



An
Bord
Pleanála

Inspector's Report ABP307146-20

Development

The relocation of ancillary retail uses from first floor to the rear of the ground floor and the provision of 8 apartments (4 no. 1-bed and 4 no. studio) on first and second floor.

Location

85-87 Swords Road, Whitehall, Dublin 9.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3688/19.

Applicants

Layden Group Limited.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party -v- Refusal.

Appellants

Layden Group Limited.

Observers

- (i) The Viscount House.
- (ii) Gaeltacht Park Residents Association

Date of Site Inspection

7th September, 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 Application	5
4.2. Assessment by Planning Authority	6
4.3. Response to Further Information Request	7
4.4. Further Assessment by Planning Authority	9
5.0 Planning History.....	9
6.0 Grounds of Appeal.....	9
7.0 Appeal Responses.....	12
8.0 Observations	12
9.0 Planning Policy Provisions.....	14
10.0 Planning Assessment.....	16
11.0 EIA Screening Determination	16
12.0 Appropriate Assessment	23
13.0 Conclusions and Recommendation.....	23
14.0 Decision	23
15.0 Reasons and Considerations	23

1.0 Introduction

ABP307146-20 relates to a first party appeal against the decision of Dublin City Council to refuse planning permission for the relocation of ancillary retail uses from first floor to ground floor and the provision of 8 residential units at first and second floor at a vacant, former Bank of Ireland office on the Swords Road at Whitehall. Dublin City Council refused planning permission on the basis of the residential element incorporates an excessive number of single aspect units with inadequate private open space. Permission was also refused to the lack of car parking to serve the residential element which would result in unacceptable levels of street parking. Two observations were also submitted supporting the decision of the Planning Authority.

2.0 Site Location and Description

- 2.1. The subject site is located at 85 to 87 Swords Road, Whitehall, Dublin 9. The site is located on the western side of the Swords Road to the south of the busy junction between Swords Road, M1 and Collins Avenue. The site forms part of a two-storey terrace of commercial buildings located at the junction of the Swords Road and the Iveragh Road which runs westwards to the immediate north of the site and serves a large residential area to the rear comprising of 1930's suburban residential development.
- 2.2. The Viscount Public House premises adjoins the site to the immediate north. A Chinese takeaway facility is located in the adjoining building to the immediate south with office accommodation and a barber shop overhead. To the rear of the site a small laneway provides access to the commercial block and separates the block from residential development fronting onto Iveragh Road. A large gate prohibits public access to this laneway.
- 2.3. The site was formally used as a Bank of Ireland premises. The building has a street frontage of approximately 16 metres directly onto the Swords Road. A recessed parking area is located to the front of the site along the Swords Road providing for pay and display car parking. The Swords Road is a busy arterial route with two lanes

of traffic and a cycle path on the northbound artery directly adjacent to the site. A total of 10 off-street car parking spaces are also provided adjacent to the north elevation of the Viscount Bar facing onto Iveragh Road. Lands to the east of the site on the opposite side of the Swords Road are currently undeveloped. These lands have the benefit of planning permission for a residential scheme.

2.4. The total site area is stated on the planning application form as 472.3 square metres.

3.0 Proposed Development

3.1. Under PL29N.248718 (see planning history below) planning permission was granted for a retail unit at ground floor level over the entire floor area and the provision of ancillary staff areas, a small office and a large storage area at first floor level. Under the current application it is proposed to relocate the ancillary staff areas to the rear of the retail unit at ground floor level. These include male and female changing rooms, a staff room, a storage area, a small administrative office and a refuse storage area and bicycle and a refuse area associated with the proposed residential element overhead.

3.2. At first floor level it is proposed to provide four one-bedroomed apartments ranging from 49.2 square metres to 50.9 square metres in size. At second floor level, within the existing roof space, it is proposed to provide four studio apartments ranging from 38.6 square metres to 39.9 square metres in size.

