/0051/WEB, Condition 8, PDF p. 9).

at the N31/Temple Hill/Site Access junction.

The condition also requires appropriate mitigation measures to be identified and provides for post-occupation monitoring, with further mitigation to be implemented if actual traffic effects exceed those predicted. (Notification of Decision to Grant Permission, Condition 8, PDF p. 9).

I respectfully submit that this raises an important planning question.

If the acceptability of forecast increases in delay, queue lengths and congestion still has to be demonstrated following the grant of permission, it is unclear how that fundamental question was conclusively resolved before the decision to grant permission was made.

This is materially different from a condition dealing with minor implementation details.

The ability of the principal access junction to accommodate development-generated traffic without unacceptable delay, congestion or adverse effects on existing road users goes directly to the suitability of the access arrangement and the capacity of the surrounding road network to accommodate the development.

Monitoring After Occupation Does Not Prevent the Initial Impact

The requirement for post-occupation monitoring is welcome, but monitoring identifies what has happened after residents have begun occupying the development.

If actual queueing, delay or congestion is materially greater than predicted, the impact will already be occurring for existing residents of St Vincent's Park and other road users.

The effectiveness and feasibility of any subsequent mitigation therefore becomes important.

The appeal is not suggesting that post-occupation traffic monitoring is inherently inappropriate. Such monitoring can be useful.

However, it should supplement a robust pre-permission conclusion that the junction can satisfactorily accommodate the development. It should not substitute for establishing the acceptability of a fundamental access and capacity issue before permission is granted.

Alternative Access Arrangements

Given the scale of the development and the sensitivity of the existing St Vincent's Park access, I also consider that the application should demonstrate that the chosen access arrangement represents an appropriate solution having regard to the effect on existing residents.

The site has substantial road frontage. It is therefore reasonable to ask whether alternative access arrangements or configurations were sufficiently examined with the objective of reducing the concentration of development traffic at the established St Vincent's Park entrance.

I do not suggest that any particular alternative access location is necessarily technically feasible or preferable.

Rather, given the acknowledged capacity constraints at the proposed junction, the application should clearly demonstrate why the selected arrangement represents the most appropriate solution and why a materially different access configuration would not provide a better outcome for existing residents and the road network.

Alteration of the Existing Entrance Environment

The traffic issue should also be considered together with the physical alteration of the existing Temple Road/St Vincent's Park entrance.

The proposal changes this location from an established residential entrance adjoining a largely enclosed boundary into the principal access serving a substantial residential development.

This will introduce significantly greater levels of:

- vehicle movements;
- visitor traffic;
- deliveries and servicing;
- pedestrian activity;
- cycling movements; and
- general activity throughout the day.

Accordingly, the impact is not confined to mathematical junction capacity.

The concern is not limited to junction capacity. It also concerns the effect of transforming the character and function of an established residential entrance and the resulting consequences for the amenity and accessibility of St Vincent's Park.

For No. 26, the proposed alteration/removal of part of the existing boundary treatment is also relevant to residential amenity. The existing wall, together with trees and other vegetation, forms part of the present physical separation between my home, Temple Road and the access area. Its alteration may increase the direct exposure of No. 26 to traffic activity, including perceived road noise, vehicle emissions and general disturbance. I do not rely on the wall or vegetation as a quantified acoustic or air-pollution barrier unless demonstrated by the technical assessments; the point is that the existing buffer and separation experienced by the property will be materially altered and this should be considered cumulatively with the increased activity at the access.



Figure 1 – Existing stone boundary/entrance feature at St Vincent’s Park/Temple Road. Photograph supplied by the appellant. The photograph illustrates the existing physical boundary treatment referred to in the traffic/access and residential-amenity grounds.

Conclusion on Ground 3

The applicant’s own modelling identifies a constrained junction operating at or above practical capacity during peak periods.

The Planning Authority considered the matter sufficiently significant to seek Further Information specifically addressing the relationship between those modelling results and the applicant’s conclusion that the traffic impact would be negligible.

Although the Transportation Department subsequently accepted the proposal, the final permission nevertheless requires the developer to submit a strategy that must **“demonstrate the acceptability of the forecast increases in delay, queue lengths and congestion”**, together with post-occupation monitoring and potentially further mitigation.

