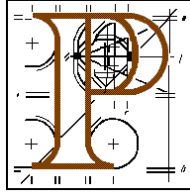


# An Bord Pleanála



## Inspector's Report

**PL19.219185**

**Development:** Amendments to previously approved development (Reg.Ref: 01/481) for 2 no. apartment blocks comprising 46 apartments with parking and associated site works

**Location:** Carrick Road, Edenderry, Co. Offaly

### **Planning Application**

Planning Authority: Offaly County Council

Planning Authority: 06/623

Applicants: Downshire Residential Properties Ltd.

Type of Application: Permission

Planning Authority Decision: Refusal

### **Planning Appeal**

Appellants: Downshire Residential Properties Ltd.

Type of Appeal: First party

**Date of Site Inspection** 13/1/07

**Inspector:** Siobhan Carroll

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located in the townland of Downshire, Edenderry, Co. Offaly. The site is situated on the north-west of the town approximately 800m from the Main Street. The site is located within lands that were previously granted permission under Reg. Ref. 01/480 residential scheme of development.

The rectangular shaped site has a stated area of 0.8569 hectares/ 2.117 acres. The appeal site comprises the plot land that is located approximately 195m to the north of the Downshire Road. The site is relatively flat and contains a raised mound. Immediately to the south and east of the site construction is taking place on a residential scheme of development. A recently constructed extension to the Downshire Road serves the new shopping centre which is located to the approximately 500m to the south of the site. This road runs south and joins the Main Street. At present the shopping centre has been built the cinema, the hotel and apartments to the north of the shopping centre have not been completed yet.

The site is located 195m to the north of Downshire Road. The level of the site rises marginally from the south to the north. A scheme of residential development featuring semi-detached dwellings has been granted permission on the adjacent site immediately to the east. This scheme has not yet been constructed. Construction is currently taking place on the mixed residential scheme on the site located to the south-east. This scheme includes two-storey semi-detached dwellings as well as three-storey townhouses.

A woodland area is located immediately to the west of the site. This woodland area appears to feature a mix of deciduous and coniferous species. This area of land is located outside the town boundary but is zoned open space in the Edenderry Local Area Plan 2005.

## **1.1 THE PROPOSED DEVELOPMENT**

Permission is sought for amendments to a previously approved permission Reg. Ref 01/481 for two new apartment blocks in 2 and 3 storeys over semi basement car park, surface car parking and associated site works, providing a total of 46 no. bedroom apartments (4 no. 3 bed apartments and 42 no. 2 bedroom apartments), on lands to the north of the Downshire Development and to the west of the Carrick Road, Edenderry at Carrick Road, Edenderry.

The scheme previously granted on the site under Reg. Ref 01/481 was for 22 no. semi-detached dwellings arranged in three small cul de sacs.

Features of the scheme include;

- 2 No. Apartment Blocks
- Ridge height of both blocks 16m
- Future distributor road located immediately to the west of the site. This road links the Downshire Road with the future residential development.

- Surface car parking for visitors to the scheme
- Under ground car parking for residents of the scheme.
- Balconies and patios to the front and rear of both blocks.
- Access to the ground floor via a raised external walkway accessed with steps.

## 1.2 THE PLANNING AUTHORITY'S DECISION

### Internal Reports:

Area Engineer: No objections

Water Services Department: Additional information was requested regarding foul and surface water drainage issues.

Roads Department: Additional information was requested regarding design issues

Health Service Executive: No objections subject to conditions

Housing Department: No report received

No third parties submissions/observations or objections were received in relation to the proposal.

### Decision

The Planning Authority decided to refuse permission on the 24<sup>th</sup> of July 2006 for the following reasons.

1. The construction of the proposed apartment blocks involving the alteration in the layout of the estate already permitted would be unsatisfactory and unacceptable because it would constitute an undesirable density of development at the edge of the zoned areas of Edenderry and would not provide for a satisfactory residential environment. Accordingly the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The proposed development of two apartment blocks along a road where three apartment blocks have already been granted planning permission would result in five apartment blocks facing onto a single stretch of roadway. It is considered that five apartment blocks in such a small area would result in a visually monotonous form of development devoid of variety and thus would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the proposed layout, it is considered that the development would provide a poor standard of residential amenity for future occupants by reason of insufficient separation distances between opposing first floor windows and adjacent permitted development in particular locations, which would give rise to overlooking and loss of privacy. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

### **1.3 PLANNING HISTORY**

**01/480** – Permission granted for the demolition of three dwellings and the construction of 124 dwellings, 19 apartments, shopping centre, cinema, DIY store, pub, hotel, leisure centre, medical centre and a crèche. The shopping centre has been built with development of the residential units currently taking place.

