



An
Bord
Pleanála

Inspector's Report ABP-305608-19

Development	Construction of two no. three-storey semi-detached town houses
Location	Site to rear and side of No. 4 Main Street, Dundrum, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0527
Applicant(s)	Aidan O'Hogan ARF
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Aidan O'Hogan ARF
Observer(s)	None
Date of Site Inspection	5 th December 2019
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The subject site has a stated site area of 0.0284 ha and is located behind the Main Street in Dundrum town centre. It is located on the northern edge of the town centre approximately 70 metres south of the Dundrum Luas stop. The site is presently vacant, unused and overgrown. The site is fronted by a two-storey commercial building (to the west) currently used as a beauty salon. To the south is a single storey extension to the rear of a commercial two-storey building fronting onto the Main Street, currently occupied by a hairdresser, to the north is a bank (two-storey building), to the east is a four-storey commercial building on an elevated site. Site levels rise from west to east (towards the rear) on the site. Boundary treatment comprises a 4.5 metre retaining wall to the rear and 2.2 metre high walls along the northern and southern (side) boundaries.
- 1.2. Vehicular access to the property is to the side of the beauty salon that fronts the site at No 4 Main Street. This side vehicular access is c.2.8 metres in width.

2.0 Proposed Development

- 2.1. The proposed development comprises:
- Construction of two three-storey town houses. The overall gross floor area of each town house is c. 127 sq. metres.
 - Terrace/balcony areas of 33.97 sq. metres are proposed on the front and rear elevations at first and second floor levels on each unit and c. 28 sq m of ground floor rear garden space is proposed for each of the proposed town houses.
 - The development extends to a maximum height of 8.78 metres and is of a contemporary design.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused planning permission for the following reason:

3.1.1 To Refuse Permission for 1 no. reason:

1. Having regard to the design and layout, it is considered that the proposed development constitutes a poor design response at this location and in its current form would constitute overdevelopment of this restricted site. Given the separation distances proposed, the proposed development would provide a substandard form of residential accommodation for future occupiers, contrary to Section 8.2.3 (Residential Development) of the Dun Laoghaire-Rathdown County Development Plan 2016-22. The scale, height, design and massing of the proposed development would also adversely impact on the future development potential of adjoining properties and would set a poor planning precedent. The proposed development would therefore seriously injure the amenities and depreciate the value of property in the vicinity contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

The Planning Authority report, dated July 2019 can be summarised as follows:

3.2.1. Planning Report

- Having regard to the site zoning and the surrounding uses, residential development on the site is considered to be acceptable in principle.
- Concern that the proposed development could have an overbearing/overshadowing impact upon adjoining sites, even though it is noted that the adjoining sites are presently used for commercial purposes.
- Proposed design of the building is not sufficiently site specific and could negatively impact upon the future re-development potential of adjoining sites, particularly the Bank of Ireland car park site to the north and the commercial building that fronts the site onto No 4 Main Street.
- Design and massing of proposed dwellings not considered to constitute an appropriate design response for this site.

- Note that density equates to c 70.5 units per hectare, the Development Plan encourages densities in proximity to public transport nodes be at a minimum of 50 units per hectare. No off-street car parking is proposed.
- Consider that the private open space provision (balconies/terraces) may potentially overlook adjoining properties.
- Consider that the proposed development in its current form would provide a substandard form of accommodation for future occupiers of the dwellings in terms of their quality of residential amenity.

3.2.2. **Other Technical Reports**

- **Transportation Planning:** Recommended that further information be sought regarding the treatment of the existing established vehicular accessway to the site given that it is not to be used for car parking purposes; the width of the accessway is below the standard recommended in the Development Plan and therefore not considered appropriate as an accessway; how vehicular access to the site is to be prevented; seeking the inclusion of two no. short stay (visitor) cycle parking spaces; the submission of a Construction Traffic Management Plan and how refuse arrangements are to be accommodated on site.
- **Drainage Planning:** Further information recommended seeking the submission of surface water management proposals.

3.3. **Prescribed Bodies**

Irish Water: No objection.

3.4. **Third Party Observations**

3.4.1 None received.

4.0 **Planning History**

4.1 There is no recent planning history pertaining to the appeal site and no relevant planning history pertaining to the adjoining sites.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Major Town Centre (MTC) with an objective: To protect, provide for and or improve major town centre facilities. Residential use is acceptable in principle under this zoning objective. Relevant objectives and policies of the plan include:

Policy Res 3: Residential Density: To promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

Policy Res 4: Existing Housing Stock and Densification: To improve and conserve housing stock of the County and to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

- 5.1.2. **Section 2.1.3.4 Existing Housing Stock Densification:** Encourage densification of the existing suburbs in order to help retain population levels - by infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.
- 5.1.3. **Table 8.2.3** sets out car parking standards. For residential dwellings, 1 space is required per 2 bed unit. Section 8.2.4.5 notes that reduced car parking standards may be acceptable in certain circumstances such as the location of the development and specifically its proximity to Town Centres and also proximity to public transport.
- 5.1.4. **Section 8.2.8.4** sets out quantitative standards for private open space. This notes that for 1 and 2 bedroom houses a figure of 48 sq. metres may be acceptable where it can be demonstrated that good quality usable open space can be provided on site. It is stated that in instances where an innovative design response is provided on site, a relaxation in the quantum of private open space may be considered on a case-by case basis.