I respectfully submit that the acceptability of the traffic consequences of a development of this scale, particularly at its principal access, should be clearly established before permission is granted rather than left substantially dependent upon subsequent monitoring and mitigation.

Particular regard should be had to existing residents of St Vincent's Park, who depend upon this junction for access to their homes and who will share the access environment with traffic generated by the proposed 414-unit development.

I therefore request that the Commission independently examine the junction modelling, forecast queue lengths and delays, the operation of the St Vincent's Park arm, and the feasibility and effectiveness of the mitigation contemplated by Condition 8 before determining that the proposed access arrangement is acceptable.

Ground 4 – Loss of Mature Trees, Landscape Buffer, Noise and Residential Amenity

The mature trees, woodland, hedgerows and established vegetation within and along the boundaries of the site form an important landscape and environmental buffer between the proposed development, Temple Road and the established residential properties at St Vincent's Park.

For residents of St Vincent's Park, particularly properties closest to the development including No. 26, this vegetation is not simply decorative landscaping. It contributes to the existing character of the area, provides visual screening and separation from the development site and Temple Road, and contributes to biodiversity, habitat connectivity and the perception of noise attenuation.

Scale of Vegetation Loss

The applicant's revised biodiversity information acknowledges substantial vegetation loss associated with the development, including:

- 86 individual trees;
- approximately **296 metres of hedgerow/treeline**;
- approximately **2,117m² of woodland/tree groups**; and
- an overall vegetated habitat loss of approximately 4,591m². (EIAR Chapter 6 – Biodiversity, PDF p. 122).

Importantly, the applicant also acknowledges that full quantitative replacement of existing canopy cover is not feasible within the site. (EIAR Chapter 6 – Biodiversity, PDF p. 122).

This is significant.

While extensive replacement planting and landscape mitigation are proposed, newly planted vegetation cannot immediately reproduce the height, canopy spread, visual screening, habitat value or maturity of established trees and woodland.

The effect therefore needs to be considered not simply by comparing the number of trees removed with the number proposed to be planted, but by considering the **quality, maturity and functions of the vegetation being lost.**

Impact on St Vincent's Park and No. 26

The existing vegetation provides an important transition between the established low-rise residential environment at St Vincent's Park and the substantially larger buildings proposed within the development.

This function becomes particularly important when considering the increased height and massing of Block D1 together with Block B4.

Removal or reduction of established vegetation will increase the visual exposure of existing homes to the proposed buildings and reduce the effectiveness of the existing landscape buffer.

For No. 26 St Vincent's Park, the cumulative effect is particularly relevant. The property is affected not only by the substantially increased built form within the site, but also by changes to the mature landscape that presently assists in screening and separating the existing bungalow from the development.

Replacement planting may provide benefits over the longer term, but there will inevitably be a substantial period during which new planting has not achieved anything approaching the scale or screening function of mature vegetation.

Furthermore, the acceptability of the relationship between substantial multi-storey buildings and adjoining single-storey homes should not depend principally upon vegetation screening.

Landscaping can soften the appearance of development; it cannot remove inappropriate height, massing or proximity.

Noise and Environmental Buffering

The existing wall, trees and vegetation also contribute collectively to the sense of separation between St Vincent's Park and the heavily trafficked Temple Road environment.

Their alteration must therefore be considered cumulatively with:

- increased traffic associated with the development;
- changes to the principal access;
- increased residential activity;
- balconies and external amenity areas;
- the D1 communal roof terrace; and
- the substantially increased residential population within the site.

The issue is not that trees alone provide complete acoustic protection. Rather, the established wall and vegetation together form part of the existing physical and perceptual buffer between neighbouring homes, Temple Road and the development site.

The significance of operational noise is also reflected in the Planning Authority's own decision. Condition 21 requires the applicant, prior to commencement of development, to submit an Inward/Outward Noise Impact Assessment including appropriate mitigation measures, expressly in the interest of residential amenity. (Notification of Decision to Grant Permission, Condition 21, PDF p. 15).

Similarly, Condition 5 requires the hours of use and management arrangements for the communal roof terrace at Block D1 to be agreed prior to occupation, again expressly **in the interest of residential amenity**.