**01/481** – Permission granted for a residential scheme of development comprising 185 no. dwellings, three workshops and a sewage treatment plant. Under this decision permission was granted for twenty-two houses on the site of current appeal.

**05/46** – Permission granted for a residential scheme containing 138 No. dwellings. This site adjoins the appeal site to the east.

**06/467** – Permission granted for amendments to the scheme granted under Reg. Ref: 01/481. The scheme included amendments to one of the blocks including the provision of communal and private open space with basement car parking in lieu of surface car parking and 25 no. 2 bedroom apartments in 2 and 3 storeys over a basement car park and associated site works on lands to the north of the Downshire Development and to the west of Carrick Road.

**06/545** – Permission granted for amendments to previously approved permission Reg. Ref. 01/481. The amendment involved changes to two apartment blocks to provide improved private communal and public open space, with semi-basement car parking in lieu of surface car parking previously permitted and revised plans and elevations providing 52. No apartments. The site is located to the south of the subject site.

**05/1396** – current application for the construction of 191 residential apartments in a mix of 1 and 2 bed units. The buildings are of 3 to 5 storeys over basement car parking and with retail units, medical centre to the ground floor of blocks 1 to 3 inclusive. Further information has been requested.

**05/1194** - Permission granted for a residential scheme of development comprising 137 dwellings on the site to the north-east. A new access road to serve this scheme and the lands to the south of the appeal site will be constructed.

### **2.0 PLANNING POLICY**

#### **2.1**

##### **Zoning**

The site is zone objective R “ To provide for residential development”.

Relevant policies and objectives of the Edenderry Local Area Plan 2005.

- Section 12.3 Land use objectives
- Section 12.3.6 – To promote proper planning and sustainable development in all new development in the town following development guidelines as per vol 1, Section 4 of the County Offaly Development Plan, 2003-2009.
- Section 4.2.1 – Layout in the design of new residential areas the Council will encourage high standards of design which respect the existing scale a character of the surrounding area, with the incorporation of such factors as;
  - Clustering of houses around cul de sacs.
  - Avoidance of unnecessary through traffic movements.
  - Provide satisfactory vehicular, cycle and pedestrian access to sites.
  - The development of a co-ordinated and unified open space system providing for play facilities and pedestrian access.
  - Adequate provision for access to service requirements such as shopping schools community facilities.
  - Imaginative use of materials and elevational treatment to produce a distinctive sense of place and identity.
- Section 4.2.5.5 – Overlooking (Residential Development)
  - 22m distance between opposing first floor windows is required.
  - A separation of 35m or greater or modified design shall be considered in the case of overlooking living room windows and balconies.
- Section 4.2.5.7 – Private open space
  - In the case of apartment and duplex style schemes private open space is to be provided in the form of landscaped areas, courtyards, terraces/patios and balconies.
  - 1 bedroom apartments close to town centres will require 25-30 sq m.
- Section 4.2.5.11 – Regard to existing densities while pursuing higher densities the council will also deem it necessary to consider the density and layout of existing development. This may necessitate the provision of a transition zone between the existing density and proposed high density development.

## **2.2 National Policy**

The *1999 Residential Density Guidelines for Planning Authorities* provide a more detailed framework for increasing residential densities.

- Section 5.1 of the Guidelines sets out a set of criteria to be taken into consideration when assessing applications incorporating higher densities.

According to the residential density guidelines the site is classified as an outer suburban/Greenfield site.

These may be defined as open lands on the periphery of cities and towns whose development will require the provision of new infrastructure roads, sewers and ancillary social and commercial facilities. Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare (14-20 per acre) and such densities should be encourage generally.

Development at densities less than 20 dwellings per hectare (8 per acre) should generally be discouraged in the interest of land efficiency, particularly on sites in excess of 0.5 hectares.

## **3.0 APPEAL**

The grounds of appeal have been submitted by DMC Arcitects on behalf of Downshire Residential Properties. The content of the first party appeal submission can be summarised as follows;

- The site is located not as described in the planners report as close to the town boundary but adjacent to lands which are residentially zoned and located to the north of the site.
- The adjacent site was considered appropriate for higher density development having regard to three storey buildings and in reporting on that case the planners report referred to the site as being in close proximity to the town centre.
- In relation to refusal reason no. 2 it is argued that the design of the apartment building would represent a significant improvement on the scheme which was originally granted by the Planning Authority. The appellants contend that the design of the scheme would not appear visually monotonous.
- In relation to refusal reason no. 3 it is contended that the distance between opposing first floor windows between Block E from the adjoining permitted development to the east would be 22m and that this distance would be acceptable. It is suggested that in relation to separation distances a separation

of 35m would not be required as there would be no overlooking living rooms and balconies.

