



An
Bord
Pleanála

Inspector's Report

ABP-321616-25

Development	Construction of house and all associated site works.
Location	71 Rathdown Road, Dublin 7.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3935/24
Applicant(s)	Neustadt Management Ltd.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Aoife Carroll.
Observer(s)	No Observers.
Date of Site Inspection	20 th March 2025.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.0168 hectares and is located at the southern end of Rathdown Road in Dublin 7. It is a corner site at the junction of Rathdown Road and Grangegorman Lower. Directly to the north of the site is a detached 2-storey house, No. 71 Rathdown Road. A terrace of red brick Victorian houses adjoins No. 71 to the north and the formal terraced layout continues along both sides of Rathdown Road. The southern site boundary flanks an access laneway to the 3-storey Highfield House student housing development to the east of the site. Adjoining this lane and separated by a high stone wall, is the pedestrian access to the Grangegorman Luas stop, with the cul-de-sac to the houses on Marine Villas directly adjacent to the walkway.
- 1.2. The site faces onto a local access roundabout which provides access to the Grangegorman Primary Care Centre and to other buildings in the Grangegorman campus which is directly opposite the site to west. Vehicular access between Rathdown Road and Grangegorman Lower has been blocked but pedestrian and cycle connections are still in place. Ground levels in the immediate vicinity drop steadily in a southerly direction with a noticeable change in level from south to north along Rathdown Road.

2.0 Proposed Development

- 2.1. Planning permission is sought for a part single, part three storey, four-bedroom, flat roofed detached house of approximately 198 sq. m. with private amenity space at ground level to the front and rear, and a south-facing terrace at first floor level. Ancillary works would include landscaping and new pedestrian entrances to the front and rear via Rathdown Road and the adjoining unnamed laneway along the southern site boundary.
- 2.2. The design of the house was altered through further information. The flat roof profile was amended along the northern side to provide a partly sloped profile, and the internal layout was revised to provide a 3-bedroom house with a reduction in the internal floor area to 157 sq. m. Additional changes included revised window openings and providing details to the brickwork at the southern boundary wall.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Planning permission was granted by the PA subject to 11 planning conditions which were mainly standard in nature.

- Condition No. 3 requires a financial contribution for the Luas Cross City Scheme.
- Condition No. 5 states that the structure for the bin storage shall not be more than 1.2m in height.
- Condition No. 8 requires that the project have an archaeological assessment and impact assessment carried out prior to the commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the Planning Authority (PA) was informed by two reports from the Planning Officer (PO). The first report recommended that further information (FI) was requested regarding the following,

- To provide a set-back at 2nd floor level from the existing house to allow for a progressive step-up in height and to match the front building line with the main block of two-storey houses.
- To provide articulation to the main elevations.
- Details regarding rainwater goods and design details for windows.
- Location of bin stores and cycle parking spaces.

In response to the FI request, the applicant submitted revised drawings which replaced the flat roof profile with a mono-pitch roof along the northern elevation. This reduced the height of the building by 7.5 metres along its northern elevation whilst retaining the 10m ridge along the southern elevation. This alteration reduced the floor area of the house from approximately 198 sq. m. to 157 sq. m. and changed

the layout from a 4-bed house to a 3-bed house with some subsequent elevational changes to the windows and brickwork.

The revised layout would also yield a total area of 84.3 sq. m. private open space, (49.2 sq. m. to the front and rear and 35.1 sq. m. in the first-floor terrace).

The second report of the PO found the amendments to be acceptable and recommended that planning permission was granted.

3.2.2. Other Technical Reports

- **Engineering Department – Drainage Division** – No objection to the development. Standard planning conditions are recommended.
- **City Archaeologist** – There is a potential for 19th century burials to remain within the site. A planning condition requiring a full Archaeological Assessment should be attached to any permission for development.
- **Transportation Planning Division** – No objection to the development. Parking spaces for 4 bicycles should be provided within the site boundary.