These conditions demonstrate that noise and activity associated with the development require continuing control.

However, management measures cannot replace the permanent screening and separation functions of mature landscape features once removed.

Biodiversity and Habitat Connectivity

The applicant's surveys confirm that the site's woodland, mature trees and linear vegetation have ecological value and are used by bats for commuting and foraging.

The revised EIAR Chapter 6 – Biodiversity records 532 bat passes at the south-west woodland detector and 988 bat passes at the north-east mature-tree habitat detector, confirming use of these habitats by commuting and foraging bats (EIAR Chapter 6 – Biodiversity, PDF pp. 49–50).

The revised biodiversity information also acknowledges the loss of woodland, treelines and hedgerows and assesses a residual effect on woodland habitat even after mitigation, with the longer-term outcome dependent upon replacement planting successfully establishing. The same chapter assesses the residual woodland effect as slight to moderate at local level, with potential improvement only as planting establishes over the medium to long term (EIAR Chapter 6 – Biodiversity, PDF p. 122).

The survey history is also relevant. EIAR Chapter 6 – Biodiversity expressly records that, for health and safety reasons due to the presence of aggressive dogs, 2025 emergence surveys of the buildings and trees could not be completed in accordance with best-practice guidance; the applicant subsequently supplemented the work with an updated PBRA and 2026 dusk emergence surveys (EIAR Chapter 6 – Biodiversity, PDF p. 49).

I therefore do not contend that no adequate bat surveys were undertaken or that bat roosts were established within the affected buildings or trees where the later surveys found none.

The more relevant point is that the applicant's own surveys establish that bats **use the habitats associated with the site for commuting and foraging**. Maintaining habitat connectivity, mature vegetation and appropriately dark ecological corridors therefore remains an important consideration notwithstanding the absence of identified roosts.

Artificial lighting associated with the taller buildings, including upper-floor windows, balconies, circulation areas and external amenity spaces at Blocks B4 and D1, should consequently be considered together with the removal and alteration of vegetation rather than as an entirely separate effect.

Replacement Planting Does Not Provide Immediate Equivalence

I acknowledge that substantial landscaping, habitat enhancement and biodiversity mitigation are proposed and that the Planning Authority has imposed extensive ecological and tree-protection conditions.

However, those measures do not alter the applicant's acknowledgement that full quantitative replacement of existing canopy cover is not feasible within the site. (EIAR Chapter 6 – Biodiversity, PDF p. 122).

There is an important difference between **replacement planting** and **replacement of the functions of mature vegetation**.

A newly planted tree cannot immediately provide the canopy, visual screening, habitat connectivity, landscape character or environmental buffering of a mature tree.

This is particularly relevant at the boundary with an established residential area, where existing vegetation currently assists in mediating the transition between single-storey homes and the much greater height and scale proposed within the development.

Cumulative Impact

The landscape impact should therefore not be considered in isolation.

At St Vincent's Park, the proposal combines:

- substantial additional height and massing at Block D1;
- the presence of Block B4;
- removal of mature trees and other established vegetation;
- alteration of established boundary features;
- increased traffic and activity;
- additional artificial lighting;
- external amenity areas and balconies; and
- the D1 communal roof terrace.

The loss or alteration of the mature landscape buffer increases the significance of several of these other effects.

The applicant proposes mitigation for individual environmental impacts, but the relevant planning question is whether the **combined built and landscape transformation at this sensitive residential interface** adequately protects existing residential amenity.

Conclusion on Ground 4

I recognise that development of this site will inevitably involve landscape change and that replacement planting and ecological enhancement form part of the proposal.

My concern is therefore not based on an expectation that every existing tree must be retained.

Rather, the applicant acknowledges substantial loss of mature vegetation and accepts that full quantitative replacement of canopy cover is not feasible. At the same time, the development substantially increases built form at the boundary adjoining St Vincent's Park. (EIAR Chapter 6 – Biodiversity, PDF p. 122).

In these circumstances, greater weight should be afforded to the contribution of existing mature vegetation to landscape character, visual screening, ecological connectivity and the residential environment of adjoining properties.