4.0 Planning Authority's Decision

Dublin City Council issued notification to refuse planning permission for two reasons which are set out in full below:

- 1. The proposed development is contrary to the Residential Development Standards set out in Chapter 16 of the Dublin City Development Plan 2016 - 2022 and contrary the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 (notwithstanding the local authority's discretion to apply lower standards for infill and refurbishment sites) by reason of an excess of single aspect units and poor quality and inadequate private open space. The cumulative impacts*

of these deficiencies, with no compensatory measures in the design, would not provide adequate residential amenity for future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *It is considered that the non-provision of car parking to serve the residential element of the proposed development would give rise to unacceptable levels of street parking in the vicinity, would seriously injure the amenities of the area and would endanger public safety by reason of a traffic hazard and obstruction to road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

4.1. Documentation Submitted with the Application

4.1.1. The application was accompanied by the following documentation:

- A completed planning application form.
- Architectural plans, sections and elevations.
- An application form for a certificate of exemptions from the provisions of Section 96 of the Planning and Development Act.
- A Drainage Report including a flood risk assessment which concludes that the development is appropriate and in accordance with the Flood Risk and Management Guidelines for Planning Authorities.
- An Architectural Statement by Henry J. Lyons which states that the size and type of residential units proposed are predominantly aimed at student population related to the DCU campus and the site is served by good quality public transport. It is noted that there are provisions in the Residential Guidelines (March 2018) which are further supported by Urban Development and Building Height Guidelines (December 2018) which provide support for the provision of a limited amount of small scale residential development without the need for directly associated car parking.
- Details of pre-planning discussions are also submitted.
- A Travel Plan was also submitted with the application by Fitzsimons and Doyle. It notes the good quality public transport serving the development

particularly along the Swords Road and further notes that Metro North is proposed to be constructed within the vicinity of the site. It is also noted that the site is located approximately 26 minutes walk from Drumcondra Railway Station (2.3 kilometres). The report also sets out proposals to encourage more sustainable transportation including education and promotion and the reduction of private car usage and the promotion of public transport, walking and cycling.

4.2. Assessment by Planning Authority

- 4.2.1. A report from the Engineering Department Drainage Division stated that there is no objection to the proposed development subject to the developer complying with the Code of Practice for Drainage Works.
- 4.2.2. A report from the Transportation Planning Division considered that the provision of eight residential units in the absence of off-street car parking will result in a car parking overspill onto Iveragh Road/Swords Road and would exacerbate the current car parking situation on these roads. It is therefore recommended that planning permission be refused for this reason.
- 4.2.3. The initial planner's report notes that the site is located in an area where the Z3 zoning provision applies, and such zoning is appropriate for living over the shop type residential development. However, the proposal would comprise of a substandard development lacking in residential amenity. It is considered in the case of the current application, that there is significant flexibility in terms of determining the size, shape and layout and number of new units to be provided. Concern is expressed that the minimum has been provided in terms of the residential environment provided with reference made to the provision of single aspect units of very limited size and minimum floor to ceiling heights together with an absence of communal facilities. Therefore, on this basis it is recommended that the following additional information be submitted.
1. The Planning Authority has serious concerns that the proposed development is contrary to residential development standards set out in the development plan and standards set out in the Design Guidelines for New Apartments (2018) and therefore would not provide adequate residential amenity to future

occupants by reason of an excess of single aspect units, a lack of communal open space, private open space and supporting facilities including bin storage and cycle storage. The applicant is requested to respond to these concerns.

2. The Planning Authority has serious concerns with regard to the non-provision of car parking to serve the residential element of the proposed development which would give rise to unacceptable levels of street parking in the vicinity and may endanger public safety by reason of a traffic hazard.

4.3. **Response to Further Information Request**

- 4.3.1. The response comprises of a number of separate reports submitted on behalf of the applicant which are summarised below.

Report from Henry J. Lyons

This report states that amended drawings have been submitted detailing a dedicated area of 16 square metres for the storage of refuse and for the parking of 8 bicycle stands (one per residential unit). It is also stated that the buildings in question are ideally orientated to maximise sunlight and daylight penetration and therefore all homes will benefit from significant exposure to sunlight either in the morning or afternoon. Six of the eight residential units have private balconies all of which exceed the minimum requirements set out in the guidelines.

With regard to response to the lack of car parking provision reference is made to separate reports submitted by McCutcheon Halley Planning Consultants and by Fitzsimons and Doyle Associates.