3.3. Prescribed Bodies

- **Transport Infrastructure Ireland (TII)** – The development falls within an area where a Section 49 levy scheme for light rail applies. Should permission be granted a condition relating to the levy scheme should be attached.

3.4. Third Party Observations

6 observations were received by the PA and raised the following issues.

- Development of infill sites is generally supported,
- Excessive height, scale and massing,
- Negative impact on the uniformity of the terrace,
- Breaks the building line,

- Negative visual impact on the streetscape,
- Failure to respect existing architectural form,
- Over development of the constrained site,
- External terrace is unsuitable for the site.

4.0 Planning History

On the subject site -

0234/24 – Social Housing Exemption Certificate granted for the subject proposal.

On similar corner sites on Rathdown Road –

ABP-304798-19 (PA Ref. 2188/19) – Site adjacent to 25a Rathdown Road – Planning permission granted for the construction of 2 no., 3-bedroom houses.

4682/18 – Planning permission granted by the PA for the construction of a detached 2-storey house to the rear of No. 262 North Circular Road, a protected structure.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

Zoning - The subject site is zoned '*Z1 – Sustainable Residential Neighbourhoods*', the objective of which is '*To protect, provide and improve residential amenities*'.

The vision for residential development in the city is one where a wide range of high-quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services.

The site faces directly on to the Grangegorman TU campus which is zoned Objective Z14 - Strategic Development and Regeneration Area and which is also designated as a Strategic Development Zone (SDZ).

I note to the Board that **Sections 15.5.2** and **15.13.3** of the Development Plan were referenced in the grounds of appeal and are set out in full below.

Chapter 4 – Shape and Structure of the City

Objectives -

SC19 – High Quality Architecture - To promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.

SC20 - Urban Design - Promote the guidance principles set out in the Urban Design Manual – A Best Practice Guide and in the Design Manual for Urban Roads and Streets (2019).

SC21 – Architectural Design - To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's character and which mitigates and is resilient to, the impacts of climate change.

Chapter 5 – Quality Housing and Sustainable Neighbourhoods

Policy –

QNSN6 - Urban Consolidation - To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

QNSN10 – Active Land Management - To promote residential development addressing any shortfall in housing provision through active land management, which will include land acquisition to assist regeneration and meet public housing needs, and a co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and underutilised sites.

Chapter 15 – Development Standards

15.4 – Key Design Principles – requires the consideration of the inter-relationship of buildings, dwellings, roads, pedestrian ways and green areas with active frontages and passive surveillance to be encouraged.

15.4.2 – Architectural Design Quality – Key principles to consider include,

- The character of both the immediately adjacent buildings, and the wider scale of development and spaces surrounding the site.
- The existing context and the relationship to the established pattern, form(s), density and scale of surrounding townscape, taking account of existing rhythms, proportion, symmetries, solid to void relationships, degree of uniformity and the composition of elevations, roofs and building lines. The scale and pattern of existing streets, squares, lanes and spaces should be considered.
- The existing palette of materials and finishes, architectural detailing and landscaping including walls, gates, street furniture, paving and planting.
- The suitability of the proposed design to its intended landuse and the wider land-use character of the area, along with its relationship with and contribution to the public realm.

15.4.5 – Safe and Secure Design – New development should be designed to promote safety and security by,

- Maximising passive surveillance of streets, open spaces, play areas and surface parking.
- Avoiding the creation of blank facades, dark or secluded areas or enclosed public areas.
- Eliminating leftover pockets of land with no clear purpose.

15.5.2 – Infill Development – The main principle of this section is that infill development should complement the existing streetscape and should respect and enhance its context. It should also integrate well with its surroundings.

Dublin City Council will require infill development,

- To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
- To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and

detailing of existing buildings, where these contribute positively to the character and appearance of the area.

- Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.
- Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.

15.5.6 – Plot Ratio and Site Coverage – Appendix 3 – Indicative plot ratio for the 'Central Area' is 2.5 – 3.0 with site coverage of 60-90%.

