



An
Bord
Pleanála

Inspector's Report ABP306971-20

Development

Demolition of existing two-storey building known as the Coach House and construction of three-storey building comprising of 1 no. two-bed apartment at ground floor level and 2 no. two-bed Duplex Units at 1st and 2nd floor level together with 8 cycle parking spaces, landscaping and all ancillary works.

Location

The Coach House, Park Lane, Chapelizod, Dublin 20.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4819/19.

Applicant

Mark Ellis.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party -v- Refusal.

Appellant

Mark Ellis.

Observers

David Skinner & Gabriele Milch Skinner.

Date of Site Inspection

8th June, 2020.

Inspector

Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority's Decision	4
4.1. Documentation Submitted with the Planning Application	5
4.2. Observations	5
4.3. Planning Authority's Assessment	6
5.0 Planning History.....	7
6.0 Grounds of Appeal.....	7
7.0 Appeal Responses.....	10
8.0 Observations	10
9.0 Planning Policy Provision	10
10.0 Planning Assessment.....	14
11.0 Conclusions and Recommendation.....	18
12.0 Appropriate Assessment	19
13.0 EIA Screening Determination	13
14.0 Reasons and Considerations	20
15.0 Conditions	20

1.0 Introduction

ABP306971-20 relates to a first party appeal against the decision of Dublin City Council to issue notification to refuse planning permission for the demolition of an existing two-storey building accommodating commercial storage unit and dwelling and the construction of a three-storey building to provide a two-bedroomed ground floor apartment and 2 no. two-bed duplex apartments with balconies at first and second floor together with 8 bicycle spaces at a site at the end of Park Lane, Chapelizod, County Dublin. Dublin City Council issued notification to refuse planning permission for a single reason stating that the height, bulk, scale and design of the proposal would constitute overdevelopment and would be out of keeping with the general scale and character of the buildings along Park Lane and would be incongruous and contrary to the visual amenities of the area.

2.0 Site Location and Description

2.1. Park Lane consists of a predominantly residential cul-de-sac which runs northwards from Chapelizod Main Street towards the boundary wall with Phoenix Park to the north. Park Lane is located centrally within Chapelizod Village approximately 6 kilometres west of Dublin City Centre. Park Lane is approximately 100 metres in length and accommodates predominantly two-storey residential development with parking on one side of the road. At the end of the laneway there is a pedestrian access into the Phoenix Park. The subject site is located at the northern end of the lane on the western side of the road contiguous to the boundary with Phoenix Park. It accommodates a lock up vehicular garage at ground floor level with a small residential unit above. There are a number of single-storey outbuildings to the rear of the main building fronting onto the laneway. The building forms part of a long and elongated rear garden associated with No. 24 Martins Row, a three-storey building fronting onto the Main Street of Chapelizod. The site has a stated area of 275 square metres.

3.0 Proposed Development

- 3.1. Planning permission is sought to demolish the existing buildings on site amounting to approximately 113 square metres. These buildings accommodate a workshop, storage area together with small outdoor ancillary stores and a small washroom at ground floor level. The works also include the demolition of a small residential unit above comprising of a bedroom, bathroom and kitchen and living accommodation.
- 3.2. At ground floor level it is proposed to construct a two-bedroom apartment unit which is to be accessed via side entrance along a passageway located between the building and a boundary wall with Phoenix Park. The gross floor area of the ground floor apartment is 83 square metres. At second floor level it is proposed to provide 2 no. two-storey duplex units which are to be accessed via a doorway and stairwell leading to first floor level from the front elevation facing onto Park Lane. Unit No. 2 to the front of the building, is to accommodate a bedroom and bathroom at first floor level and a bedroom and living area at second floor level. Unit No. 3 located to the rear of the structure is to accommodate the kitchen area and living accommodation at first floor level and two bedrooms and a bathroom at second floor level. The amenity area serving these two duplex units are to be provided in the form of balconies at first and second floor level primarily overlooking the Phoenix Park to the north.
- 3.3. The building is to rise to a height of 8.9 metres and is reflective of the ridge heights of the adjoining houses along Park Lane. The building is to incorporate a selected brick finish with aluclad windows and doors. The building is also to incorporate a green sedum roof. While the existing coach house is contiguous to the boundary wall along the Phoenix Park. The proposed building is stepped back from the wall to from a side passage between the building and the wall.

