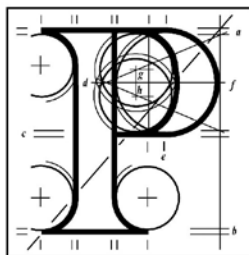


An Bord Pleanála



Inspector's Report

Development: Demolition of 4 cottages and the removal of 12 spaces from hotel car park. Construction of part 3/part 4 storey building comprising 38 aparthotel suites and 6 two bed apartments around a landscaped courtyard. Vehicular access would be via the existing hotel car park and 52 spaces would be provided in a basement car park at Nos. 11 – 14 Old Naas Road Cottages (inclusive) and The Sheldon Park Hotel, Kylemore Road, Dublin 12.

Application

Planning authority: Dublin City Council
Planning application reg. no. 2194/15
Applicant: Arcourt Ltd
Type of application: Permission
Planning authority's decision: Refusal

Appeal

Appellant: Arcourt Ltd
Type of appeal: First party -v- Decision
Observers: Arthur, Colin & Jeanne Kearns
Noel & Patricia and Harry & Sylvia Hannon
Terence & Yvonne Heffernan
Cllr. Brid Smith
Stephen & Cllr. Paul Hand
Date of site inspection: 30th July 2015
Inspector: Hugh D. Morrison

Site

The site is located in the north eastern corner of the junction between Kylemore Road (R112). The former Road runs on a north/south axis between the Naas Road (R110) and Ballyfermot, while the latter follows a meandering alignment from and to the Naas Road and through the district known as Bluebell, which lies to the north of the Naas Road.

The site presently accommodates 4 cottages, which lie within a row of 17 cottages that are sited along the northern side of the Old Naas Road. Three of these cottages lie in the north western corner of the aforementioned junction while the remaining 10 lie to the east of the site. Beyond these cottages lie industrial/commercial uses. Likewise to the south lies the Royal Liver Retail Park and Brooks building supplies. Within the vicinity of the site along Kylemore Road there are a number of eateries and petrol filling stations. To the north of the site lies the applicant's Sheldon Park Hotel and leisure facility.

The site is of regular shape and it extends over an area of 0.293 hectares. In addition to the aforementioned 4 cottages, it presently accommodates what appears to be an unauthorised car wash/car repair use with direct access off Kylemore Road and the southern extremity of the Hotel grounds, which include a small garden with a pagoda and 12 car parking spaces.

Proposal

The proposal would entail the demolition of the 4 cottages (354.5 sqm) on the site and the removal of 12 car parking spaces that presently form part of the hotel car park.

The proposal would also entail the construction of a part 3/part 4 storey building (6946.67 sqm) over basement, which would comprise 38 aparthotel suites (6165.85 sqm) and 6 two bed apartments (769.9 sqm). This building would be "L" shaped in plan-view and its principal elevations would present to the Kylemore Road, to the west, and the Old Naas Road, to the south. Within the "L" and over the north eastern portion of the site a landscaped courtyard would be laid out. Some of the aparthotel suites would be served by balconies, while all the apartments would either be served by front gardens or balconies. Fifty-two car parking spaces would be provided in the basement, which would be accessed via a ramp from the existing hotel car park. The aforementioned 12 spaces would be replaced. Bicycle and bin storage facilities would be provided in the basement, too.

Plot ratio and site coverage factors would be 2.37 and 44%, respectfully.

At the appeal stage, the applicant has proposed several modifications to the proposal. These would include the following:

- The omission of 5 aparthotel suites from the middle of the proposed building, i.e. 33 are now proposed. Consequently, this building would be setback by an additional 3.7m from its eastern boundary with the cottage at No. 10 Old Naas Road, i.e. 8.7m rather than 5m.
- The addition of kitchen facilities to each aparthotel suite.
- A reduction in the number of proposed car parking spaces by 13, to 39, and an increase in the size of the proposed bin storage facilities for the aparthotels.

Planning authority's decision

Permission was refused for the following reasons:

- 1. The proposed development, due to its scale, massing, height, design and siting forward of the established building line, would be visually intrusive in relation to the existing character and scale of the streetscapes and would be an abrupt transition between the commercial and residential zonings contrary to the policies and objectives of the Dublin City Development Plan where the Z1 objective is to protect, provide and improve residential amenities. The proposed development, due to its siting in close proximity to the Bluebell Cottages on the Old Naas Road would be visually intrusive and would seriously injure the amenities of the properties in the vicinity by reason of overbearing aspect, noise disturbance and visual intrusion and thereby is contrary to the proper planning and sustainable development of the area.*
- 2. The line of semi-detached cottages along the Old Naas Road are the streetscape and have historical value dating from 1908 representing a period and time in the history of Dublin from an agrarian base serving the city, and to demolish four of the cottages would adversely affect the entire streetscape, create a precedent for the demolition of all the cottages which would be contrary to the proper planning and sustainable development of the area.*
- 3. The proposed development with the provision of excessive car parking and severe under provision of private open space for the residential units is not consistent with the objectives and standards of the Dublin City Development Plan and thereby is contrary to the proper planning and sustainable development of the area.*

Technical reports

- HSA: No objection.