15.5.7 – Materials and Finishes – materials and finishes should be durable and should complement the existing pallet of materials in the surrounding area.

15.13.3 – Infill/Side Garden Housing Developments – The planning authority promotes the use of infill sites in appropriate circumstances.

In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements. The Development Plan also allows for circumstances whereby the standards can be relaxed.

The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:

- The character of the street.
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.
- Accommodation standards for occupiers.
- Development plan standards for existing and proposed dwellings.

- Impact on the residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed dwellings.
- The provision of a safe means of access to and egress from the site.
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- The maintenance of the front and side building lines, where appropriate.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas and the Council will support innovation in design.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

5.2. National Policy

- **Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities.**

SPPR 2 – Minimum Private Open Space Standards for Houses

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- 1 bed house 20 sq.m
- 2 bed house 30 sq.m

- 3 bed house 40 sq.m
- 4 bed + house 50 sq.m

A further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50 percent of the area being provided as private open space (see Table 5.1 below). The planning authority should be satisfied that the compensatory semi-private open space will provide a high standard of amenity for all users and that it is well integrated and accessible to the housing units it serves.

For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

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.

Table 5.1 – Minimum Private Open Space Standard for Houses

House	Minimum Private Open Space	Maximum Semi-Private (in-lieu)
3-bed	40 sq. m.	20 sq. m.
4-bed+	50 sq. m.	25 sq. m.

6.0 Natural Heritage Designations

6.1. No designations apply to the subject site.

7.0 EIA Screening

Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required. Refer to Form 1 in Appendix 1.

8.0 The Appeal

8.1. Grounds of Appeal

The grounds of appeal include the following,

- The appellant raised three main grounds for appeal, impact on the character of the area, visual impact on the streetscape and overdevelopment of the site.
- Sections 15.5.2 and 15.13.3 of the Dublin City Development Plan, which relate to infill development and the development of corner/side garden sites, are directly referenced by the appellant. The grounds of appeal contend that the proposed architectural form fails to have any regard to the character and appearance of the existing streetscape and materially contravenes Sections 15.5.2 and 15.13.3 of the Dublin City Development Plan which require any new infill development to complement the existing streetscape, respect and enhance its context and integrate with its surroundings.
- The appellant acknowledges the changing character of the area but also notes the low-rise character of the terraced houses on Rathdown Road. The three-storey building would have a parapet height of 2.1m above the ridge height of the adjoining house and 4.6m above the eaves level.
- Alterations made through FI are noted but the appellant considers the changes to be minor in nature and would not materially alter the form style or massing of the development.
- Regarding the visual impact of the development, the prominent corner site location and the lack of any ground level animation or relief, would result in an oppressive elevation, lacking in visual interest and passive surveillance.

- The appeal submits that the 4.5m-high side elevation results in an incongruous element in the streetscape and that the development is inconsistent with Section 15.13.3 of the Development Plan by virtue of its height, bulk and massing.
- The appellant is of the opinion that the proposal represents overdevelopment of a constrained site. The development would have a gross floor area of 192sq.m. and would result in a plot ratio of 1.18 and site coverage of 63%. Reference is made to the DEHLG document, '*Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)*', which is also referenced in the Development Plan as an appropriate guide for house sizes. This document sets a target gross floor area of 110sq.m, for a 3-bedroom house, 3-storey house.
- The large ground floor element results in a lack of usable amenity space for the house. The rear garden measures 22.8sq. m., is north-east facing with much of the space failing to achieve the BRE recommendation of at least 2 hours of sunlight on March 21st.
- The inclusion of the open space to the front of the house in calculations is queried as the appellant argues that it is constrained in size and configuration and would have little privacy due to its position beside the public road.
- As the open space at ground level is constrained the appeal argues that the only usable private open space is the first-floor terrace which is 35.1sq m. This does not comply with SPPR 2 of the *Compact Settlements Guidelines for Planning Authorities (2024)* which allows for a minimum of 50sq.m. private open space for a 4-bedroom house and 40sq.m for a 3-bedroom house. It is noted in the appeal that the Compact Settlements Guidelines allow for some relaxation of the standards. However, in this instance a derogation of this kind may not be warranted as the constrained open space is a result of the excessive scale of the house, the overly large ground floor level and poor design solutions.