4.0 Planning Authority's Decision

- 4.1. Dublin City Council refused planning permission for a single reason which is set out below.
- 4.2. *The proposed development is located in an area zoned Z1 where the stated zoning objective "to protect, provide and improve residential amenities". Having regard to*

the established pattern of development in the area, it is considered that the proposed development, by reason of its height, bulk, scale and design, would constitute overdevelopment of the site. The development if approved, would be out of keeping with the general scale and character of development along Park Lane and would be visually incongruous, contrary to the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

4.3. Documentation Submitted with the Planning Application

- 4.3.1. The planning application was lodged on the 23rd December, 2019. It was accompanied by a planning report by AKM Design.
- 4.3.2. The planning report states that the existing structure on site has a very poor level of insulation and poor energy rating. The covering letter suggests that the proposed development is fully in accordance with relevant government planning policy and reference is made to the National Planning Framework, the Design Standards for New Apartments, the Chapelizod and Environs Architectural Conservation Area and the Dublin City Development Plan. The report also goes on to suggest that the proposal is acceptable from a visual perspective. In terms of the amount of communal open space it is considered that the proposal is acceptable. It is further suggested that the removal of the commercial use on site is a planning gain. Finally, it is stated that the proposed development does not result in any undue overlooking or overshadowing of adjoining units. Finally, the report assesses the proposal against the 12 criteria set out in the Urban Design Manual (2009) and concludes that the proposal is in accordance with the said criteria.
- 4.3.3. The report concludes that the proposal seeks the redevelopment of an underutilised site which will result in three additional units which is fully in accordance with Government policy. Furthermore, it is argued that the proposed development is visually appropriate and does not adversely impact on residential amenities of the area.

4.4. Observations

- 4.4.1. A number of observations have been submitted by residents in the vicinity objecting to the proposed development on the basis of the lack of car parking and the impact

on residential amenity. It is also suggested that the proposal involving three residential units would result in an unacceptable intensification of use of the site. Concerns are also expressed that the subject site is located in a designated Architectural Conservation Area, a Zone of Archaeological constraint and a general Conservation Area.

- 4.4.2. A number of letters of support were also submitted stating that the proposed development would improve the visual amenities of the area and the additional residential use proposed would be of benefit to the residential area.

4.5. Planning Authority's Assessment

- 4.5.1. A report from the Engineering Department Drainage Division states that there is no objection to the proposed development subject to complying with the Greater Dublin Regional Code of Practice for Drainage Works.
- 4.5.2. The City Archaeologist's report recommends that the applicant submit an archaeological impact assessment details of the information to be included in the assessment is set out in Section 3 of the report.
- 4.5.3. A report from the Transportation Planning Division states that there is no objection to the proposed development subject to four standard conditions.
- 4.5.4. The planner's report states that the architectural design of the proposed building does not respond positively to the existing character along Park Lane or the wider Conservation Area on the basis that the overall design is a significant departure to the prevailing character of the area and would result in the introduction of a largely contemporary box style building in an established residential area. The proposed building has a narrow linear plan form along its entire depth and would have an overbearing impact on the existing dwelling to the west and would be out of character with the overall area.
- 4.5.5. In general, the proposal complies with the development standards set out in the development plan. However, no information on overshadowing has been submitted with the application. It is considered that the proposal would have an overbearing impact on the existing house at No. 1 Park Lane. It is noted that these dwellings have very limited rear gardens and therefore the impact of a three-storey building in close proximity would seriously injure the residential amenity of these properties. The

planner's report agrees with the conclusions reached in respect of the Transportation Planning Division that the site would be suitable to accommodate no off-site car parking.

- 4.5.6. Finally, the planning report expresses some concerns that there is little or no information with regard to the historic or architectural quality of the building to be demolished on site. Given the location of the proposed development within a Zone of Archaeological Constraint and the proposal to demolish a coach house, it is recommended that an archaeological impact assessment be provided in the case where planning permission is to be granted.
- 4.5.7. On the basis of the assessment undertaken it is recommended that planning permission be refused for the single reason as set out above.