- An Taisce: Objects to the proposed demolition of 4 cottages that form part of a wider group of cottages. Policies FC27 & 31 and Paragraph 16.1.11 of the CDP are cited in this respect.
- IFI: Standard advice conveyed.
- Drainage: No objection, subject to conditions.
- Roads and Traffic: Further information requested.
- City Archaeologist: Further information requested.
- City Conservation Officer: Advises that the cottages are of local importance, “as they are set to a historic route. They retain a particular scale and character, mature settings with planting and a boundary treatment all of which describe the mid C20th construction period as well as the social and rural revolution that was taking place at the time.” The retention of these cottages is thus considered to be desirable.

Grounds of appeal

The applicant begins by drawing attention to a pre-application consultation meeting. They are aggrieved that during this meeting no objection was raised to the principle of demolishing the 4 cottages on the site. They then proceed to describe the rationale for their proposal, which includes 6 apartments as a response to the advice that a net increase in the number of dwellings on the site would be desirable. They outline several modifications to their original proposal which would address some of the planning authority’s concerns, e.g. the omission of 5 aparthotel suites, would enable an increased separation distance of 8.7m to be achieved between the proposed building and the nearest retained cottage to the east at No. 10 Old Naas Road, the addition of cooking facilities to the aparthotel suites, and a reduction in the proposed number of car parking spaces in the basement to 39. They also address several other concerns that arose at the application stage, e.g. that the proposed floor to ceiling heights at 2.7m would be inadequate.

The applicant then proceeds to critique each of the reasons for refusal as follows:

First reason

- Attention is drawn to Map 2.5 “Current Land Use” of the LAP, which shows the site as lying within character type A, i.e. “industrial and car based uses, land extensive and under-utilised areas”, and the overall vision for the LAP lands of “an increase in the range of land-uses and improvements in the visual environment, resulting in an increase in street level activity and the general revitalisation of the area.” The current proposal would further the realisation of this vision.

- Attention is drawn to the 10 point criteria in the LAP against which development proposals are to be assessed. The current one would meet these points, e.g. a higher density of development would be secured upon the site, a contribution would be made towards correcting a recognised short fall in hotel accommodation in Dublin, and jobs would be created and safeguarded in the applicant's adjacent existing hotel.
- Attention is drawn to the proposal's offer of an alternative accommodation option, which would complement the office uses envisaged for the LAP's adjacent key district centre. Likewise, the proposed substitution of an existing 2m high wall to Kylemore Road with a plinth wall and railings would improve both the appearance of this important transport corridor and forward visibility for road users approaching the junction between this Road and the Old Naas Road.
- A comparison between the existing cottages on the site and the proposal indicates that the former represent a sub-standard form of accommodation while the latter would represent a modern and more efficient use of the site.
- Attention is drawn to the LAP's indicative proposals for the redevelopment of the Royal Liver Business Park to the south of the appeal site. The current proposal has been design to ensure that there would be a step down in scale between these proposals and the redeveloped appeal site. Equally, this modified proposal would be respectful of the amenities of the retained cottages to the east of the site. In this respect, the juxtaposition of the Hilton Hotel in Kilmainham with the adjacent St. John's Terrace is cited as an example of a successful relationship arising from a modern intervention within a traditional setting.

Second reason

- The cottages on the site are not protected structures and they are not referred to in the CDP as having any architectural or historical interest.
- The applicant's engineer has surveyed the cottages and ascertained that they have significant structural defects and that they do not accord with modern standards and the cost of bringing them up to such standards would be prohibitive.
- The applicant's conservation architect has undertaken an assessment of the cottages in accordance with the Architectural Heritage Protection Guidelines. He concludes that the cottages, which date from the 1920s/30s, are of no particular historic significance and they do not contribute to any architectural set piece.