I respectfully request that the Commission consider this loss cumulatively with the increased height and massing of Blocks D1 and B4 and, should permission be granted, require the maximum practicable retention of mature boundary vegetation together with any reduction or setback in built form necessary to achieve an appropriate and durable transition to No. 26 and the wider St Vincent's Park residential area.

Ground 5 – Reliance on Conditions, Mitigation and Cumulative Impact on No. 26 and St Vincent's Park

My concern is not based upon any single impact in isolation. The proposed development will result in a number of changes occurring simultaneously at the St Vincent's Park boundary, including increased building height and massing, additional overshadowing, changes to traffic and access, loss and alteration of vegetation, increased activity, artificial lighting and the intensification of residential use.

The **Planning Officer's Report for LRD26A/0051/WEB** and the **Notification of Decision to Grant Permission** address a number of these matters individually and, in several instances, rely upon conditions, mitigation, management arrangements or subsequent agreement with the Planning Authority.

Conditions are a normal and legitimate part of the planning process. However, I respectfully submit that conditions should not substitute for resolving fundamental questions concerning the **scale, layout and relationship of the development with existing homes**.

1. The Further Information process did not reduce the fundamental scale of the proposal

This distinction is particularly important because the Planning Authority had already sought substantial Further Information.

The applicant's **Further Information Response Report – Lands at St Teresa's, Temple Hill, Temple Road, Monkstown, Blackrock** expressly confirms:

"there are no design changes to the development proposal arising from the Further Information Request" (Further Information Response Report, PDF p. 4).

It further states that the:

“overall quantum of development, unit mix, heights, scale and massing, density, open space, and parking remain unaltered” (Further Information Response Report, PDF p. 4).

Although considerable additional technical information and revised environmental documentation were supplied, the fundamental **height, scale, massing, density and parking provision remained unchanged**.

The Further Information process therefore provided additional assessment and mitigation but did not itself reduce the principal physical characteristics giving rise to my concerns.

2. The environmental assessments themselves rely extensively upon mitigation

This is particularly clear from **EIAR Chapter 20 – Summary of Mitigation Measures**.

That chapter states that the appointed contractor will be required to adhere to mitigation contained throughout the EIAR.

More importantly, **EIAR Chapter 20 – Summary of Mitigation Measures** itself explains the hierarchy of mitigation.

It describes avoidance as follows (EIAR Chapter 20 – Summary of Mitigation Measures, PDF p. 2):

“generally the fastest, cheapest and most effective form of impact mitigation” (EIAR Chapter 20 – Summary of Mitigation Measures, PDF p. 2)

while describing reduction as a strategy dealing with effects that “**cannot be avoided**” and noting that this is a “**less sustainable, though still effective, approach.**”

That distinction is highly relevant to this appeal.

Where an adverse effect arises fundamentally from the **height, massing, proximity or layout of a building**, the most effective mitigation may be to avoid or reduce that impact through design — for example by reducing an upper level, increasing a setback or redistributing height — rather than accepting the built form and subsequently seeking to manage its consequences.

This is particularly relevant to D1 and the St Vincent’s Park interface.

3. Some conditions regulate consequences rather than remove their underlying cause

A clear example is the communal roof terrace associated with D1.

Condition 5 of the Notification of Decision to Grant Permission (LRD26A/0051/WEB) requires that, prior to occupation of D1, the applicant submit for written approval the hours of use associated with the communal roof terrace and details regarding its management.

The stated reason is:

“In the interest of residential amenity.”

I recognise that such a condition can legitimately regulate hours of use and management.

However, it cannot alter the permanent **height, location or physical relationship of D1 with existing homes.**

Similarly, landscaping can provide screening, management plans can regulate activities, and traffic measures can seek to manage vehicle movements. These measures may reduce individual effects, but they do not necessarily remove the underlying consequences of substantially increasing development intensity at a sensitive residential boundary.

4. Mitigation should not replace appropriate design

This distinction is especially important because the applicant's own **EIAR Chapter 20 – Summary of Mitigation Measures** recognises avoidance, reduction and remedy as different forms of mitigation and expressly identifies avoidance as the most effective approach.