8.2. Applicant Response

A response to the appeal was received from the applicant on the 6th of February 2025 and includes the following,

- The applicant argues that the appeal only considers the character of the 2-storey terrace of houses on Rathdown Road and not the overall context of the corner site. There is a backdrop of high-density development and taller buildings including the Highfield student accommodation complex to the east and the buildings within the TU Grangegorman Campus to the west. The corner site marks a transition from the 2-storey houses to larger scale public buildings and future development on the site should have regard to this.
- The corner site is set apart from the traditional terrace by the more modern and detached house directly adjoining the site at No. 71. The transitional nature of the site and the varied character of buildings allows for a contemporary, landmark building. The applicant notes the varying architectural styles in the immediate area as well as the different roof profiles.
- In response to the appellants claim that the development contravenes Sections 15.5.2 and 15.13.3 of the Development Plan, the applicant submitted a point-by-point rebuttal of the requirements for infill development which are set out in Section 15.5.2 and for corner/site garden sites and is satisfied that the development is in accordance with the requirements of the Development Plan.
- The applicant notes that the height of the building was reduced under FI and the introduction of the slanted roof reflects the roof profile of Highfield House to the rear of the site. Furthermore, the slanted roof profile allows the height of the northern wall of the house to sit 0.5m below the ridge level of No.71 and 1.25m below the ridge level of No. 70. The response submits that the overall height of 10m is not excessive when compared with the height of the main terrace which is 8.775m.
- The uniformity in external brickwork and the provision of a staggered building line which conforms with both No. 71 and the northern terrace will aid in

creating a sense of visual cohesion between the modern and traditional buildings.

- The proposal would result in the development of a vacant, zoned site to provide a family home. There would be no overshadowing or overlooking of adjoining property.
- In response to the claim that the southern elevation lacks animation and passive surveillance, the applicant states that a strong boundary treatment is required for the sloping corner site and the elevation is suitably detailed with windows and 'hit and miss' brickwork. The development does not conflict with Section 15.13.3 of the Development Plan which does not consider side gable walls as site boundaries to be acceptable in estate roads. Passive surveillance would be provided by the windows at ground floor level and the first-floor terrace.
- The scheme revised through FI would have a plot ratio of 1.14 and a site coverage of 52%, which is in accordance with the Development Plan, (Table 2, Appendix 3). The development would have a gross floor area of 157 sq. m. which is larger than the 110m² target GFA for a typical dwelling as stated in the '*Quality Housing for Sustainable Development*' document. However, the applicant argues that this standard does not represent a maximum level that cannot be surpassed, and the proposed development would provide good quality living space.
- Regarding private open space, the applicant notes that the Compact Settlements Guidelines supports a flexible approach to the provision of private open space. The applicant argues that the overall quantity of private open space would be 57.9 sq. m., which is above the 40 sq. m. minimum requirement for a 3-bedroom house in SPPR2 of the Guidelines.
- It is acknowledged that Daylight and Sunlight Assessment found that 46.7% of the rear garden space would receive 2 hours of sunlight on the 21st of March, which is marginally below the 50% requirement. However, the assessment was not adjusted to consider the reduction in scale during the FI stage. These changes would most likely achieve the 50% requirement. It is also

argued that the south-facing terrace would receive unimpeded daylight throughout the day.

- In summary, the applicant argues that the design of the house has responded to the two-storey houses to the north and the larger development at Highfield House and the TU campus.

8.3. Planning Authority Response

A response was received on the 5th of February 2025.

- No further comments to make.
- The PA request that conditions requiring the payment of a Section 48 development contribution and a Section 49 Luas X City development contribution are attached should permission be granted.