5.0 Planning History

There appears to be no planning history associated with the subject site.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council to issue notification to refuse planning permission was the subject of a first party appeal. The grounds of appeal are outlined below. The grounds of appeal set out details of the subject site and its zoning and also make reference to relevant government planning policy. In this regard reference is made to the National Planning Framework which seeks to focus new residential development into existing towns and cities at higher densities particularly on infill and brownfield sites. Reference is also made to the Sustainable Urban Housing Design Standards for New Apartments and the Dublin City Council Development Plan. The minimum standards set out in the Guidelines for New Apartments and the various policies contained in the development plan as they relate to the site are set out in the grounds of appeal.
- 6.2. Section 2 sets out a planning assessment of the proposal. It is argued that there is clear justification for the demolition of the existing buildings as these buildings have been greatly modified over the years and there is little of the original fabric remaining. The buildings are also totally underutilised. The existing building has a

very poor performance in terms of energy and sustainability and the building is not a protected structure. It is also stated that the existing buildings fails to meet any of the Department's criteria in relation to architectural merit required for protected status.

- 6.3. The grounds of appeal go on to argue that the proposed development does not constitute an overdevelopment of the site as all development plan standards and standards set out in the Sustainable Urban Housing Design Guidelines for New Apartments are adhered to.
- 6.4. The Dublin City Council Planning Report concludes that there is no objection in principle to residential development on the subject site and there are no objections expressed in the reports prepared by the various Departments of Dublin City Council including that of the Traffic Planning Department having regard to the site's proximity to Heuston Station, bus stops and dedicated cycle lanes along Chapelizod Road.
- 6.5. With regard to the impact on residential amenity it is noted that the Dublin City Council Planner's Report express concerns in relation to the overall height, bulk and scale and potential overshadowing. The Board are asked to note that the footprint of the proposed building closely follows that of existing buildings on site and sits over the northern portion of the land. There is no dwelling or building to the west of the proposed development and the back gardens of Nos. 25 and 26 Main Street, Chapelizod are located to the south. As the building is located to the north there will be no overshadowing or loss of light to the backyard of No. 1 Park Lane. It is argued that the proposed building will not have any greater impact in terms of being overbearing than the existing building on site.
- 6.6. In terms of private open space, it is stated that all units have generous open space that exceeds development plan standards.
- 6.7. Also, in terms of overshadowing the proposed three-storey green roofed building matches the adjoining dwellings in terms of height and has been designed to conform with all guidance and good practice in relation to site planning and overshadowing.
- 6.8. In terms of the impact on the character of the area, it is considered that the proposal would have a positive impact despite the conclusions reached in the planner's report. It is stated while the site is located within an ACA boundary and would have formed the historic core of the commercial town centre any trace of historical land uses

along Park Lane are gone. Buildings surrounding the site are not of any historic or architectural significance.

- 6.9. It is argued that the proposed design principles are acceptable in terms of:
- Height, scale and orientation.
 - Bulk, massing and density.
 - Quality and type of materials used.
 - Design and detail.
 - And the proposal is reflective of traditional and historical plot boundaries.
- 6.10. It is not considered that the proposed development will have any adverse visual impact on the area. The removal of the commercial building that currently exists on site should be seen as a planning gain. The proposed building is compact, well designed and not visually dominant in any way. It is suggested that the adjoining building at No.1 Park Lane incorporates a dormer attic and therefore is essentially 3 storey.
- 6.11. The grounds of appeal are accompanied by a Conservation Impact Assessment. This report concludes that the site is visually and physically removed from the principle vistas and clusters of historic buildings that make up the core of the ACA. It is also considered that works can be undertaken without damaging the fabric or character of the Phoenix Park wall. If the Board are minded to grant planning permission, a planning condition is suggested to protect the Phoenix Park wall. The Conservation Impact Assessment Report also deals with archaeological issues (Section 9). Again, if the Board are minded to grant planning permission the wording of an archaeological condition is suggested in the grounds of appeal.
- 6.12. The grounds of appeal are accompanied by a shadow study prepared by AKM Design and a Historic Site Report. The shadow study indicates that there will be an negligible impact on surrounding buildings and the historic impact assessment which includes an architectural description and surviving historic fabric of the coach house, and an assessment of the heritage impact arising from the proposal, likewise concludes that the buildings on site are of little intrinsic historical or architectural importance.