In conclusion it is stated that there is a lack of adequate and appropriate housing countrywide and the proposal if granted would make a positive contribution to the housing crisis.

The applicant has also taken the view that the market is generally underprovided with smaller units for single workers and students and it was for this reason that a number of smaller units were proposed in preference to larger apartments.

Finally, it is stated that, if the Planning Authority consider it appropriate, it could consider conditioning the provision of two additional balconies on the eastern

elevation at first floor level in order to provide requisite private open space for the units concerned.

Report from McCutcheon Halley Chartered Planning Consultants

A separate report by McCutcheon Halley Chartered Planning Consultants notes that the proposed uses are permitted in principle on the subject site. It is also stated that the revised plans are compliant with the minimum floor areas and standards for studio and one-bedroomed apartments as indicated in Appendix 1 of the Design Standards for New Apartments. While no community open space is provided it is noted that this amenity open space may be relaxed in part where deemed appropriate on a case by case basis. The proposal also complies with and, in fact exceeds, the minimum standards for the Average Daylight Factor (ADF) assessment which was carried out on site. It is also noted that the site is located in an area that can be classed as “an intermediate urban location”. Such locations have significant capacity to accommodate new housing and commercial development and there is a need to make optimum use of the built environment to achieve the principles of compact growth.

With regard to car parking, it is reiterated that the site is within easy access of a quality bus corridor and is located in an area where there are numerous employment opportunities and it is within walking distance of Dublin City University.

Reference is also made to the travel plan submitted with the application which sets out a range of measures to promote modal split at the subject site.

Also included is a letter from Highfield Healthcare which welcomes the proposed development on site as the hospital currently employs 600 staff and notes the lack of rental accommodation adjacent to the hospital.

A letter from Hook McDonald Auctioneers notes that there is a strong demand for smaller unit developments such as that proposed.

A further Architectural Design Statement was also submitted by Henry J. Lyons which details the rationale for the proposed development.

A separate Daylight and Sunlight Study was submitted by IES which concludes that the amenity spaces provided in the form of balconies would perform extremely well and exceed BRE recommendations set out in the site layout for planning for daylight

and sunlight. In terms of average daylight factor all rooms achieve a daylight factor above the recommended 1% for bedrooms and 1.5% for living rooms. In terms of shadow casting the impact on the proposed development is similar to that of the existing building on site.

A revised Travel Plan was also submitted highlighting the need to provide more sustainable transportation modes in line with national policy and to promote environmentally friendly travel alternatives. Details of the public transport available is also set out. The plan also notes that the site is a 4 to 6 minute walk to the Highfield Healthcare Hospital and a 14 minute walk to Dublin City University. The report also notes that the Swords Road is proposed as part of the 'A Spine' in the NTA Bus Connects Proposal.

4.4. Further Assessment by Planning Authority

- 4.4.1. The final planning report dated 20th March, 2020 reiterates the same concerns in respect of the proposed development and considers the provision of 8 units with no provision for necessary facilities and car parking constitutes an overdevelopment of the site and therefore recommends that planning permission be refused for the proposed development.

5.0 Planning History

There are no appeal files attached. However, reference is made in the documentation to Reg. Ref. 4252/16 (partial details are contained in a pouch to the rear of the file). Dublin City Council granted planning permission for a change of use and an extension to the existing premises from a commercial bank to retail and ancillary uses. The decision of Dublin City Council was the subject of a third-party appeal. (Reg. Ref. PL29N.248718), in its decision the Board upheld the decision of Dublin City Council and granted planning permission for the proposed development subject to six standard conditions.

6.0 Grounds of Appeal

- 6.1. The decision was the subject of a first party appeal on behalf of the applicants which was submitted by McCutcheon Halley Planning Consultants.