I therefore respectfully submit that the Commission should ask, where significant effects arise:

Could the impact reasonably have been avoided or materially reduced through the design itself rather than managed after permission is granted?

For example:

- overshadowing arising from additional upper floors can be reduced by reducing or setting back those floors;
- visual dominance can be reduced through lower or more appropriately stepped massing;
- overlooking can be reduced through increased separation and orientation;
- traffic pressure can be reduced through appropriate access and parking arrangements;
- loss of screening can be reduced through greater retention of established vegetation.

Conditions remain appropriate for detailed implementation matters, but they should not be relied upon to make acceptable a development whose **fundamental scale, massing or relationship with neighbouring properties requires alteration.**

5. No. 26 will experience the development cumulatively, not as separate technical chapters

This is particularly important for **No. 26 St Vincent’s Park, my home.**

The application documentation necessarily divides environmental effects into separate technical subjects — daylight and sunlight, landscape, traffic, noise, biodiversity and so forth.

That is understandable for assessment purposes.

However, this is not how an existing resident experiences a development.

From No. 26, the effects will occur within the **same physical residential environment**.

The cumulative question is not simply whether overshadowing, traffic or landscape effects are individually acceptable, but what their combined effect will be upon an existing single-storey home when the changes are experienced together.

That cumulative effect is central to my appeal.

6. The same principle applies to St Vincent's Park as a whole

The issue extends beyond No. 26.

St Vincent's Park is an established low-rise residential area adjoining a major development site.

Residents may experience simultaneously:

- substantially taller and more intensive built development;
- increased visual presence and sense of enclosure;
- additional overshadowing at certain properties;
- changes to mature vegetation and existing screening;
- increased artificial lighting and residential activity;
- increased vehicle movements;
- changes to the Temple Road/St Vincent's Park access arrangement; and
- potential additional parking pressure.

Each matter is addressed separately elsewhere in this appeal and should be determined on its own evidence.

However, the Commission should also consider their **combined effect upon the residential environment**.

An impact assessed as acceptable or limited within one technical discipline does not automatically mean that the cumulative residential-amenity effect of several such changes is acceptable.

7. The earlier planning balance should not simply be carried forward

The planning history is also relevant to this cumulative assessment.

The present application is not simply the implementation of the earlier scheme without material change.

As addressed elsewhere in this appeal, D1 alone changes from a previously permitted five-storey, 50-apartment building to a **4–7 storey building containing 125 apartments**.

The current proposal therefore materially changes the intensity of development while continuing to rely in significant respects upon the planning framework, access arrangements, landscape structure and development principles established through the earlier permissions.

The earlier planning balance should consequently not be assumed to remain unchanged.

The Commission should consider whether safeguards and mitigation that may have been considered adequate for a **smaller and lower-intensity development** remain adequate when applied to the current proposal.

This is particularly important at St Vincent's Park, where the planning history already demonstrates sensitivity regarding height, B4, residential amenity, access and transition to existing homes.

8. The current Planning Officer's Report itself involves a planning balance

As addressed under the D1/B4 ground, the current Planning Officer's Report for LRD26A/0051/WEB acknowledges "some additional overshadowing of adjoining development in St Vincent's Park" and ultimately reaches an "on balance" judgment regarding residential amenity.

That is important because the decision is not based upon a finding that there will be **no impact** upon existing residents.

Rather, impacts are identified and then considered acceptable within the overall planning balance.

I respectfully request that the Commission undertake that balance afresh and give appropriate weight to the fact that the properties closest to the development will experience **several impacts concurrently**.

9. Conditions should be precise and enforceable where relied upon

Where the Commission nevertheless considers that an identified impact can appropriately be addressed by condition, I respectfully request that the condition be:

specific, measurable, enforceable and capable of protecting existing residents throughout the lifetime of the development.

This is particularly important where the environmental assessment relies upon future:

- management arrangements;
- monitoring;

- landscaping and woodland management;
- construction controls;
- lighting controls;
- traffic/access measures; or
- other mitigation measures.

The **Further Information Response Report** itself confirms that updated EIAR documentation was produced following the Council's Further Information request, while leaving the overall heights, scale, massing, density and parking unchanged.