### **3.1 Planning Authority Response submission**

None

## **4.0 ASSESSMENT**

The main issues for consideration in relation to this appeal are the principle of development, density, design and layout, visual amenity, residential amenity and parking and access.

### **4.1 Principle of Development**

This appeal relates to the development of a residential scheme of apartments on a greenfield site, zoned within an existing town. The site is zone objective R “ To provide for residential development”.

While residential development on the subject site may be acceptable in principle, the suitability of this particular scheme should be assessed in terms of all other relevant planning considerations being satisfactorily addressed. In particular the suitability of the scheme for the site in relation to the proposed design and density.

#### **Context of site**

The site is located 700m from the existing town centre and 500m from the new shopping centre, which represents a significant expansion of town centre facilities and is located immediately to the north-west of the Main Street.

It is noted that there has been considerable recent development around the town. This expansion is evident from the preliminary Report of the 2006 Census which indicates that the Edenderry Urban area has experience a 28.2% increase in population since the 2002 Census. There are number of new schemes being built to either side of the Main Street in Edenderry. These are predominately residential units.

It is noted in the planners report and in the refusal reasons that the location of the site is referred to as at the edge of the zoned areas of Edenderry and adjacent to the town boundary. The appellants dispute this description of the site location. With reference to the location of the site in the context of the town and zoned lands it is clear from the zoning maps that the site is indeed located at the edge of the zoned area. The town boundary is located immediately to the west of the site. The land to the west of the site is zoned for open space it comprises woodland and is located outside the town boundary.

Accordingly, it is necessary to establish the suitability of site for the proposed density. The scheme originally permitted on the subject site under Reg. Ref. 01/481 was for twenty-two houses. The current scheme consists of a total of 46 apartments. It is an

objective of the Local Area plan to provide for the sustainable use of zoned development land and to ensure that have a well designed scheme

Having regard to all the above issues and to the height, design and scale of the permitted development in the area, there needs to be an appropriate transition between higher density development and the open countryside.

## **4.2 Density**

The subject site has a stated area of 0.8569 hectares/ 2.117 acres. The current proposed scheme comprises 46 No. apartments located in 2 No. three storey blocks. The proposed density of the scheme is equivalent to 54 units per hectare/22 per acre. The density of the scheme previously granted for twenty-two dwellings on the site is equivalent to 26 hectares/10 units per acre. Having regard to the context of the site it can be classified as an outer suburban/Greenfield site.

It is stated in the Planners report that the site is more suitable for lower density. It is noted that the residential development granted lands adjacent to the site is predominately two-storey. The scheme granted immediately to the north and east comprises two storey semi-detached units. It is noted that three other apartment buildings have been granted under Reg. Ref. 06/545 and 06/467 on lands to the south of the site.

Section 4.2.5.11 of the County Development Plan states with regard to densities. While pursuing higher densities, the Council will also deem it necessary to consider the density and lay out of existing development. This may necessitate the provision of a transition zone between the existing density and proposed higher densities.

The site is located on the outskirts of the town adjacent to the town boundary although relatively proximate to the new town centre scheme which is currently being constructed to the south of the site on the opposite side of the Downshire Road. A woodland area is located immediately to the west of the site. I would consider that while the zoned residential lands should be developed in a sustainable way the context of the site should be considered in relation to the density, design and scale of development proposed. Accordingly, I concur with the decision of the planning authority and consider that the proposed density is excessive at this location.

## **4.3 Design, layout and visual amenity**

### General Layout of Scheme

The two apartment blocks are proposed to be located in the centre of the site and the gable walls are orientated on a north-south axis.

Block D, a three-storey building build over a semi basement is proposed to the southern side of the site. The building would be located 10m from the eastern boundary and 20m from the western boundary. The front elevation is west facing and includes proposed terraces and balconies. The rear elevation is east facing.



Block E, a three-storey building build over a semi basement is proposed to the southern side of the site. The building would be located 10m from the eastern boundary and 20m from the western boundary. The front elevation is west facing including proposed terraces and balconies are east facing.

11 no. Surface car parking spaces are proposed to the north of block D. 14 no. Surface car parking is proposed to the north of block E. The surface car parking is proposed for visitor use. Under ground car parking is proposed to both apartment blocks to serve residents.

#### Design and elevational treatment

The proposed blocks would address the public road to the west. It is stated in the planners report that the development of five apartment blocks along the road would create a monotonous streetscape.