- 6.2. By way of introduction it is noted that the subject site is located in an area zoned 'Z3 – neighbourhood centre'. All of the uses proposed are permitted in principle subject to compliance with the Dublin City Development Plan.
- 6.3. It is stated that the application is located within an intermediate urban location as defined by the recently adopted Guidelines for New Apartment Developments. National Planning Policy highlights the need to accommodate new housing and commercial development to make the optimum use of the built environment and to achieve the principles of compact growth. It is highlighted that the site is located close to Dublin City University Campus, Beaumont Hospital and Highfield Hospital.
- 6.4. With regard to residential quality standards the National Planning Framework highlights the need to move away from rigidly applied blanket planning standards. In terms of daylight and sunlight penetration, the analysis undertaken by IES, demonstrates that all tested rooms met and exceeded the recommended BRE threshold. The Guidelines for Apartment development highlight the fact that ultimately daylighting and orientation of living space is the most important objective and the grounds of appeal argue that if the BRE standards can be met, this should be sufficient to ensure an appropriate level of amenity. Reference is also made to SPPR4(iii) of the Apartment Guidelines where Planning Authorities make exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum standard. The east/west orientation of the building will allow sufficient daylight and sunlight penetration in the morning and afternoon periods. An independent analysis from local auctioneers notes that there is a strong rental demand for smaller unit sizes in this area. This view is also supported by the recently adopted guidelines for apartment developments. Figures are presented indicating that the level of apartment development in the Whitehall area is below the proportion for the wider Dublin area. It is noted that DCU is one of Ireland's fastest growing universities with more than 17,000 students and is in close proximity. Thus, it is argued that the absence of dual aspect units should not in itself result in a conclusion that the proposed development is in anyway substandard in terms of daylight penetration.
- 6.5. In terms of private amenity space, it is stated that two of the eight units do not have a balcony. It is considered that the insertion of a balcony at the front elevation at first floor level facing onto the Swords Road would be an incongruous addition. The

daylight and sunlight report indicates that the existing balconies would achieve appropriate levels of daylight and sunlight. The fact that the proposed development is a building refurbishment would also prompt the relaxation of private amenity space. It is suggested that the proposed balconies meet the requirements set out in the new Apartment Guidelines and the quality of the amenity area exceeds the BRE Guidance threshold. The said guidelines also acknowledge that for an urban context, standards should be interpreted flexibly, as amenity space is only one of the many factors of site layout design. In relation to communal open space the apartment guidelines provide that requirements for communal open space may be relaxed in part or whole and this is appropriate having regard to the identified housing need in the area.

- 6.6. It is not considered that the proposed development would have any adverse or undue impact on surrounding neighbouring amenity. And would not result in any significant overshadowing. It is argued that the proposed development therefore substantially meets the residential development standards and where deficiencies arise they can be justified in the context of the infill nature of the site and the fact that the proposal responds to a clear need for the units required in the area.
- 6.7. In relation to the second reason for refusal, it is noted that a dedicated and secure cycle parking area has been provided. Any final design in relation to same can be agreed by way of condition. An assessment of car ownership is set out in the grounds of appeal. It is noted that in Dublin City in general the average number of cars per household is 0.84, below the maximum standards of the development plan. This decreases substantially when small areas with high proportions of apartments are privately rented accommodation or isolated where the average amount of cars per household is 0.5.
- 6.8. It is also noted that the site is located within Zone 3 where the maximum applicable car parking standards for residential development is 1.5 spaces per dwelling. This represents the maximum standards. Furthermore, it is stated that the subject site is served by four bus routes and the Swords Road is proposed to be the "A spine" of the 'NTA Bus Connects' proposal where direct services to the City Centre will operate every 6 to 8 minutes. The proposal is also in close proximity to the proposed Metro North alignment. The area is also well served by Go Car. The travel plan which accompanies the application sets out a range of measures to promote modal

shift. It is on this basis that it is argued that the reasoning behind Refusal No. 2 is unsubstantiated. It is argued that the non-inclusion of car parking promotes the principles of proper planning and sustainable development by securing a modal shift and contributing towards reduced transportation related emissions.

7.0 Appeal Responses

Dublin City Council have not submitted a response to the grounds of appeal.

8.0 Observations

8.1. Two observations were submitted both of which support the decision of the Planning Authority. The contents of these observations are submitted below:

8.1.1. Observation on behalf of The Viscount House

It is argued that the site coverage at 94.2% exceeds the permitted site coverage under the Z3 zoning objective which permits 60% site coverage. On this basis it is argued that the proposal for residential use at first and second floor represents an overdevelopment of the site. This is also reflected in the lack of proper facilities being provided such as communal and private open space areas, lack of car parking and bin storage etc.