The Development Plan also sets out the following in terms of qualitative standards: In all instances, private open space should not be unduly overshadowed and where there is the potential for the proposed development to overshadow or overlook existing/future development adjoining the site, minimum separation distances to boundaries should be increased.

- 5.1.5. **Section 8.2.3.2** of the plan sets out quantitative standards for residential development.

5.2. **National Guidelines**

- 5.2.1. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual (DoEHLG 2009).

5.3. **Natural Heritage Designations**

- 5.3.1. None relevant.

- 5.3.2. Environmental Impact Assessment - Preliminary Examination

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- The site has the benefit of a Major Town Centre zoning objective as per the Development Plan where residential use is acceptable.

- The adjoining developments are presently in commercial use and therefore the proposed development could not be considered to adversely impact upon their ability to further develop their lands for commercial development.
- No objections have been received from any of the occupiers/owners of the adjoining properties.
- A precedent for a similar type backland development was permitted to the rear of No 7 Main Street, Dundrum where a commercial scheme was permitted by the Planning Authority in 2012.
- Separation distances from adjacent properties are greater than stated within the Planning Authority's planning report and in any event no residential uses exist within any of the adjoining properties. Residential properties tend to be occupied during evening times and weekends when the commercial premises tend to be closed.
- Overlooking occurs to the back of commercial properties, this is a common feature within town centre sites, the balconies have solid gables which prevent passive overlooking from them.
- The introduction of residential accommodation in a commercial core would provide the benefit of passive surveillance of commercial spaces outside of commercial hours and is therefore to be welcomed.
- The applicants are satisfied that issues in relation to landscaping, surface water management, construction methodology and refuse storage can be addressed by means of appropriate planning conditions.
- The original design intention was to adopt a more traditional design approach providing for pitched roofs and clean render, more akin to the established built form fronting onto the Main Street. The design, materials, heights and roof profile, as now presented, is coherent in the context of the area.
- The constraints of the site are acknowledged. The scheme has been designed to mitigate against any adverse overlooking or invasion of privacy, despite the fact that there is no residential use on any of the lands immediately adjoining the site.

- The private open space provision is sufficient and exceeds Development Plan/ Best Practice standards for the future occupants to enjoy. The solid gable walls of the balconies provide some screening from the adjoining properties. The use of opaque glazing features on the side (south and north) elevations adjoining neighbouring properties will assist in mitigating concerns regarding overlooking of adjoining properties.

6.2. **Planning Authority Response**

- 6.2.1. The response of the Planning Authority considered that no additional matters were raised within the grounds of appeal to those raised within the Planner's Report.

6.3. **Observations**

- 6.3.1. None received.

7.0 **Assessment**

- 7.1. The main issues are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning & Scale of Development
- Design & Layout
- Impact upon local amenities
- Parking and Traffic
- Appropriate Assessment

7.2. **Zoning & Scale of development**

- 7.2.1. The subject site is located within an area identified as Major Town Centre in the Development Plan and comprises an underutilised brownfield site. It is evident that it has the potential to accommodate an infill development that would improve the visual amenity of the site, contribute positively to the local streetscape and provide additional housing stock. Whilst the need to promote development on sites in close proximity to good quality public transport is clearly advocated at a national and local

level, the guidance also notes that the overriding concern should be the quality of the proposed residential /accommodation/environment to be created.

- 7.2.2. The proposed development comprises two townhouses over three storeys on a constrained brownfield site to the side and rear of No 4 Main Street, Dundrum Village. The site has a limited footprint of 0.0284 ha. and a floor area of 253.9 sq m. No plot ratio standard is set out with the Development Plan. Therefore the current proposal will be considered on its merits. Quality of residential development in terms of urban design and amenity afforded to future residents are key considerations. These will be addressed in detail later within this assessment.
- 7.2.3. A number of commercial units have been developed to the rear of properties along the Main Street, e.g at numbers 7 & 10 Main Street in recent times. Commercial uses are primarily concentrated fronting onto the Main Street and within the adjacent shopping/town centre developments. I do not consider the loss of a small backland site would undermine the wider MTC zoning objective for the area, and residential use is acceptable in principle under this zoning objective.
- 7.2.4. The applicant is of the opinion that a three-storey building is appropriate for this backland site and references a number of precedents in the vicinity of the site, along/adjacent to the Main Street. It is considered however, that the sites referred to as precedents are not comparable. None of them pertain to residential development. The sites referred to all have greater footprints. Two of the sites referred to (A-Ulster Bank & B-4 storey commercial development) have either a much greater footprint and/or have direct frontage onto a number of streets and the Luas line. Site C (Stokes Court- a three-storey commercial development) also has a much greater footprint.
- 7.2.5. In conclusion, I am satisfied that the principle of residential development on this town centre brownfield site is acceptable, subject to suitable design layout and consideration of local amenities. Accordingly, permission should not be refused for reasons relating to principle of the proposed development.