7.0 Appeal Responses

The Planning Authority have not submitted a response to the grounds of appeal.

8.0 Observations

- 8.1. An observation was submitted by the occupants of No. 1 Park Lane, Chapelized the dwelling to the immediate south of the subject site. This observation states that the observers remain strongly opposed to the application and fully endorses the City Council's refusal of permission.
- 8.2. The claim that 1 Park Lane is a three-storey building is refuted. It is a two-storey building with rear facing dormers in the attic. All works carried out at No. 1 Park Lane have been carefully designed to maintain the general roof height and character of the street.
- 8.3. It is stated that the applicant has shown a cavalier disregard for the architectural merit and the contribution that the existing coach house on site makes to the designated ACA.
- 8.4. The Board are asked to note that there are no three-storey buildings on Park Lane. It is suggested that many of the conclusions set out in the grounds of the first party appeal are highly questionable particularly in relation to the impact on the character of the area and the impact on adjoining residential amenity. It is suggested that any redevelopment of the site must be designed with a much greater level of sensitivity than is shown in the application.

9.0 Planning Policy Provision

9.1. National Planning Framework

- 9.1.1. A central strategic tenet of the National Planning Framework is to seek more compact development in urban areas and increase densities particularly in relation to residential development with more sustainable levels on brownfield and infill sites close to high quality public transport corridors which are in closer proximity to centres of employment and services.

9.2. Design Standards for New Apartments – Guidelines for Planning Authorities

- 9.2.1. This document sets out apartment design standards. In the case of two-bedroomed apartments the minimum overall floor area ranges between 63 square metres in the case of three person units and 73 square metres in the case of four person units.

9.3. Dublin City Development Plan

- 9.3.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The site is governed by the land use zoning objective Z1 “*to protect, provide and improve residential amenities*”. The site is also located within a Zone of Archaeological Constraint and within a Designated Conservation Area associated with the Phoenix Park and is also located within an Architectural Conservation Area as part of the Chapelizod and Environs Historic Village.
- 9.3.2. In relation to housing Policy QH7 seeks to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- 9.3.3. Policy QH8 seeks to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.
- 9.3.4. Policy QH18 seeks to promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.
- 9.3.5. In relation to Architectural Conservation Areas and Conservation Areas, Section 11.1.5.4 of the Plan states that Architectural Conservation Areas and Conservation Areas have been designated in recognition of their special interest or unique historic architectural character and important contribution to the heritage of the city. Designated Conservation Areas include extensive groupings of buildings or streetscapes and associated open spaces and include parts of the medieval/walled city, the Georgian core and other areas. The special interest/value of Conservation Areas lies in historic and architectural interests and the design and scale of these

areas. Therefore, all of these areas require special care in terms of development proposals and works by the private and public sector alike which affects structures both protected and non-protected in these areas.

9.3.6. Dublin City Council will thus seek to ensure that development proposals within all Architectural Conservation Areas and Conservation Areas compliment the character of the area, including the setting of protected structures and comply with development standards.

9.3.7. Policy CHC4 seeks to protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible.

9.3.8. In terms of development plan standards, the Z1 land use zoning objective has indicative site coverage of 45 to 60% and an indicative plot ratio of 0.5 to 2.

9.3.9. Policy 16.2.2.2 relates to infill development. It states that the particular character of the city and its concentration of historic buildings means that most redevelopment opportunities are for "infill development" i.e. gap sites within existing areas of established urban form. It is particularly important that the proposed development respects and enhances its context and is well integrated with its surroundings ensuring a more coherent cityscape.

9.3.10. As such Dublin City Council will seek:

- To ensure that infill development respects and complements the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape.
- In areas of varied cityscape of significant quality, infill development will demonstrate a positive response to the context, including characteristic building plot widths, architectural form and the materials and details of existing buildings where these contribute positively to the character and appearance of the area.

- With terraces or groups of buildings of unified design and significant quality, infill development will replicate and positively interpret the predominant design and architectural features of this group as a whole.