8.4. Observations

- No observations received.

8.5. Further Responses

- No further responses.

9.0 Assessment

9.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, further responses, having inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal are the,

- Principle of Development
- Design, Scale & Massing
- Residential Amenity
- Material Contravention

9.2. Principle of Development

- 9.2.1. The proposed development for a detached-infill house on a site zoned 'Z1 – *Sustainable Residential Neighbourhoods*', is acceptable in principle. In addition to the residential zoning objective, the Development Plan contains a number of policies and objectives that support the use of underutilised infill sites for housing. Sections 15.5.2 and 15.13.3 of the Development Plan relate to Infill Development and Infill / Side Garden Housing Developments respectively and set out the requirements of the PA when assessing such applications.
- 9.2.2. The grounds of appeal consider that the development materially contravenes the Z1 zoning objective for the site as its height, scale and mass and incongruous boundary treatment would have an unacceptable adverse impact on the visual amenity of the area. The appellant also contends that the development materially contravenes Sections 15.5.2 and 15.13.3 of the Development Plan. These issues are explored in full in the assessment below.

9.3. Design, Scale and Massing

Design

- 9.3.1. The proposed development is for a contemporary, three storey, flat roofed house on a corner site. The grounds of appeal consider the design of the development to be insensitive as it does not respect and complement the prevailing scale, mass and architectural design and notes not respond positively to the existing plot widths and architectural form and detailing.
- 9.3.2. In their initial assessment, the PO considered the subject site to be a 'non sequitur' in the road given the difference in setting and character of the adjoining house at No. 71, its physical separation from the established terrace on Rathdown Road and its prominent corner location. On this basis, the PO was satisfied that there was an opportunity for the site to create its own character and that a contemporary design approach was acceptable. However, concerns were raised regarding the form and scale of the development and its juxtaposition with the adjoining houses. The applicant was requested to reduce the form and massing of the building by providing a step up in height from the neighbouring two storey house. In response the

applicant reduced the height of the northern elevation by introducing a slope in the roof.

I agree with the conclusion of the PO that the context and location of the subject site provides an opportunity to create its own character and that a contemporary design is a reasonable response to the emerging character of buildings to the east and west of the site. It is also noted that two contemporary, flat-roofed residential developments have been constructed on Rathdown Road, (**ABP-304798-19 (PA Ref. 2188/19** and **4682/18)**). However, both of the contemporary developments have kept and referenced the prevailing height of the terrace and surrounding houses. Whilst I consider the contemporary design approach to be acceptable, I would share the concerns of the PO and the appellant regarding the height and massing of the proposal in relation to the site context and the two storey houses to the north.

Height and massing

- 9.3.3. In response to the FI request, the applicant revised the top level of the building and replaced the flat roof profile along the north elevation with a sloped profile. This reduced the height of the northern elevation to 7.5m with the roof gradually slanting upwards to the flat roof profile which would be 10 metres in height. In comparison, the ridge height of No. 71 is 8 metres, and the eaves level is approximately 5.4 metres. The proposed height is justified by the applicant on the basis of the transitional nature of the site, which marks the end of the traditional two-storey houses on Rathdown Road, and which faces on to the public realm and the larger scale public buildings to the east, west and south. The applicant also notes that the corner site is not only physically separated from the traditional terrace on Rathdown Road but the more modern, detached house at No. 71 also provides a variation in architectural style and form.
- 9.3.4. I accept that the site is transitional in nature and that its location is well placed to take reference from the emerging pattern of development to the west and east. The open setting to the south of the site and to the front of the clocktower building, (which is listed on the Record of Protected Structures), also allows for a strong built form bookending the traditional housing on Rathdown Road when viewed from Grangegorman Lower to the south. The scale of the Highfield House student housing development to the east is also noted. However, I consider the height proposed to

be excessive when compared to the traditional housing on Rathdown Road. This is further exacerbated by the proximity of the proposal to the existing house, which accentuates the stark contrast between both buildings. This issue was noted by the PO and the alterations to the roof profile were proposed to address this. Although the alterations reduced the height immediately beside No. 71, it is my view that the intervention compromises the overall integrity of the contemporary design and does not provide a cohesive visual response to the site context.