It is also argued that the upper floor was always intended to provide ancillary space for the commercial units at ground floor level or as independent units to accommodate community services (doctor's surgery, dentist etc.). The proposals were never intended to accommodate mixed commercial and residential use. The drawings submitted indicate that the second floor residential use extend above the existing eaves level and ridge level of the Viscount House. No details have been provided to demonstrate the impact of this increased height on the boundary wall, roof structure, roof drainage etc. associated with The Viscount House. The drawings do not show the relationship between the proposed external wall to the Viscount House on the southern side and the walls of the proposed development in particular the new walls at second floor level. The proposed development could impact on existing services to the Viscount House including the ventilation system for the pub/restaurant, satellite dishes etc. It is also suggested that the proposed balconies

to the rear at first and second floor level pose a security risk to the Viscount House. All 8 residential units are single aspect only and therefore are contrary to the provisions of the development plan.

There is no communal open space provided for the 8 residential units. The lack of proper bin facilities and the absence of off-street car parking is also of particular concern. The Swords Road and Iveragh Road is subject to significant traffic congestion. It is stated that the existing off-street car parking and Pay and Display parking in the immediate vicinity of the subject site is not sufficient to cater for existing parking demands. Photographs are enclosed indicating the problems associated with car parking. The proposal will therefore give rise to serious traffic congestion and unacceptable levels of on-street parking in the vicinity.

8.1.2. **Observation from Gaeltacht Park Residents Association**

This observation expresses concerns that the proposed development represents a radical departure from the current zoning designation associated with the site. The residential component of this application is not in keeping with the existing commercial enterprises along this section of the Swords Road. The proposal represents an incremental push away from the appropriate uses under the zoning objective.

It is argued that the proposal constitutes a considerable overdevelopment of the site. The provision of four residential units constitutes a four-fold increase in intensity of the use of the site.

Concerns are also expressed that the proposal will exacerbate parking problems in the area and result in a significant spill over of illegal parking in surrounding residential areas.

It is argued that the proposal results in significant overlooking of adjoining houses in the vicinity.

It is noted that there is planning permission for almost 400 apartments across the road from the development with very limited commercial provision. On this basis if an intensification of the site is approved, it should only be from commercial and not residential purposes.

9.0 Planning Policy Provisions

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.
- 9.2. The subject site is governed by the zoning objective Z3 “to provide for and improve neighbourhood facilities”. Both residential use and retail use are permitted in principle under this land use zoning objective. The development plan notes that these are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres. They can form a focal point for a neighbourhood and provide a limited range of services to a local population within 5 minutes walking distance. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened where necessary. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level.
- 9.3. In terms of car parking provision, the subject site is located in Parking Zone 3 where a maximum of 1.5 parking spaces should be provided per unit.
- 9.4. Policy SC13 seeks to promote sustainable densities, particularly along public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context and which are supported by a full range of community infrastructures such as school, shops and recreational areas having regard to the safeguarding criteria set out in Chapter 16 (development standards) including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities.
- 9.5. Policy SC14 seeks to promote a variety of housing and apartment types which will create a distinctive sense of place in particular areas in neighbourhoods including coherent streets and open spaces.
- 9.6. Policy QH6 seeks to encourage and foster the creation of attractive mixed use sustainable neighbourhoods which contain a variety of housing types and tenures

with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.

- 9.7. 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 successfully integrate with the character of surrounding areas.
- 9.8. 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 character of the area.
- 9.9. Section 16.10.3 relates to communal open space. It states that 10% of the site area for new residential development shall be reserved as public open space. While public open space will normally be located on site, in some instances (including very constrained sites) a financial contribution towards the provision of public open space in the vicinity will be sought.

9.10. **Sustainable Urban Housing, Design Standards for New Apartments**

9.10.1. The required minimum floor area and standards are set out below.

9.10.2. The minimum overall apartment floor area:

- Studio – 37 square metres.
- 1-bedroomed – 45 square metres.

The aggregate floor area for living/dining/kitchen areas:

- Studio – 30 square metres.
- 1-bedroomed apartments – 23 square metres.