The proposed elevational treatment on both blocks is identical. A two-storey section is proposed to either side of the blocks. Three-storey elements are proposed to the central sections of the building. The bulk of the building includes four panels of windows at the stairwells. Three gable features are also proposed to the front elevation.

The external finish proposed is a smooth plaster to the bulk of the building. It is considered that there is a reasonable variety to the proposed front elevations.

#### Rear elevation

With regard to windows it is stated in the Offaly Development Plan that a predominantly vertical emphasis should be a feature of all windows and door openings, especially those effecting the street elevation. The proposed apartment buildings have a length of 49m and a height of 16m. The rear elevation of both blocks features a predominance of windows of the same size and design. Accordingly this creates a monotonous elevation, which has no visual breaks. While it is noted that this elevation addresses the east and is not visible from the public road it would be highly visible from rear of the two-storey houses granted permission to the east of the site.

With regard to the issue of design and elevational treatment I would consider that there is reasonable variety in the proposed front western elevation. These feature pitched roofs, and three gable features. The design including glazing at the proposed stairwells with a vertical emphasis is considered appropriate.

The elevational treatment to the rear of the blocks in contrast lacks any variety and this is considered to be monotonous. There is no variety in the ope treatment in terms of size and design etc.

In the refusal issued by the Planning Authority the concern was based on the monotony of overall elevational treatment which would be experience along the new distributor road. This is because permission has already been granted for three other apartment blocks on the opposite side of the road to the west of the site. These blocks would stretch for 220m from the junction with the Downshire Road. It should be noted that the townhouse scheme currently under construction to the east of the site

would be visible for approximately 140m along the eastern side of this section of road. While I note the planning authorities concerns at the extent of apartment frontage that would extend along the access road I do not consider that this would unduly impact upon the visual amenity of the area.

#### Private amenity space

Patios and balconies have been proposed to serve all apartments. Section 4.2.5.7 of the Offaly County Development Plan refers to Private Open Space requirements. It is stated in the County Development Plan that in the case of apartment and duplex schemes private open space is to be provided in the form of landscaped areas, courtyards, terraces/patios and balconies. It is also stated that for locations close to town centres the one bedroom apartments will require 20sq m and two or three bedroom apartments will require 25-30sq m. The minimum required area for private balconies as set out in the County Development plan is 5sq m per apartment. The ground floor apartments are served by private patios with areas of approximately 36sq m. Balconies are proposed to the front elevation of the first floor units the areas of these range between 5.95m and 7.1m. Unit type A and type E are proposed to be located to the northern side of Block D and Block E. A total of six of these unit types are proposed within the scheme. No private balcony or patio area is proposed to serve these units. Accordingly inadequate private amenity space has been proposed to serve a number of units within the scheme.

#### Public open space

A communal open space area is proposed to the rear of each block. It is proposed to hard landscape this area. The open space requirements are set out in section 4.2.7 of the Development plan. The Council will require a standard of 80sq m public open space per dwelling and developers will be required to reserve a minimum of 10% of the area of a proposed development site as recreational open space. Roads, verges, roundabouts, land associated with other infrastructure provision or land which because of its nature topography is not capable of being used for amenity purposes will not be taken into consideration when provision of amenity space is being assessed. The proposed site has an area of 0.8569 hectares/ 2.117 acres. Accordingly an area of approximately 856.9sq m of open space should be provided. Public open space areas are provided for the scheme on the land immediately to the west of both blocks. The area of open space to the front of Block D is approximately 962sq m. The area of open space to the front of Block E is approximately 1,279.5sq m. The total area of open space proposed is 2,241sq m. It is considered that adequate public open space is provided within the scheme.

#### Boundary treatment

It is indicated on the site layout plan that a screen wall is proposed along the eastern site boundary. It is also indicated on the layout plan that a future access may be provided between the site and the adjacent residential lands to the east. This access is indicated though the surface car parking area proposed to the north of Block D. It would appear from the layout plan that the western and southern site boundaries would be left open with some landscaping.

#### Dwelling mix and unit size

A mix of two and three bedroom apartments are proposed in the scheme. There is a mix of unit size ranging from 66.47sq m and 111.86sq m. The floor areas of the apartments within the scheme would be in accordance with the County Development Plan standards. The apartments are all dual aspect.

#### Part V requirement

There is a requirement under Part V of the Planning and Development Act 2000 to provide social and affordable housing. While no specific proposals were submitted with the application the developer stated that they would comply with part V. Accordingly, should the Bord decided to grant permission for this scheme Part V would apply.