9.3.11. Section 16.10.10 relates to infill housing. It states that in general infill housing shall comply with all relevant development plan standards for residential development. However, in certain limited circumstances the Planning Authority may relax the normal planning standards in the interest of ensuring vacant derelict and underutilised land in the inner and outer city as developed.

9.3.12. Infill housing should have:

- Regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.
- Comply with appropriate minimum habitable room sizes.
- Have a safe means of access and egress from the site which does not result in the creation of a traffic hazard.

9.4. **Natural Heritage Designations**

9.4.1. The nearest Natura 2000 sites are located in Dublin Bay approximately 11 kilometres east of the subject site. These Natura 2000 sites include:

- The North Bull Island SPA (Site Code: 004006).
- The North Dublin Bay SAC (Site Code: 000206).
- The South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024).
- The Rockabill to Dalkey Island SAC (Site Code: 003000).

10.0 **EIA Screening Determination**

Having regard to the nature of the development comprising of three apartment units in an urban area it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can therefore be excluded by way of preliminary examination.

11.0 Planning Assessment

I have read the entire contents of the file, have had particular regard to the Planning Authority's reason for refusal and the grounds of appeal challenging and rebutting this reason. I have also had regard to the policies and provisions contained in the development plan and other guidance policy documents including the National Planning Framework and the recent Design Standards for New Apartments – Guidelines for Planning Authorities. I have also had regard to the observation contained on file and have visited the subject site and its surroundings. I consider the pertinent issues in terms of determining the current application and appeal are as follows:

- Principle of Development
- Design Considerations
- Conservation and Archaeological Issues
- Residential Amenity Issues
- Traffic and Parking Considerations

Each of these issues will be dealt with in turn in my assessment below.

11.1. Principle of Development

11.1.1. The proposed development comprising of three residential units constitutes a permitted use under the Z1 zoning objective. Furthermore, developing the subject site at higher densities is also in accordance with one of the main strategic objectives in respect of land use planning in urban areas set out in the National Planning Framework. As referred to above, this framework seeks to utilise brownfield and infill sites within existing built up areas at higher densities. Developing infill sites such as that currently before the Board reduces land take, utilises existing infrastructure and reduces the need to travel long distances while improving the viability of public transport and services. In strategic terms therefore, notwithstanding its modest size, developing sites such as the subject site more efficiently is fully in accordance with policies set out in the development plan and the National Planning Framework. The

principle of developing the subject site for residential development at a higher density than that which currently exists is acceptable subject to qualitative safeguards in relation to design and residential amenity and these issues are assessed in more detail below.

11.2. Design Considerations

- 11.2.1. The site has a number of important designations which reflect the sensitivity of the site in the context of both the Phoenix Park to the north and historic Chapelizod Village to the south. This is reflected in the designation of the site and its environs as an ACA, a Conservation Area and an Area of Archaeological Constraint. It is the Council's aim to seek to ensure that development proposals in all Architectural Conservation Areas and Conservation Areas compliment the character of the area including the setting of protecting structures and also comply with development standards. Policy CHC4 seeks to protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible. The Board will note that enhancement opportunities may include contemporary architecture of exceptional design quality which is in harmony with the Conservation Area.
- 11.2.2. The proposed development in this instance is contemporary in style and is not reflective of the prevailing domestic residential character which exists along Park Lane. Notwithstanding this point, the Board will note from the photographs attached that Park Lane incorporates few buildings of historic character along its alignment. Any residential dwellings which are reflective of the 19th century character of Chapelizod Village is restricted to the lower portion of Park Lane mainly along the eastern side of the street. All the residential units at the northern end of the lane are mid to late 20th century in origin and are of little intrinsic architectural or historic value. Perhaps the only exception to this is the former coach house which is proposed to be demolished to make way for the proposed development. The acceptability or otherwise of demolishing this building is assessed under a separate heading below. It is sufficient to state at this stage that in my opinion the insertion of a three-storey contemporary style residential block would not in any way detract from the character or distinctiveness of the northern end of Park Lane. There are a variety

of house types along the northern part of Park Lane which appear to date from the mid to late 20th century. The subject site is located at the end of the cul-de-sac and is visually detached from the more historic areas of Chapelizod Village. On this basis I would consider that the contemporary nature of the design would not in any way impact on the designated ACA. While the Dublin City Council planning report express some concerns that the proposed building is three-storeys in height, whereas the prevailing character of the buildings along Park Lane are two-storey, I would refer the Board to the drawings submitted which clearly indicate that the building proposed is not radically different from the prevailing height of existing buildings along Park Lane. Having regard to the various policy statements which seek to ensure increased and more sustainable densities referred to above, it is not unreasonable in my view that an application would seek to incorporate an additional floor. The provision of an additional floor which reflects the existing ridge height and buildings in the vicinity in my view constitutes a reasonable balance between increasing density and ensuring that the proposal does not radically diverge in terms of size and scale from the prevailing character of the area.