Mini bedroom floor areas:

- Single bedroom – 7.1 square metres.
- Double bedroom – 11.4 square metres.

Minimum storage space requirement:

- Studio – 3 square metres.
- 1-bedroom – 3 square metres.

Minimum floor areas for private amenity space:

- Studio – 4 square metres.
- 1-bedroomed – 5 square metres.

The minimum floor areas for communal amenity space:

- Studio – 4 square metres.
- 1-bedroomed – 5 square metres.

9.11. **Environmental Designations**

The site is not located within or adjacent to any designated Natura 2000 sites. The closest designated Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located approximately 2.8 kilometres at its nearest point to the south-east of the subject site. The North Bull Island SPA (Site Code: 004006) and North Bull Island SAC (Site Code: 000206) are located just over 5 kilometres to the east of the subject site.

10.0 **EIA Screening Determination**

Having regard to the nature of the development comprising of the provision of 8 dwelling units above a retail unit within 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, visited the subject site and its surroundings and have had particular regard to the Planning Authority's reasons for refusal, the applicant's rebuttal of these reasons and the contents of the two observations contained on file. I consider the pertinent issues in dealing with the current application and appeal are as follows:

- Compatibility with Z3 Zoning Objective

- Standard of Apartment Units Proposed
- Car Parking Issues
- Overdevelopment of the Subject Site
- Impact on Adjoining Residential Amenity

11.1. **Compatibility with Z3 Zoning Objective**

11.1.1. The observations submitted suggested that the proposed development and in particular the proposal to incorporate overhead apartments is not in accordance with the land use zoning objective of the site. It is argued that the building in question should strictly be reserved for commercial purposes particularly having regard to the large-scale residential development proposed in the wider area. National policy in relation to housing seeks to maximise the supply of housing units at appropriate locations particularly in existing urban areas where existing physical and social infrastructure can be availed of. The National Planning Framework seeks to increase housing densities at appropriate locations within built-up areas in order to create more efficient and compact growth and mitigate against suburban sprawl on the outskirts of cities. The provision of additional apartment units would fully accord with these wider national policy objectives.

11.1.2. The Board will also note that both residential and retail development are permissible uses under the Z3 zoning objective set out in the development plan. A permissible use is a use which is generally acceptable in principle in the relevant zone subject to normal planning considerations including the policies and objectives outlined in the Plan. The development plan specifically states that “*neighbourhood centres may include an element of housing, particularly at higher densities and above ground level*”. The proposed development is fully compatible with this development plan statement. The proposed development is therefore in my considered opinion acceptable in principle.

11.2. **Standard of Apartment Units Proposed**

11.2.1. The Planning Authority’s reasons for refusal states that the proposed development is contrary to the residential development standards set out in Chapter 16 of the Dublin City Development Plan and contrary to the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning

Authorities. The latter guidelines are national guidelines and supersede any standards set out in the Dublin City Development Plan which was adopted prior to these National Guidelines. The proposed studio apartments range in size from 38.6 to 39.9 square metres which is marginally below the minimum apartment floor area set out in the development plan which permits a studio type apartment with a minimum floor area of 40 square metres. The required minimum floor area for studio apartments in the New Apartment Guidelines is 37 square metres and in this regard the proposal before the Board exceeds these standards.

11.2.2. With regard to 1-bedroomed apartments both the development plan and the national guidelines set a minimum floor area of 45 square metres. The floor area of the 1-bedroomed apartments at first level exceed this minimum with floor areas ranging from 49.2 square metres to 50.9 square metres.

11.2.3. The proposed units also exceed the minimum aggregate floor areas for living/dining/kitchen rooms set out in the National Standards for Apartments. With regard to private open space the four studio apartments at first floor level marginally exceed the minimum provision of 4 square metres ranging in size from 4.1 square metres for the apartments fronting onto the Swords Road to 4.9 square metres to the rear. In the case of the 1-bedroomed apartment at first floor level the two rear apartments incorporate balcony of 6.7 square metres which exceed the minimum floor areas set out in the national guidelines. It is noted that no amenity space is provided for the front two apartments facing onto the Swords Road (Apartments C and D). No communal open space is provided. However, I would agree with the appellant's contention that the confined and constrained nature of the site together with the infill nature of the development would permit the Board to take a more flexible view in applying standards in relation to communal open space. Having regard to the size of the site it is not in my view reasonable or indeed appropriate to provide communal open space which is of any real recreational benefit to the occupants of the units. Finally, in relation to this matter I would refer the Board to paragraph 4.12 of the National Standards for Apartment Development. It states that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 hectares community space may be relaxed in part or in whole on a case by case basis subject to overall design quality. The development in question

constitutes a refurbishment scheme and could in my view be assessed in the context of this policy.