Third reason

- The 6 proposed two-bed apartments would have 4 bedspaces each. Each apartment would be served by either a patio or balcony and residents would have access to the proposed communal courtyard, too. Thus, on average each apartment would be served by 81 sqm of private/communal open space and thus an area in excess of the CDP standard of between 48 and 60 sqm.
- Under the modified proposal, the basement car park would provide 43 spaces, which would be apportioned between the proposed apartments (8 spaces) and aparthotels (19 spaces + 4 disabled spaces). Additionally, 12 replacement spaces would be provided for the existing hotel. If the Board has any concerns with this level of provision, then it is invited to condition whatever revisions may be deemed necessary.

Response

The planning authority has responded to the above grounds of appeal as follows:

- Extracts from earlier reports by Board inspectors that refer to the cottages on the Old Naas Road are cited, as are extracts from local residents' letters that date them from 1908 and emphasise their collective interest as a rare surviving example of a cottage cluster in the wider Dublin area, which represents an earlier time when Bluebell was an agricultural community.
- With respect to the pre-planning consultation meeting, no evidence of the history of the cottages was tabled by the prospective applicant and no research into this had been conducted at the time. Thus, no commentary was given on the proposed demolition, although Section 11.4.8 of the CDP was referred to. This Section begins "The demolition of existing housing is generally discouraged on sustainability grounds and it may lead to a loss of residential accommodation and streetscape character..." Attention is drawn to Section 247 of the Planning and Development Act, 2000 – 2013, which states that such meetings are undertaken on a without prejudice basis.
- The applicant has neither addressed the over provision of car parking spaces at their hotel nor demonstrated that the existing 12 spaces to the rear of Nos. 13 & 14 Old Naas Road have planning permission.
- While aparthotels are categorised as commercial uses that would ordinarily attract a floor to ceiling height requirement of 4m, the planning authority acknowledges that the Board has granted aparthotels with floor to ceiling heights of 3m.

- The LAP makes no specific proposals for the appeal site, which is referred to as “existing community” and it explicitly states that, in these circumstances, reversion to the CDP is appropriate.
- The applicant fails to acknowledge that the appeal site is neither in Strategic Development and Regeneration Area 5 (Zone Z14 lands) nor in the designated Key District Centre 6, as identified by the CDP/LAP. It is within this Area/Centre and Zone Z6 (employment/enterprise) lands that the LAP envisages that comprehensive redevelopment will occur. Likewise the assessment criteria cited by the applicant is for such strategic redevelopment. By contrast, the appeal site is zoned Z1 (sustainable residential neighbourhoods), wherein aparthotels are “open for consideration” only.
- While the planning authority opposes the current proposal, a smaller proposal for the extension of the existing hotel on the northern portion of the appeal site without the need to demolish the four cottages could be considered.

Observers, including residents at Nos. 5, 9 & 10 Old Naas Road

The observers raised a considerable number of points, which can be summarised as follows:

Historical interest:

- Attention is drawn to information from the 1911 Census, which indicates that the cottages were insitu at that time. Some of the existing residents have descendants who resided in these cottages from 1908 on. Specifically, the residents of No. 5 had a descendant who was born in No. 11 in 1914.
- The row of cottages at Bluebell form part of a wider building programme of such cottages in Fox and Cheese, Ballymount, Kileen Road, and Walkinstown. The row in question is the largest intact example of such a cluster of cottages in the city and it has been proposed as an ACA under the current CDP review.

Aspects of the applicant’s conservation architect’s report are critiqued.

- Exception is taken to the description of the cottages on the site as being of “harsh functional appearance” insofar as it is alleged that their poorer condition has arisen under the applicant’s ownership and is in no way typical of the row. Rectification of this condition could be realised without recourse to prohibitive expense.
- Exception is taken to the description of the cottages as providing sub-standard accommodation, which runs contrary to the experience of local residents.

- Exception is taken to the contention that the cottages “do not make a notable contribution to the streetscape”. To the contrary, they have been doing so for over 100 years and they provide a link with the nearby historic Bluebell Church and cemetery.

Planning context

- Attention is drawn to the location of the site outside the Royal Liver key developing area in the LAP. Map 1.3 of this Plan reproduces the Z1 zoning of the site in the CDP.

Water and drainage

- Water pressure in the area is already low and the introduction of the proposal would only worsen this situation.
- Only at the appeal stage has the applicant acknowledged the foul sewer to the rear of the existing cottages. They propose to install a manhole and divert this sewer to the existing combined sewer in Old Naas Road. The siting of this manhole within their site is unacceptable to the residents of the cottage at Nos. 9 & 10 and they object to having not been consulted over the same.