- 9.3.5. In their response to the appeal the applicant submits that the height of the development references the ridge height of the houses further north on Rathdown Road due to the rising topography from south to north. Drawing No. FI01 details this relationship. Whilst this may be the case, the comparison is not obvious due to the distance between the reference points and the immediate context. The reference to the sloped roof of the student housing is also noted and I accept that this building creates a strong visual reference to the rear of the site. However, as the proposal does not respond well to the traditional building form, the overall development does not provide a successful transition between both architectural character areas.

Massing

- 9.3.6. The grounds of appeal also objected to the scale and massing of the proposal and put forward that the development represented an overdevelopment of the site. The proposal (as amended through FI) would have a plot ratio of approximately 1:1.14 and a site coverage of approximately 52%. The applicant considers this to be in accordance with the indicative standards in Table 2, Appendix 3 of the Development Plan for the '*Outer Employment and Residential Area*'. Appendix 3 does not include a definition for the '*Outer Employment and Residential Area*', and, as the site is located within the canals, I would consider it to be within the '*Central Area*', which allows for an indicative plot ratio of 2.5 – 3.0 with site coverage of 60-90%. Based on the indicative development metrics for the Central Area in Table 2, the development would be below the standards that would indicate overdevelopment on that basis.
- 9.3.7. In terms of the building form, the applicant submits that the massing of the building has been broken up with a single storey element to the south with a terrace above. I consider the plot width of the main body of the building to be acceptable. The width

of the three-storey section is similar in width to that of No. 71, (7.9m and 7.7m respectively), and both buildings have a single storey element to the side. In their assessment, the PA raised a concern that a projection of the front elevation broke the building line and would impact on the terrace. I do not share this concern. The front elevation is slightly staggered with the front door slightly recessed behind the main elevation. The proposed front door aligns with the front elevation of the adjoining house to the north at No. 71 with the remainder of the elevation projecting outwards by approximately 0.7m. I consider the projection at the front elevation to be minimal and generally aligns with the projecting bay windows in the traditional houses to the north.

9.3.8. The grounds of appeal argue that extending the footprint of the building to the southern site boundary resulted in an excessive scale and that providing the gable wall of the building as a site boundary presents a blank and oppressive elevation to the public realm without offering any passive surveillance to the street. It is also put forward that the proposal is not in accordance (materially contravenes) with Section 15.13.3 of the Development Plan as it is a 'side gable wall as a side boundary facing onto a corner'. In their response, the applicant notes that the corner site is on an access route to the Highfield House development and is adjacent to a pedestrian route to the Grangegorman Luas stop and the Broadstone Bus Depot. To provide privacy and security for the site, a strong boundary treatment is required. The applicant disputes the assertion that the elevation would be blank and draws the Board's attention to the drawings submitted with FI, (I refer the Board to Drawings FI 16 and FI 16a), which show the southern elevation. The gable/boundary wall would range in height from 2m to the rear of the site to 4.25m along the southern boundary and where the terrace is located. To provide articulation to the wall it would be constructed in 'New brick in Flemish Bond. Dublin Stock with brick and raddled joints', with 'hit and miss' brickwork on the upper part of the wall. As the main body of the building is set back from the southern boundary, the applicant states that the wall will look like a boundary wall from this location. The applicant argues that the provisions of Section 15.13.3 do not apply as the subject site is not within an 'estate road'.