7.3. **Design & Layout**

- 7.3.1. Quantitative standards are deemed to have been achieved by the applicants in terms of the open space provision, bedroom and living and storage space provision.

- 7.3.2. In terms of private open space the applicants are proposing ground floor rear (east facing) garden depths of c. 4.5 metres, adjacent to a rear boundary wall with a height of c. 4.5 metres which has a number of surface water pipes from an adjacent site set within it. It is considered that amenity afforded to the future occupants from these rear garden areas would be of a poor standard, with restricted sunlight and daylight given the height of the rear party boundary wall and the potential for surface water ingress to the garden areas from the adjacent site.
- 7.3.3. The applicants are also proposing balcony/terrace spaces on the rear (east) elevation at first and second floor levels. These are considered to be acceptable and would provide future occupants with reasonable quality amenity space. The western facing proposed terrace/balcony areas are generously sized. However the proximity of these terrace/balcony areas to the rear of the building fronting onto the Main Street at No 4 could compromise the quality of light afforded to these amenity areas and also compromise the amenities of the existing premises at No 4.
- 7.3.4. It is therefore considered that the quality of daylight/sunlight afforded to some of the private open space amenity areas (rear ground floor garden areas and west facing balcony areas) would be of a substandard quality and therefore adversely impact upon the amenities being afforded to future occupants of the units.
- 7.3.5. Section 8.2.8.4 of the Development Plan sets out quantitative standards for private open space. This notes that for 1 and 2 bedroom houses a figure of 48 sq. metres may be acceptable where it can be demonstrated that good quality usable open space can be provided on site. It notes that a relaxation on such a standard may be acceptable where an innovative design response is provided on site. The design as proposed does contain some design elements which are to be welcomed within this town centre site. However, I have concerns regarding the quality of a number of the private amenity spaces as outlined above. Therefore, in this regard, I do not consider the design response to be innovative. Given the disposition, form and design of a number of the proposed private amenity spaces is inadequate in qualitative terms to serve the proposed dwellings and provide future occupants with a high quality of residential amenity, it is not considered that the proposals would accord with the proper planning and sustainable development of the area.

7.3.6. The qualitative standards are not considered to adhere to what is recommended within Best Practice Guidance as set out within the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual (DoEHLG 2009).

7.4. Impact upon local amenities

7.4.1. Concerns have been raised by the Planning Authority regarding the potential impact of the proposed development on the future development potential of the adjoining sites. It is noted that all of the adjoining sites are presently in commercial use, including a bank, office space, hairdresser and beauty salon etc.

7.4.2. It is apparent that the design as proposed could potentially impact upon the local amenities of the building fronting onto No 4 Main Street. The separation distance between the proposed development and the rear of the existing commercial building at No 4 varies between 3.57 metres and 5 metres. The west facing elevation comprises significant elements of glazing. It is considered that the proposed west facing balcony and terrace areas could unduly impact upon the ability of No 4 to develop at upper floor levels by virtue of this proximity.

7.4.3. The appellants within their appeal submission acknowledge the site is constrained. I am satisfied that the design and layout as presented could adversely impact upon the amenities and future potential of the existing property at no 4 to develop into the future.

7.4.4. I have concerns regarding the design, scale and configuration of the development on a limited site area and consider the scheme to constitute an overdevelopment of this tight constrained site.

7.5. Parking and Traffic

7.5.1. It is detailed by the applicant in their appeal submission that the proposed town houses will not have the benefit of off-street parking spaces. However, it is noted that the Dundrum Luas stop is located 70 metres north of the site, so the absence of on-site parking is considered acceptable.

7.5.2. The Transportation Planning Department noted the lack of on-site car parking proposals and were satisfied in this regard given the proximity to the Dundrum Luas stop.

7.6. **Appropriate Assessment**

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distances to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1 It is recommended that permission be refused for the reasons set out below.

8.2 **Reasons and Considerations**

1. Having regard to the constrained nature of the site, it is considered that the proposed residential development would result in overdevelopment of the site and adversely impacting upon the amenities and the development potential of the adjacent property at No 4 Main Street. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is the Policy of the Planning Authority as set out in Section 8.2.8.4 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 that residential development is provided with adequate quality private amenity space in the interest of residential amenity. The proposed ground floor rear garden spaces in their current form in close proximity to a 4.5 metre retaining wall containing a number of surface water outlets would provide for a substandard quality of private open space for future occupants. The proposed development would,

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

Fergal O'Bric
Planning Inspector

24th December 2019