Design

- The design of the proposal would be unsympathetic to the retained cottages on Old Naas Road with adverse implications for the visual amenities of the area.
- The proposed access along the eastern boundary of the site with the cottage at No. 10 would lead to overlooking of this property and disturbance to the residents of the same.
- The siting of the proposal beyond the front building line exhibited by the cottages on Old Naas Road would not enhance visibility for pedestrians.

Height

- The dimensions of the proposal, especially its height, would be overbearing and the incidence of windows and balconies would lead to overlooking. Overshadowing of neighbouring residential properties would also occur. In this respect, the applicant’s proposed modifications would make no appreciable difference.

Traffic

- The proposal would generate additional traffic that would exacerbate existing congestion on the local road network.

Planning history

Site

- E0609/11: Unauthorised car wash/car repair uses to the rear of the cottage at No. 14 are the subject of on-going enforcement action.
- 2850/14: Retention of sub-division of extended cottage at No. 11 into 2 one-bed units refused on the grounds of piecemeal development, shared access and amenity space, and material contravention of condition 2 attached to the permission granted to application reg. no. 0204/94 for the extension. Enforcement action is on-going.
- Pre-application consultation occurred on 11th December 2014.

Elsewhere on the row of cottages

- 2701/04: To the rear of the cottages at Nos. 6 & 7: 3 two-bed single storey terraced units: Permitted at appeal PL29S.208060.
- 3673/06: To the rear of the cottage at No. 4: A three-bed bungalow: refused at appeal PL29S.219593 on the grounds of residential amenity and adverse precedent.
- 1111/08: To the rear of No. 8: Demolition of 3 sheds and construction of two storey building for 4 offices with car parking and revised access arrangements for the site: Refused on the grounds of residential amenity and traffic hazard.

The Sheldon Park Hotel

- 1179/95: Parent permission for two storey hotel with 26 en-suite bedrooms, subsequently amended by 1270/96 for, amongst other things, an additional 8 en-suite bedrooms and 1515/96 for a second floor and 16 dormer bedrooms.
- 3318/97: Parent permission for leisure facilities + 2832/98 for the retention of alterations and additions to these facilities and 1769/01 for a first floor extension.
- 3090/00: Addition of 21 en-suite bedrooms to the hotel: Permitted.
- 6234/06: Erection of a three storey block and change of use of leisure facility permitted under application reg. no. 1769/01 to aparthotel comprising 24 self-catering units: Permitted.

Development Plan

Under the Dublin City Development Plan 2011 – 2017 (CDP), the site is shown as lying within Zone Z1 (sustainable residential neighbourhoods), wherein the objective

is “To protect, provide and improve residential amenities.” Within this zone hotels are deemed to be “open for consideration” and relevant plot ratio and site coverage factors are 0.5 – 2.0 and 45 – 60%.

The site is located in the outer city and so under the table set out in Section 17.6.2 of the CDP the maximum height of buildings is 4 storeys (below 13/16m).

With respect to the proposed demolition of cottages, Policy QH20 and Section 17.10.5 of the CDP are relevant and, with respect to the proposed construction of aparthotels, guidance on the same is set out in Appendix 24.

Under the Naas Road Local Area Plan 2013 (LAP), the site is shown as lying outside the boundary of the Key District Centre 6 and the Strategic Development Regeneration Area 5.

National planning guidelines

- Development Management
- Architectural Heritage Protection
- Sustainable Residential Development in Urban Areas

Assessment

I have read the first and second parties submissions concerning the pre-application consultation meeting that occurred as precursor to the submission of the current application. I would draw the Board’s attention to the without prejudice basis of such meetings and the fact that the assessment of this application/appeal is to be undertaken on a *de novo* basis.

I have reviewed the current proposal in the light of national planning guidelines, the CDP and the LAP, relevant planning history, and the submissions of the parties and the observers. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Streetscape,
- (iii) Amenity,
- (iv) Development standards,
- (v) Traffic, access, and parking,
- (vi) Water and drainage, and
- (vii) AA.