Accordingly, where the acceptability of the development depends upon mitigation contained in those updated documents, the Commission should ensure that the relevant mitigation is **clearly secured and enforceable**, rather than depending upon general commitments or matters left substantially to later agreement.

Conclusion on Conditions and Cumulative Impact

I recognise that planning conditions and environmental mitigation are necessary and legitimate components of major development.

My concern is not that conditions have been imposed.

It is that the Commission should distinguish between **impacts that can appropriately be managed by condition** and **impacts whose underlying cause requires a change to the development itself**.

This distinction is particularly important because the applicant's Further Information Response Report confirms that despite the Further Information process, the "heights, scale and massing, density, open space, and parking remain unaltered" (Further Information Response Report, PDF p. 4).

Furthermore, the applicant's own **EIAR Chapter 20 – Summary of Mitigation Measures** recognises avoidance as the most effective mitigation strategy and distinguishes it from reducing or remedying effects that have not been avoided through design.

For **No. 26 St Vincent's Park and the wider St Vincent's Park residential area**, the effects of this development will not occur as isolated technical matters. Increased height and massing, overshadowing, changes to outlook and screening, artificial lighting, additional activity, traffic/access changes and other effects will be experienced **together**.

I therefore respectfully request that the Commission assess the proposal on that cumulative basis and not assume that the individual acceptability or mitigation of each separate technical effect necessarily demonstrates that the **combined impact upon existing residential amenity is acceptable**.

Where an impact can genuinely be managed by condition, any condition should be clear, specific and enforceable. However, where the impact arises fundamentally from the **height, massing, proximity, layout or intensity of the development**, the appropriate response should be a **design amendment, reduction or other physical mitigation**, rather than reliance solely upon future management.

In particular, this supports the request made elsewhere in this appeal for reconsideration of the **height and massing of D1 at the B4/St Vincent's Park interface**, together with appropriate measures addressing traffic/access, trees and screening, lighting and the other cumulative effects identified in the appeal.

Overall Conclusion and Relief Sought

I recognise the need for additional housing and the policy support for compact development on appropriately located urban land. My appeal does not seek to prevent residential redevelopment of the St Teresa's site. It asks whether the scale and distribution of the development now proposed, particularly at the St Vincent's Park boundary, achieve an acceptable relationship with the established residential environment.

The evidence considered across this appeal should not be viewed in isolation. D1 is materially larger and taller than the previously permitted building; B4 remains at an interface that has repeatedly attracted planning concern; the current Planning Officer's Report acknowledges additional overshadowing of development in St Vincent's Park; mature vegetation and landscape buffering will be altered and lost; and traffic/access matters remain subject to further requirements and conditions.

For No. 26 St Vincent's Park, these effects will be experienced together. As a single-storey bungalow adjoining this part of the site, the property is particularly sensitive to increased height and massing, changes in outlook and screening, overshadowing, elevated residential activity, artificial lighting and changes to the adjoining access environment.

The planning history is also material. Earlier assessments recognised the need for an appropriate transition in height and scale towards St Vincent's Park, while the 2022 ABP-312325-21 Inspector's Report went so far as to recommend the omission of B4 in the context of landscape and visual impact. I recognise that the resulting decision was subsequently quashed and do not rely on it as legally determinative; its relevance is as part of the consistent planning history of this sensitive interface.

I respectfully submit that the current proposal represents excessive intensification at and near the St Vincent's Park boundary and that the cumulative effect on existing residential amenity has not been adequately resolved by the present design and proposed mitigation.

Accordingly, I respectfully request that An Coimisiún Pleanála refuse permission.

If the Commission is otherwise minded to grant permission, I respectfully request that it require material amendments sufficient to address the grounds of appeal. In particular, the upper levels and/or overall massing of D1 should be reduced and/or further set back from St Vincent's Park to provide a clear and durable step down towards the established low-rise residential area. The Commission should also ensure that any traffic/access, landscaping, lighting, noise or management measures on which the acceptability of the development depends are precise, enforceable and secured before occupation where appropriate.

Such an approach would allow substantial housing delivery on the St Teresa's site while achieving a more proportionate balance between compact development and the protection of the established residential amenity of No. 26 and St Vincent's Park as a whole.