9.3.9. I note that the PA had no issue with the provision of a gable wall as the southern site boundary. I agree with the applicant that the subject site is not within an 'estate

road’ and whilst I acknowledge that gable walls as side boundaries can result in poor urban design, I am satisfied that the use of the gable wall as a side boundary in this instance is warranted. The corner site is located on a busy through route and the sloping topography to the rear necessitates a robust boundary treatment to provide privacy and security. On this basis, I see no benefit to stepping back the footprint of the building along the southern elevation as any benefit in terms of open space would be negated by the requirement for a strong boundary treatment. Therefore, I do not consider that the development would materially contravene the requirements of Section 15.13.3 as it relates to gable walls.

- 9.3.10. Overall, I consider the form of the building to be acceptable in terms of massing where it relates to plot width, footprint and articulation. However, I do not consider the relationship along the northern elevation and the existing housing on Rathdown Road to be successful. The height and massing at this elevation is excessive in relation to the established built form to the north of the site. It is at this point where the juxtaposition between the existing and proposed form is most pronounced and has the most visual impact. As noted above, I do not agree with the opinion of the PO that the amendments made to the northern elevation to reduce the height are successful in responding to the context of the site to the north. In my view the proposed amendments compromise the integrity of the design, and I agree with the appellant that the proposal further confuses the articulation and massing of the dwelling.

9.4. Residential Amenity

- 9.4.1. The proposed development would have a gross internal floor area of 157.4 sq. m. Section 15.11 of the Development Plan sets out the standards for houses within the city. Section 15.11.1 states that Houses shall comply with the principles and standards outlined in Section 5.3: ‘Internal Layout and Space Provision’ contained in the DEHLG *‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ 2007*. The floor plan submitted under FI would equate to a three bedroom – 6-person house in the guidelines, which has a recommended target gross floor area of 110 sq. m. The applicant notes this figure is for a ‘typical’ house and is not listed as a maximum or absolute standard. Whilst the floor area proposed would be greater than the target floor area in the guidelines, I do not consider it to be excessive within the context of

the Victorian terraced houses in the area, many of which have been extended to the rear. Based on the layout and distribution of internal spaces, I am satisfied that that floor area of the proposed house would have a satisfactory level of residential amenity.

- 9.4.2. The grounds of appeal also argue that the large footprint of the building results in an inadequate standard of private open space at ground level. The appellant is of the view that the private open space to the rear is inadequate as it would not receive sufficient levels of light and that the inclusion of the space to the front should be discounted as the space is incidental and its functionality is compromised by its configuration and location beside the public footpath.
- 9.4.3. Drawings submitted with FI show open space to the rear of 26.3 sq. m., (22.8 sq. m. excluding the bicycle parking area), with a front garden of 26.4 sq. m. and a first-floor terrace of 35.1 sq. m. Section 15.11.3 of the Development Plan requires a minimum of 10 sq. m. of private open space per bedspace for houses in the city with 5-8 sq. m. per bedspace for houses in the inner city. The Development Plan also notes that the standards may be relaxed on a case-by-case basis. The Compact Settlements Guidelines were published after the Development Plan was adopted. SPPR2 of the Compact Settlements Guidelines requires a minimum of 40 sq. m. private open space for 3-bedroom houses. A reduction in this standard can be considered where an equivalent amount of high-quality, semi-private open space is provided, and the provision of private open space can be relaxed partly or whole on a case-by-case basis on urban infill sites.
- 9.4.4. A Daylight and Sunlight Assessment was submitted with the application. The assessment showed that the neighbouring house to the north would experience some additional shadows to the open space to the rear during the winter months, however, this would not be significant and would not occur during the summer months. Neighbouring dwellings would not experience any loss of light to their habitable rooms due to the orientation of the proposal. The grounds of appeal note that only 46.7 % of the private open space to the rear would receive 2 hours of sunlight on the 21st of March, which is below the 50% recommendation. In their response the applicant states that the assessment was not updated to take account of the amendments to the design during FI and that it is expected that a greater percentage of the area would achieve the minimum of 2 hours because of the

reduced massing. The initial results of the assessment are marginally below the recommended threshold, which is acceptable given the irregular shape of the site and its urban location. I also note that this space would be secondary to the primary open space at first floor level and as such would supplement the overall provision of open space.