(i) Land use

- 1.1 Under the CDP, the site, along with the cottages to the east along the Old Naas Road, are zoned Z1 (sustainable residential neighbourhood). This zoning is surrounded to the north, east, and west by lands that are zoned Z6 (employment/enterprise) and to the south (the Royal Liver Retail Park and beyond) by Z14 lands (Strategic Development and Regeneration Area 5, which includes within it Key District Centre 6). Thus, the residential enclave that the cottages Nos. 1 – 14 Old Naas Road form is formally recognised in the zoning regime adopted by this Plan.
- 1.2 Map 1.3 of the LAP reproduces the CDP’s zonings and objectives for the site within the wider Naas Road area. Map 2.5, entitled “Current land use”, indicates that this site lies within an area with a character type denoted as “Industrial and car based uses, land extensive and under utilised areas.” Map 2.6, entitled “Key sites”, identifies the Royal Liver Retail Park to the south of the appeal site as being the nearest key site to the same. Map 4.1, entitled “Proposed land use strategy”, shows the cottages Nos. 1 – 14 and the cottages to the west Nos. 15 - 17, as residential and associated uses and the northern portion of the aforementioned Retail Park and the northern portion of the adjoining building suppliers to the east as being subject to the same usage.
- 1.3 The applicant draws attention to the aforementioned Map 2.5 to construct a case for the redevelopment of the appeal site in accordance with the LAP’s comprehensive redevelopment thrust. However, this construction is misplaced insofar as this site does not lie within the relevant key sites identified under Map 2.6. Furthermore, I consider that Map 2.5 should be read as a broad brush depiction of the main distinctives of the area in question within which the relatively small residential enclave represented by the cottages on the Old Naas Road is not distinguished.
- 1.4 Map 4.1 goes further than Map 1.3, insofar as it recognises all of the cottages along the Old Naas Road, i.e. Nos. 1 – 17 and not just Nos. 1 – 14, for continuing residential use.
- 1.5 Under Z1, hotels and by extension aparthotels are deemed to be uses that are “open for consideration”. Under Appendix 29, aparthotels are defined as follows:

An aparthotel is a building, or part thereof, containing a minimum of 8 self-serviced short term accommodation units that share a reception area, and which is professionally managed in the same manner as a hotel, where accommodation is provided in the form of apartments or suites within a fully serviced building, offering the comfort and security of a hotel with the space and luxury of a fully furnished apartment.

Clearly this use is a hybrid one. However, I consider that its underlying character is that of a predominantly commercial rather than residential use. It is akin to being a hotel, a use which is deemed to be “open for consideration” on Z1 sites. Section 15.6 of the CDP elucidates what this means as follows:

An open for consideration use is one which may be permitted where the planning authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.

Section 15.10.1 of the CDP states that the zoning objective for Z1 is “To protect, provide and improve residential amenities”. The accompanying commentary states that the test for non-residential development is whether it would be compatible with or reinforce the residential function of the area as a whole. Examples of development that would clearly fulfil this role are cited. They do not include hotels/aparthotels.

1.6 I conclude that while there is no in principle land use objection to the proposed aparthotel use of the site and that its acceptability or otherwise hinges on whether the proposal would be compatible with the residential amenities of the area and whether it would accord with the proper planning and sustainable development of the area.

(ii) Conservation and streetscape

2.1 The site presently accommodates 2 pairs of semi-detached cottages. These pairs are part of a row of 7 such pairs that extend along the northern side of the Old Naas Road in an easterly direction from this Road’s junction with Kylemore Road. The row extends across this junction to the west to include a terrace of three similar cottages. In total there are 17 cottages. Their siting reflects the meandering alignment of the Old Naas Road and the exposed gabled ends of the cottages adjacent to the said junction provide low-level bookends within its north eastern and north western corners.

2.2 The presence of the said cottages within a context of more modern industrial, commercial, and retail buildings provides a physical reminder that the Old Naas Road, as its names suggests, historically formed part of the route between Dublin and Naas before the present Naas Road was constructed further to the south.

2.3 The age of the cottages has been discussed by the parties to this appeal. The applicant’s conservation architect has submitted a report that includes copies of historic maps of the area from 1907, 1937 (revised 1943 – 44), and 1993. The first of these maps shows the terrace of 3 cottages to the west of the appeal site only, the second shows all 17 cottages, and the third shows the Kylemore Road

severing the overall row between the said terrace and subsequent pairs of semi-detached cottages. Thus, these maps confirm that the terrace was insitu in 1907 and the pairs of semi-detached cottages were insitu in 1937. Supplementary evidence as to age has been submitted by local residents, one of whom recounts that his father was born in cottage No. 11 (on the appeal site) in 1914. Another observer to this appeal explains that the row of cottages was one of a number of such rows that were constructed in various parts of the city, but that the one on the Old Naas Road is the best example of such, being larger and still intact.

2.4 The aforementioned maps also illustrate the extensive attendant lands that originally accompanied these cottages, which extended to the Cammock River to the north. In this respect the City Conservation Officer provides the following commentary: The cottages “would have had substantial garden/land for self-sufficient living with outbuildings for small livestock. They would have been constructed when this area was predominantly rural and the lands were used for grazing dairy herds.”