#### **4.4 Residential amenity**

Refusal reason No. 3 stated that the proposed scheme would provide a poor standard of residential amenity for future occupants. The planning authority considered that there was an insufficient separation distances between opposing first floor windows and adjacent permitted development. The appellants contend that the proposed scheme would provide for a satisfactory standard of residential amenity for occupants of the scheme and the future adjacent development.

#### Floor levels and heights

The proposed scheme includes the provision of semi-basements in both apartment blocks consequently the finished ground level of the ground floor apartments is above the existing ground level. The cross section of Block D indicates the finished ground level of the ground floor apartments as 69.25 and the finished ground level of the adjoining sites to the east as indicated as 68. Therefore the visual impact of the blocks would be increased. The proposed separation distance between Block D and the gable walls of the houses to the east is 14.25. The proposed minimum separation distance between Block D and the proposed two storey dwellings to the east is 14.27m. Having regard to the difference proposed in floor levels and the three storey nature of the block and the proposal for raised patios/balconies to the rear elevation it is considered that there would be an unacceptable level of overlooking from the apartment building into the rear gardens of the adjacent future properties.

A full cross section through the site running east to west including block E and the adjoining site to the east was not submitted. As with Block D there would be difference in ground and floor level between Block E and the future residential scheme on the adjoining site to the east. It would appear that a the proposed ground floor of the building would be at least 1m above the ground level and floor levels of the proposed dwellings to the east. The three storey section of Block E would be located a minimum of 22m from the rear walls of the granted two-storey dwellings to the east of the site. The two-storey section of Block E would be located 13.5m from the rear wall of the granted two-storey dwelling to the east.

The County Development plan requires a separation distance of 22m between first floor opposing windows of two-storey dwellings and a separation of 35m or greater or modified design in the case of overlooking living room windows and balconies. Having regard to the details as discussed previously I consider that inadequate separation distances have been proposed between the proposed apartment blocks and the dwellings granted permission directly to the east of the site.

#### **4.5 Parking and Access**

Table 20 in the Offaly County Development Plan sets out the Car parking standards. Two car parking spaces per dwelling are required under the development plan. 1.5 car parking spaces per dwelling are required to serve a two-bedroom apartment. Standards may be relaxed in town centre/brownfield locations and also in suburban areas proximate to public transport nodes and corridors may be considered. A more widespread use of underground car parking and group car parking should also be considered.

46 units are proposed in the scheme. The total number of 82 car parking spaces are proposed. The break down of this is 31 under ground spaces to serve block D, 31 under ground spaces to serve block E and 10 surface parking spaces to serve block D and 10 surface parking spaces to serve block E are proposed.

It is proposed to access the development off a new road which will serve the new residential granted under Reg. Ref. 01/481. Three access roads are proposed to serve the scheme. It is proposed to access the underground car parks from access road 15 and 16.

#### Pedestrian accessibility

Access to the ground floor of the blocks is via a raised external walkway accessed solely with steps. This is not considered well designed, as it was not be easy for mobility-impaired individuals to access the buildings. The blocks are served by lifts from the underground car park.

#### **5.0 Conclusion**

It is considered that the density of the proposed scheme is excessive having regard to the location of the site adjacent to the town boundary. There is an inadequate provision of private amenity space for a number of units in the scheme and the development would provide a poor standard of residential amenity for future occupants as insufficient separation distances have been proposed between the scheme and adjacent permitted development. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

## **6.0 Recommendation**

Having read the submissions on file, visited the site, had due regard to the provisions of the Development Plan and all other matters arising, I recommend that permission should be refused.

### **Reasons and Considerations**

1. Having regard to the size of the site, the pattern of permitted development in the area and the design and layout of the proposed scheme, it is considered that the proposed apartments would fail to provide an adequate standard of residential amenity for future occupants with particular reference to the inadequate provision of private open space, the main access arrangements to the front of the blocks via stairs. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its height, scale, design, particularly rear elevation treatment and the proposed finished ground level of the two apartment blocks and proximity to future adjoining property, would constitute a substandard development, which would result in overlooking and have an overbearing impact which would seriously injure the residential amenities of property in the vicinity and also result in an unacceptable level of residential amenities for the future occupants of the residential units in question. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The construction of the proposed apartment blocks involving the alteration in the layout of the estate already permitted would be unsatisfactory and unacceptable because it would constitute an undesirable density of development at the edge of the zoned areas of Edenderry and would not provide for a satisfactory residential environment. Accordingly the proposed development would be contrary to the proper planning and sustainable development of the area.

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**Siobhan Carroll,**  
**Inspectorate**  
**13<sup>th</sup> March**