11.2.4. In terms of floor to ceiling height, the new Apartment Guidelines state that above ground floor level, the suggested minimum floor to ceiling height is generally 2.4 metres. The floor to ceiling height in the case of both first and second floor apartments is 2.45 metres and in this regard the floor to ceiling height is exceeded. In relation to dual aspect ratios the guidelines state that ultimately the daylighting and orientation of living spaces is the most important objective. Accordingly, it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations on sites near to cities or town centres, close to high public transportation or in SDZ areas or where necessary to ensure good street frontage and subject to a high quality of design. The applicant argues that each of the units in question which are orientated along an east/west axis will achieve adequate daylight and sunlight penetration. In support of this contention the applicant has submitted a detailed report by IES Consulting which assesses the average daylight factor which will be exceeded in the case of all living rooms.

11.2.5. In relation to dual aspect ratio the national guidelines note that under specific planning policy requirement:

A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate. This specific policy requirement suggests that in suburban or intermediate locations it is an objective that there should be generally a minimum of 50% dual aspect apartments in a single scheme. SPPR also states however, that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 hectares, Planning Authorities may exercise further discretion to consider dual aspect provision at a level lower than 33% minimum outlined above, in a case by case basis, and subject to achievement of an overall high design quality in other aspects.

I would have some concerns in relation to the dominance of single aspect units on the proposed site. The front units will only receive direct sunlight penetration during

the morning period whereas the rear units will only receive direct sunlight penetration during the evening time. While Planning Authorities may exercise discretion to consider dual aspect units at a level lower than 33% minimum, I consider that this discretion could only be exercised where the units in question were receiving significantly higher levels of direct sunlight penetration for example where the fenestration and orientation arrangements were primarily south facing so as to ensure that the units were provided with sufficient levels of sunlight penetration. SPPR4 suggests that the Planning Authorities may exercise further discretion to consider dual aspect units at a level less than 33% minimum. However, what is proposed in this instance is that none of the eight units proposed will incorporate dual aspect units and having regard to the general orientation of the units in question it is not considered that the site and layout incorporates appropriate design characteristics to allow for the level of discretion sought.

11.2.6. It is my considered opinion therefore that while in the main, the application complies with the minimum standards set out in the national guidelines, the units in question are only above the absolute minimum standards. Furthermore, I note that there is no private open space provided in the form of balconies etc. for two of the 1-bedroomed apartments at first floor level. I would also have concerns that the proposed development incorporates no dual aspects units and that a sufficient case has not been made to permit the Planning Authority to exercise absolute discretion in allowing for no dual aspect units as part of the proposed scheme. On this basis I would generally agree with the conclusions of the Planning Authority that the units in question would not provide an adequate level of residential amenity for future occupants.

11.3. Car Parking Issues

11.3.1. The lack of car parking associated with the site is perhaps a more profound concern. The applicant argues in the grounds of appeal and in the documentation submitted to the Planning Authority that the subject site is located adjacent to the Swords Road which is an important radial route to and from the city (and Airport) and accommodates a number of frequent bus routes. Furthermore, it is noted that this radial route is to be upgraded to a major QBC network as part of the Bus Connects Project and is located in close proximity to the proposed Metro North development.