2.5 Both the applicant’s conservation architect and the City Conservation Officer are agreed that the cottages are of unremarkable architectural quality. However, they differ on their historical significance with the former concluding that they are of no particular significance while the latter concludes that they are of local importance, “as they are set to a historic route, they retain a particular scale and character, mature settings with planting and a boundary treatment all of which describe the mid C20th century construction period as well as the social and rural revolution that was taking place at the time.” Clearly, if the view is taken that they date from earlier in the C20th, then their historic interest is enhanced.

2.6 During my site visit, I walked along the Old Naas Road to view the appeal site within its context. I was struck by the contrast that the row of cottages provides with the surrounding largely redeveloped area. As a cluster of dwellings that date from an earlier time, their presence testifies to the age of the Old Naas Road. While their architecture is unspectacular, together they form an attractive streetscape that is of historic character within a changed and changing context. The cottages have in many instances been extended and to the rear of the cottages at Nos. 6 and 7 is a row of 3 single storey mews dwellings. However, all such development to date has been respectful of the scale and design of the original cottages. Given this baseline and the age of and cultural history encapsulated by these cottages, I consider that future development should continue to be respectful of them.

2.7 The proposal would entail the demolition of the 4 cottages on the site and the construction in their place of a part 3/part 4 storey building, which in its revised form would provide 33 aparthotel suites and 6 two-bed apartments over a basement car park.

- 2.8 With respect to the proposed demolition, the applicant is concerned that the planning authority's stance in opposing this means that the cottages are in effect being treated as if they were protected structures. However, this concern fails to recognise that the CDP undertakes to seek the retention of buildings of historic, architectural, cultural, artistic and/or local interest, which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city (cf. Policy FC27 and Section 17.10.5).
- 2.9 With respect to the proposed replacement building, it would be much larger in size than the retained cottages to the east and west, being comparable in scale to the applicant's existing hotel which fronts onto Kylemore Road. This building would be sited 3.5m forward of the adjacent cottages at Nos. 9 & 10 Old Naas Road and 17.5m forward of the front elevation of the said hotel. It would thus sit into the north eastern corner of the junction between Kylemore Road and the Old Naas Road in manner that would be far more pronounced than the existing cottages on the site and it would interrupt the visual continuity of the row of cottages that spans this junction. Consequently, the presently intact coherence and legibility of the streetscape formed by this row would be lost.
- 2.10 The applicant has sought to justify the proposed building by reference to the indicative proposals in the LAP for the Royal Liver Retail Park to the south of the site. These proposals show the outline of new blocks that would provide an edge to this extensive site that would present to the aforementioned Roads. However, as discussed under my first heading, the LAP does not envisage the comprehensive redevelopment of the Z1 lands on the Old Naas Road and so these proposals would not be replicated on these lands. In these circumstances, development on the appeal site should reflect the context provided by the row of cottages, something which the current proposal fails to do sufficiently.
- 2.11 The design of the proposed building would be in a contemporary idiom with the use of rectangular forms and features. While the specification of a variety of finishing materials would relieve the expanse of the elevations, essentially the size and mass of the overall design would contrast rather than complement the finer grain of the traditional cottages on the Old Naas Road.
- 2.12 I, therefore, conclude that the cottages on the site form part of a row of cottages that are of local historical interest and that they, collectively, form an attractive streetscape along the Old Naas Road, a historic route into and out of the city. In these circumstances and in the light of the CDP's stance on older buildings of significance, I conclude that the retention of the cottages on the site is justified and that the proposed replacement building in its siting, scale, and design would fail to maintain the visual integrity of the existing streetscape.