11.3. Conservation and Archaeological Issues

- 11.3.1. The Historic Site Report submitted with the grounds of appeal indicate that the Coach House is most likely to date from the mid-19th century. It is clear however that the building has been the subject of significant alterations throughout the 20th century with the incorporation of limestone rubble stone finish, yellow brick and red brick at first floor level. The coach house was not deemed to be of significant historical or architectural integrity to warrant its inclusion on the Record of Protected Structures. The Historic Site Report acknowledges that there will be some loss of historic context through the visual depletion of the vernacular form and historic materials and archways inherent within the structure. However, the extensive external alterations and the use of many disparate materials together with the loss of historic roof finishes etc. and the complete loss of internal historic fabric significantly reduces the historic value of the building. On the basis that there is little of the original historic fabric of the building intact. There appears in my view to be little justification to retain the structure on either architectural, historic terms or even visual terms.
- 11.3.2. With regard to archaeology, the site is located within an area of archaeological constraint. The most reasonable course of action if the Board are minded to grant

planning permission for the proposed development would be to incorporate a condition requiring that archaeological monitoring be undertaken during the course of construction works. The fact that the subject site is located within a zone of archaeological constraint does not in itself justify a refusal of planning permission but rather prompts the necessity to carry out comprehensive and robust archaeological investigations as part of any grant of planning permission.

11.3.3. With regard to the Phoenix Park wall which runs along the northern boundary of the site, I consider the proposed development represents an appropriate planning gain in separating the historic wall from the adjoining structure. Again a condition can be attached to any grant of planning permission which will ensure that any works undertaken would be carried out in accordance with best conservation practice and that prior the commencement of development a detailed method statement for all works contiguous to the wall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. This in my view will ensure the protection of the historic Phoenix Park wall.

11.4. Residential Amenity Issues

11.4.1. The proposed apartments fully comply and exceed the minimum standards set out in the Apartment Guidelines for Planning Authorities in terms of apartment size, bedroom size, storage provision, private open space provision etc. The proposal also complies with the indicative site development standards set out in the development plan in relation to plot ratio and site coverage. In this respect it cannot be argued that the proposal constitutes an overdevelopment of the subject site in my opinion.

11.4.2. The fact that the proposal seeks to remove the commercial element within the existing building in an otherwise exclusively residential area also represents a planning gain in amenity terms.

11.4.3. With regard to overshadowing concerns, the proposed development is located due north of Nos. 1 and 2 Park Lane and as such, the impact in terms of overshadowing arising from the proposed development will be negligible, particularly as the development in question will essentially occupy the same footprint as the existing buildings on site. The applicant has submitted a shadow casting analysis as part of the grounds of appeal and this demonstrates that there will be no significant or material impact in terms of overshadowing. Any increase in overshadowing will, in

the main be restricted to the open space to the north within the confines of the Phoenix Park and the very rear portion of the garden of no. 25 Martin Row c45m to the rear of the house. With regard to overlooking concerns, the fenestration arrangements on the upper floors are such that only three small windows are located on the southern elevation of the proposed buildings. These windows are to serve either bathrooms or landing/stair areas with the exception of one window which serves a kitchen/living area associated with Unit No. 3 to the rear. However, this window directly overlooks the area of open space to the south of the building and offers only oblique views to the rear elevation of No. 1 and 2 Park Lane. Windows serving the bathroom areas can incorporate obscure glazing. The bulk of the fenestration has been restricted to the northern and eastern elevation of the building offering expansive views over the Phoenix Park and ensuring that overlooking of dwellings to the south are kept to a minimum.