- 9.4.5. Both the Development Plan and the Compact Settlements Guidelines allow for a degree of flexibility for open space on infill sites. I would agree with the appellant that the open space to the front is limited in recreational value, but it serves a function as incidental and defensible open space. Whilst the open space to the rear is constrained, I am satisfied that it serves as a secondary utilitarian area with the terrace serving as the primary recreational space. On this basis, I do not agree that it should be excluded from the overall quantum of open space. Excluding the area to the front, the development would yield a total of 57.9 sq. m. of private open space, which is more than the minimum requirement in the Compact Settlements Guidelines and marginally lower than the 60 sq. m. required by the Development Plan. I consider the quantum and quality of private open space to be acceptable for an infill urban site.
- 9.4.6. I am satisfied that, due to the siting and layout of the proposed development, that it would not have a negative impact on the residential amenity of adjoining houses in terms of overlooking or overshadowing. I am also satisfied that, given the internal floor area and distribution of space and the provision of private open space, that the development would yield a satisfactory level of amenity for future residents.

9.5. Material Contravention

- 9.5.1. The grounds of appeal submit that the proposed development would materially contravene Sections 15.5.2 – Infill Development and 1513.3 – Infill/Side Garden Housing Developments which require new infill development to complement the existing streetscape, respect and enhance its context and integrate with its surroundings. It is also submitted that the development as proposed does not *‘respect and complement the prevailing scale, mass and architectural design in the surrounding townscape’*, nor does it *‘demonstrate a positive response to the existing context’* as required in Section 15.5.2. On this basis the appeal concludes that the

development would materially contravene the Z1 zoning objective for the site which seeks to *'protect, provide and improve residential amenity'*.

- 9.5.2. Sections 15.5.2 and 15.13.3 of the Development Plan relate to the development standards for infill development and set out the requirements of the PA for such proposals and are not specific objectives of the Development Plan. Regarding Section 15.3.3, the PA set out a list of criteria that they will have 'regard' to when assessing applications and do not set out requirements for infill/side garden developments. In terms of the subject proposal the development standards are complicated by the transitional nature of the site as it can be argued that the infill development responds well to the more recent development and not the established area. Therefore, I consider the development to partially comply with the requirements of Section 15.5.2. As noted above in Section 9.2 of this report, the proposed development is generally in accordance with the Z1 zoning objective for the site. In my opinion, the development as proposed would have a negative visual impact on the amenity of the area and on this basis, I recommend that the development is refused.

10.0 AA Screening

- 10.1. I have considered the proposed development for an infill house in an urban area in Dublin City in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 10.2. The subject site is in an urban area, opposite the Grangegorman SDZ campus and to the west of the Grangegorman Luas stop and Broadstone Bus Depot. The site is serviced by public mains water and wastewater services. The closest European sites are the South Dublin Bay and River Tolka Estuary SPA, which is approximately 3.28 km to the east of the site and the South Dublin Bay SAC approximately 5km to the southeast.
- 10.3. The proposed development comprises the construction of an infill house on a side garden located at the end of Rathdown Road and facing onto Grangegorman Lower. (See Section 1.0 of this report for full site description).
- 10.4. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be

eliminated from further assessment because it could not have any effect on a European Site.

10.5. The reason for this conclusion is as follows:

- The small-scale nature of the works and the location of the site in a built-up urban area
- Location-distance from nearest European site and lack of connections.

10.6. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

10.7. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

I recommend that planning permission is refused.

12.0 Reasons and Considerations

1. Having regard to the restricted nature and prominent location of this corner site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and design, and in particular its height, mass and architectural treatment along the northern extent of the site, would be visually obtrusive on the streetscape and out of character with development in immediate vicinity to the north. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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

Elaine Sullivan
Senior Planning Inspector

1st of April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321616-25		
Proposed Development Summary	Construction of a 3-storey infill house in an urban area.		
Development Address	71 Rathdown Road, Dublin 7		
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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		No further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____