(iii) Amenity

- 3.1 As revised, the proposed building would be sited 8.7m from the nearest cottage to the east and c. 22m from the nearest cottage to the west. This building would be sited in a position that would extend forward of the front and rear building lines to the former cottage. Its presenting eastern elevation would be three storeys in height. A projecting feature to the upper floors would incorporate narrow north/south facing windows. Elsewhere, only high level windows would be installed in this elevation.
- 3.2 The northern elevation to the eastern wing of the proposed building and the eastern elevation of the northern wing would incorporate multiple window openings and balconies. The balconies in the said northern elevation nearest to the residential property at No. 10 Old Naas Road would be accompanied by an obscure glazed privacy panel on their eastern sides. The openings and balconies in the said eastern elevation would directly overlook the residential properties to the east over a minimum clearance distance of 24m. Likewise, the openings and balconies in the western elevation of the northern wing would overlook the rear yard to the cottage at No. 15 and the two bungalows to the north of this cottage on the western side of Kylemore Road. While the exposure of this yard and the front elevations/gardens of these bungalows to Kylemore Road limits their existing privacy, this would be eroded further by overlooking from the said openings and balconies.
- 3.3 During my site visit, I observed that the cottages at Nos. 9 and 10 are overlooked by the three storey hotel to the north of their rear gardens. The clearance distance between corresponding elevations is c. 46m, although to the rear boundaries of these gardens it is c. 6m. Given that the aforementioned clearance distance with the nearest garden boundary would be approximately half this distance and the elevation concerned would be four storeys high, I am concerned that the degree of overlooking that would be likely to arise would erode further the privacy of the gardens to the said cottages.
- 3.4 The proximity of the three storey eastern wing of the proposed building to the cottage at No. 10 would lead to an increase in overshadowing and a loss of direct sunlight to the rear garden to this cottage. The difference in scale between the adjacent buildings and the aforementioned absence of corresponding building lines would combine to cause the eastern wing to appear overbearing when viewed from within the said rear garden.
- 3.5 I, therefore, conclude that the proposal would be incompatible with the maintenance of the existing residential amenities of the area.

(iv) Development standards

- 4.1 The revised proposal would entail the provision of 33 aparthotel suites, 12 of which would be one-bed suites and 21 of which would be two-bed ones. These suites would each have cooking facilities. A reception/concierge area, a residents' lounge and a management office would be provided on the ground floor.
- 4.2 Appendix 24 of the CDP sets out guidance on aparthotels. In terms of the mix of suites and ancillary residents' facilities the proposal would be compliant with this advice. However, this guidance states that the apartment standards for private and public open space are applicable to aparthotels. In this respect, only 15 of the 33 suites would have dedicated private open space in the form of balconies. Communal as distinct from public open space would be available to residents in a landscaped courtyard, which would be laid out in the north eastern portion of the site and which would extend over an area of c. 625 sqm. Under CDP standards, private and communal open space provision for apartments should amount to 12 – 15 sqm per bedspace. The aparthotel suites would have a total of 108 bedspaces and so the requisite provision would be 1296 – 1620 sqm. Thus, the proposed level of provision would be significantly sub-standard.
- 4.3 The proposal would also entail the provision of 6 two-bed/four bedspace apartments. A schedule in the applicant's planning report sets out the room areas and the total floorspace that would be comprised in these apartments. Quantitatively, the CDP's standards would be met. Qualitatively, while north/south dual aspect would be achieved, the proposed kitchens would be continuous with their accompanying dining/living room spaces and they would not be served by windows.
- 4.4 Each of the ground floor apartments would be served by a ground floor front garden and each of the upper floor apartments would be served by north and south facing balconies (total area 130 sqm). Residents would also have access to a communal area of open space to the rear and adjoining the aforementioned landscaped courtyard. This area would extend over 180 sqm. Applying the aforementioned CDP open space standard to the apartments, between 288 – 360 sqm (24 bedspaces x 12 – 15 sqm), the apartments would comply with the lower end of this range.
- 4.5 I, therefore, conclude that, while the proposal would accord with the majority of applicable development standards, the proposed aparthotel would be served by an inadequate amount of private and communal open space.

(v) Traffic, access, and parking

- 5.1 The proposal would generate residents and visitors vehicular traffic. The existing access from Kylemore Road to The Sheldon Park Hotel car park would be used by this traffic, which would then enter a basement car park via a ramp from this car park. Under the revised proposal, this car park would provide 39 car parking spaces, which would be apportioned as follows: the aparthotel suites – 19 spaces, the apartments – 8 spaces, and the existing hotel – 12 replacement spaces. A further 4 spaces would be set aside for the mobility impaired.
- 5.2 Due to the site's proximity to the Luas, it lies within the CDP's Zone 2 for car parking purposes. One space should thus be provided for every three rooms. If a hotel room is equated with an aparthotel suite, then the 33 suites should be served by a maximum of 11 spaces. Likewise each of the apartments should be served by a single space. Thus, under the relevant standards, a total of 17 spaces should be provided.
- 5.3 The planning authority has questioned whether the existing 12 car parking spaces that would be removed and replaced by the proposal are authorised for planning purposes. The applicant has not addressed this issue. Accordingly, it would be premature to accede to their replacement.
- 5.4 In the light of the foregoing, a maximum of 17 car parking spaces would be the appropriate level of provision that can presently be justified. In these circumstances, the proposed basement should be redesigned to provide for the same only and the requisite level of bicycle and bin storage space that may be needed.
- 5.5 The proposal would entail the siting of the front pedestrian entrance to the aparthotel facing the north eastern corner of the junction between Kylemore Road and the Old Naas Road. This entrance would be accompanied by an opening in the plinth wall and railings boundary treatment to these two Roads that would be restricted to pedestrians by a series of bollards. Nevertheless, this juxtaposition would invite drivers to set down and collect passengers from this corner, which, given its heavily trafficked usage, would tend to exacerbate congestion and be inherently hazardous. In these circumstances, only a resiting of the pedestrian entrance to the aparthotel would overcome this potential problem. Arguably, given the interdependent relationship that would exist between the applicant's hotel and the aparthotel such resiting to the northern elevation of the proposed building would have merit in any event.
- 5.6 I, therefore, conclude that the proposed level of car parking provision would be excessive and the siting of the pedestrian entrance to the aparthotel would be