- 11.4.4. It is my considered opinion therefore that, notwithstanding that fact that the site is relatively restricted in size, the building has been sensitively designed so as to minimise any potential impact on surrounding residential amenity while achieving a higher density on site in accordance with national strategic objectives.

11.5. Traffic and Parking Considerations

- 11.5.1. I note that the issue of traffic and parking did not constitute a concern in the Planning Authority's decision. I further note the report from the Roads and Planning Division which considered that the non-provision of off-street car parking in this instance was acceptable having regard to the site's relative proximity to the city centre and also the fact that Chapelizod is served by a relatively frequent bus route to and from the city centre. Bus routes in relatively close proximity to the subject site include No. 25, No. 26, No. 66a/b/c/e and bus route No. 67. The subject site is located c.250 metres from the closest bus stop. I also note that the western side of Park Lane accommodates residential parking permits. On this basis I consider the absence of dedicated car parking to serve such a modest development to be acceptable.

12.0 Conclusions and Recommendation

Arising from my assessment above I consider the proposed development to be acceptable and in accordance with the proper planning and sustainable development

of the area and I therefore recommend that the decision of Dublin City Council be overturned in this instance and that planning permission be granted for the proposed development.

13.0 Appropriate Assessment

13.1. The subject site is not located within or adjacent to a designated Natura 2000 site. As already indicated, the nearest Natura 2000 sites are located approximately 11 kilometres to the east of Chapelizod within and around Dublin Bay. The subject site is located approximately 250 metres to the north of the River Liffey which discharges into the various Natura 2000 sites which are designated within the Bay. However, it is not anticipated that any pollutants or emissions either during the construction or operational phase would result from the proposed development that could potentially have an adverse impact on qualifying interests of the Natura 2000 sites in Dublin Bay, having regard to the fact that during the construction phase there will be no direct pathway and sufficient separation distance to ensure that the River Liffey will not experience any potential pollution arising from the proposed construction works. With regard to the operational phase the proposal will be served by public water supply and drainage. All effluent discharge within Dublin City discharges to the Ringsend Wastewater Treatment Plant and I note that the development for a relatively small residential development comprising of 3 housing units and would not constitute a significant urban development in the context of the City. Furthermore, no in-combination effects from other plans or projects have been identified in the area which could potentially impact on the qualifying interests associated with the Natura 2000 sites in Dublin Bay. It is therefore reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites in the vicinity in view of these sites Conservation Objectives and therefore a Stage 2 Appropriate Assessment and submission of an NIS is not therefore required.

14.0 Reasons and Considerations

Having regard to the residential zoning objective pertaining to the site it is considered that the proposed development of three residential units on the subject site, subject to conditions set out below would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Full details of all materials, colours and textures of all external finishes to the proposed building shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. Windows serving the three water closets/ bathrooms at 1st and 2nd floor level on the southern elevation of the proposed building shall incorporate obscure glazing.

Reason: In the interest of protecting residential amenity.

4. Details of all storage areas including bin storage shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.
All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

6. Details of all surface water and drainage arrangements shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

7. The applicant or developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.

8. Proposals for a name/numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names within the residential area.

9. Site development works and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during the construction works in the interest of orderly development.

10. Prior to the commencement of development and on the appointment of a main contractor a construction management plan shall be submitted to the planning authority for written agreement. This plan shall provide details of the intended construction practice for development, construction programme and key phases, a detailed traffic management plan including the management of pedestrian movement together with noise and dust management measures shall be submitted.

Reason: In the interest of protecting residential amenities.

11. All costs incurred by the planning authority including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by

the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further

archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. Any works contiguous or adjacent to the Phoenix Park wall along the northern boundary of the site shall be carried out in accordance with best conservation practice as detailed in the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in December, 2004. In this regard, prior to the commencement of development, the applicant shall submit to and agree in writing with the planning authority with regard to a detailed method statement for all works which could potentially affect the wall. This detailed method statement shall be submitted and agreed in advance of any works being undertaken to ensure the protection of the said wall. Any works close to the wall shall be carried out under the supervision and guidance of personnel suitably qualified in conservation during the progression of the said works.

Reason: In the interest of architectural heritage protection.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable

indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

. Paul Caprani,
Senior Planning Inspector.

22nd June, 2020.