- 11.3.2. The New Guidelines for Apartments note that the quantum of car parking or the requirement for such parking provision will vary having regard to the types of locations in cities and towns and will be broadly based on proximity and accessibility criteria. In larger scale, higher density developments comprising wholly of apartments in more central locations well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. This policy would be particularly applicable to highly accessible areas such as in or adjoining city cores or at the confluence of public transport systems such as rail and bus stations located in close proximity.
- 11.3.3. In intermediate urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare, Planning Authorities must consider reduced overall parking standards and apply an appropriate maximum car parking standard.
- 11.3.4. What is proposed in this instance is the non-provision of parking spaces for the eight units. The Board in my opinion should only consider the non-provision of parking spaces within the city core whereas the guidelines suggest these areas are highly accessible and in close proximity to high quality public transport systems and termini. The subject site is located in Parking Area 3. This designation reflects the fact that the area is located outside the city core and away from public transport confluence points. The major issue in relation to the site's location is the fact that there is little or no on-street parking restrictions in the wider area surrounding the site. This would not be case where an apartment/infill residential development was located within the city centre. Contrary to what is suggested in the grounds of appeal, the proximity of regular bus services together with a travel plan will not in my view discourage occupants of the units from relying on car based transport having regard to the site's intermediate urban location. The fact that there is on-street car parking available on the streets surrounding the site will in my view exacerbate the problem of overspill car parking in existing residential areas. The housing estate to the rear of the subject site (Iveragh Road and adjoining streets) date from the late 1920s/early 1930s and incorporate relatively narrow roadways and footpaths. The roadways serving these early suburban residential developments are in some cases just over 6 metres in width and incapable of accommodating cars parked on both sides of the road while at the same time enabling through traffic. Overspill car parking in these areas will

hinder accessibility and will adversely impact on the amenity of residents in the area. It is on this basis that I would recommend that the Board uphold the decision of the Planning Authority and refuse planning permission on the basis that the proposed development is very likely to give rise to unacceptable levels of on-street parking in the vicinity. I refer the Board to the photographs attached which indicate the existing levels of on-street parking on the roadways in question.

11.4. Overdevelopment of the Subject Site

11.4.1. The observations submitted argue that the proposed development results in an overdevelopment of the site and contravenes the indicative site coverage and plot ratios contained in the development plan in respect of the Z3 zoning designation. I do not consider that the proposed development in this instance constitutes an overdevelopment of the site having regard to national policy which seeks to maximise the efficient use of existing physical and social infrastructure within built up areas. The National Planning Framework and the development plan seek to ensure that residential development is provided on more sustainable densities within existing urban footprints. The proposal in this instance seeks to increase the footprint of the development without altering the overall scale and height of the building to the extent that it constitutes an incongruous feature in the context of the existing built fabric. While the proposed development may exceed the indicative plot ratio and site coverage permissible under the Z3 zoning set out in the development plan, I would emphasise that these standards are indicative only and to some extent have been superseded by national policy in relation to development standards as espoused in the more recently adopted National Planning Framework which emphasises the need to adopt a more flexible approach in relation to developing sites based on quality of design rather than a strict and rigid interpretation of standards.

11.5. Impact on Adjoining Residential Amenity

11.5.1. I do not consider that the proposed development will have a significant or adverse impact on adjoining residential amenity. The proposal will not give rise to any material impact in terms of increased overshadowing. It is proposed to incorporate a balcony on the rear elevation of the proposed apartment units however the separation distance between the balconies and the nearest residential dwelling is 16 metres. Furthermore, the proposed balconies face onto the gable end of the nearest

dwelling to the west and as such will not give rise to any significant overlooking issues.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to 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.

13.0 Conclusions and Recommendation

Arising from my assessment above, I consider the proposed development to be contrary to the proper planning and sustainable development of the area and I therefore recommend that the Board uphold the decision of the planning authority and refuse planning permission for the reasons set out below.

14.0 Decision

Refuse planning permission based on the reasons and considerations set out below.

15.0 Reasons and Considerations

1. It is considered that the proposed apartment units all of which are single aspect units with limited private amenity open space would provide a substandard form of residential accommodation for future occupants and would contravene Specific Planning Policy Requirements 4 (ii) of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities published by the Department of Housing, Planning and Local Government in March, 2018 which requires that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the absence of off-street car parking to serve the residential units that this would give rise to unacceptable levels of on-street car parking in the vicinity of the site which would seriously injure the amenities of established residential development in the area and would endanger public safety by reason of a traffic hazard and obstruction to road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

21st September, 2020.