inappropriate. If the Board is minded to grant the current proposal, then these matters could be addressed under conditions precedent.

(vi) Water and drainage

6.1 Observers express concern over existing low water pressure in the locality and the diversion of a private foul water drain proposed by the applicant.

6.2 Dublin City Council's Drainage Division raised no objection to the proposal, subject to several standard conditions. Irish Water did not comment on the same.

6.3 In these circumstances, there is no technical advice before to confirm the observers' concern over low water pressure and, as the proposed diversion is of essentially a private foul water drain, this is a matter for the parties themselves to reach agreement on.

6.4 I, therefore, conclude that the water supply and drainage aspects of the proposal do not warrant my objection.

(vii) AA

7.1 The appeal site does not lie within or adjacent to a Natura 2000 site. As a developed site, it is already serviced and connected to public services. I am not aware of any source/pathway/receptor routes between this site and the nearest Natura 2000 sites in Dublin Bay. Accordingly, I do not consider that any appropriate assessment issues would be likely to arise under the current proposal.

7.2 Having regard to the nature and scale of the proposed development and/or nature of the receiving environment and/or proximity of the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Recommendation

In the light of my assessment, I recommend that the proposed demolition of 4 cottages and the removal of 12 spaces from hotel car park. Construction of part 3/part 4 storey building comprising 38 aparthotel suites and 6 two bed apartments around a landscaped courtyard. Vehicular access would be via the existing hotel car park and 52 spaces would be provided in a basement car park at Nos. 11 – 14 Old Naas Road Cottages (inclusive) and The Sheldon Park Hotel, Kylemore Road, Dublin 12, be refused.

Reasons and considerations

1. The site presently accommodates 4 cottages that form part of a row of 17 cottages along the northern side of the Old Naas Road. These cottages date from the early 20th century and they form an outstanding example of a cluster of such cottages from this period. Collectively, they form an attractive streetscape that both contrasts with modern buildings within their vicinity and signals the historic status of the Old Naas Road as a major route into the city.

Policy FC27 of the Dublin City Development Plan 2011 – 2017 undertakes “To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.” Under the proposal, the existing cottages on the site would be demolished and replaced by a building that, due to its siting, size, and design, would be unsympathetic to the character of the existing streetscape and which would obscure the visual continuity of the same, thereby undermining its coherence and legibility.

Accordingly, to accede to this proposal would fail to protect the built heritage of the city, as it would result in the partial loss of an attractive historic streetscape and the erosion of the visual integrity of the remainder of this streetscape. Thus, the aforementioned Policy would be contravened and the visual amenities of the area would be seriously injured. Furthermore, an adverse precedent would be established for the further demolition of cottages on the Old Naas Road. The proposal would thus be contrary to the proper planning and sustainable development of the area.

2. The site lies within a row of cottages that are zoned Z1 in the Dublin City Development Plan 2011 – 2017, wherein the objective is “To protect, provide and improve residential amenities.” The proposal would, due to its siting, size, design, and proximity to adjacent residential properties, lead to an increase in the overlooking and overshadowing of these properties. This proposal would also be overbearing in its relationship to them. It would thus be seriously injurious to the residential amenities of these properties and as such it would contravene the zoning objective for the site. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

3. Under Appendix 23 of the Dublin City Development Plan 2011 – 2017, the proposed aparthotel suites should be accompanied by the same amount of private and communal open space as would be applicable for apartments. A minority of the proposed suites would be accompanied by private open space and the proposed communal open space would be of inadequate size. Accordingly, provision in these respects would be sub-standard and so the aparthotel suites would afford an unacceptable standard of amenity to future users. To accede to this proposal would thus contravene Appendix 23 of the Development Plan and so it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison

Inspector

31st July 2015