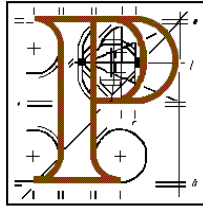


# An Bord Pleanála



## Inspector's Report

**PL06D.245456**

**DEVELOPMENT:-** Construction of 114 units consisting of 111 apartments within the grounds of Herbert Hill, conversion of Herbert Hill into 2 no. houses and Gate lodge into 1 no. house (Protected Structure), at Herbert Hill, Sandyford Road, Dublin 16.

### PLANNING APPLICATION

**Planning Authority:** Dun Laoghaire Rathdown County Council  
**Planning Authority Reg. No:** D15/0405  
**Applicant:** Targeted Investment Opportunities PLC  
**Application Type:** Permission  
**Planning Authority Decision:** Refuse

### APPEAL

**Appellant:** (1) Andrew & Delyth Parkes & Others.  
(2) Targeted Investment Opportunities PLC  
**Type of Appeal:** 3rd-v-Refusal  
1st-v-Refusal  
**DATE OF SITE INSPECTION:** 09<sup>th</sup> December 2015  
**Inspector:** Colin McBride

## 1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 1.07 hectares, is located south of Dumdum Village. The appeal site is currently occupied by an existing two-storey dwelling dating from the 1850's. The dwelling is currently vacant and boarded up. In addition to the existing dwelling there are a number of structures within the curtilage including coach house/outbuildings, a greenhouse, a single-storey gate lodge and a tennis court. The existing boundary treatment consists of stone walls along all boundaries. There is a significant level of existing trees and vegetation located along the roadside boundary (south western) as well as there being some mature trees to the north of the site. In terms of adjoining land uses the site is defined by Sandyford Road, which runs along the southwestern boundary and the Luas line which runs along the north eastern boundary. To the south of the site is an existing apartment development, Riverbank Apartments consisting of a number of blocks (seven storeys in height). Also to the south and on the opposite side of the road is the Dundrum Town Centre. On the opposite side of the road is a residential development consisting of a three-storey L-shaped apartment block (Ridgeford) and a vacant development site. To the north of the site are three existing structures that back onto the northern site boundary (two-storey) that are in residential use (Rockville Apartments, Don Marmion House) with a private car park to the front of the existing structures. As noted above the Luas line runs immediately adjacent the north western boundary of the site and beyond it are the two-storey dwellings at Sydenham Villas.

## 2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for Permission for 114 dwellings comprising of: 1. 105 apartments in a building ranging in height from 5 to 8 storeys, consisting of 31 no. 1 bedroom units, 67 no. 2 bedroom units and 7 no. 3 bedroom units, including balconies or terraces and solar panels on the roof. 2. 3 no. 1 bedroom apartments and 3 no. 2 bedroom apartments arranged in a terrace of 3 storey duplex blocks, including balconies/terraces (6 dwellings in total) including solar panels on the roof. 3. Conversion of existing Herbert Hill House into 2 no. 2 bedroom two storey houses by modifications to the interior, including the removal of single-storey ancillary accommodation to the house and replacement with a single-storey extension of approximately 10 sqm to the side of one house, extending a new roof to link with the retained outbuildings, alterations to internal layouts including installation of new bathrooms and kitchens, comprehensive repair and refurbishment throughout, installation of fire compartmentation, repair/replacement of all windows,

removal/repair of external render, natural slate roof, rainwater goods, replacement of polycarbonate sheeting to veranda with glass, replacement of all services, installation of flues and vents, full redecoration, all associated conservation and site works. 4. Conversion of existing outbuildings and stores to provide general storage, bicycle parking and bin storage, including reinstatement of derelict lean-to roof to existing covered area, repair/replacement of all windows/doors, replacement of all services. 5. Internal and external modifications to the existing Gate Lodge, including the provision of a single-storey extension of approximately 16 sqm to provide a single-storey one bedroom dwelling (c.59 sqm in total), alterations to internal layouts including installation of new bathrooms and kitchens, reconstruction of single-storey return of approximately 6 sqm, comprehensive repair and refurbishment throughout, repair/replacement of all windows, removal/repair of external render, natural slate roof, rainwater goods, replacement of all services installation of flues and vents, full redecoration, all associated conservation and site works. 6. Site development and landscape works, including a sub-station and switch room (c.25 sqm), provision of bin stores, the relocation of an existing hexagonal glasshouse, relocation and re-use of garden walls, the demolition of glasshouse (25 sqm), the widening of the entrance to 9.1m to allow for footpaths and carriageway involving the removal of existing piers, gates and wheel guards, the lowering of a length of wall to Sandyford Road to provide sightlines and the provision of new stone splay walls and piers. 7. Vehicular access is provided via the existing access to Herbert Hill off Sandyford Road which is to be widened to 9.1m, car parking on site is provided within a basement under the apartment building (105 no. spaces) and on surface spaces at a variety of locations within the site (22 no. spaces), 131 no. of bicycle parking spaces.

### 3. LOCAL AND EXTERNAL AUTHORITY REPORTS

#### 3.1

- a) Development Applications Unit (27/07/15): Condition requiring pre-development testing. Proposal is unacceptable in design and scale and significant adverse impact on the character and setting of the existing protected structure.
- b) RPA (27/07/15): Further information required including a geotechnical report regarding measures to be taken during construction to ensure slope stability.
- c) Water Services (30/07/15): No objection subject to conditions.
- d) Irish Water (27/01/15): No objection.
- e) Conservation Officer (06/08/15): Refusal recommended on the basis the proposal would have an adverse impact on the character and setting of a protected structure including the new development and the proposal for conversion of the protected structure as well as the fact that the proposal

contrary Development Plan policy and the County's Building Heights Strategy.

- f) Transportation Planning (06/08/15): Further information required including revisions to information in TIA regarding the signalised junction, provision of 1 car parking space per residential unit, parking control measures, details of road markings, measures to provide future charging points, cycle parking, details of noise impact regarding adjoining LUAS line and details of lighting on site.
- g) Parks and Landscape Services (07/08/15): Refusal recommended due impact of new development on the protected structure.
- h) Planning Report (14/08/15): Concern is expressed regarding the scale and layout of new development within the curtilage of the protected structure and the impact such on the character and setting of the protected structure. Concerns also expressed regarding the interventions to the main structure on site. The issues raised by the other Council Departments are noted and refusal was recommended based on the reasons outlined below.

#### 4. DECISION OF THE PLANNING AUTHORITY

##### 4.1 Permission refused based on the following reasons.

- 1. *It is considered that the proposed development, by virtue of the height, scale, bulk, massing and proximity to the Protected Structure would have a significant adverse impact on the character and setting of a Protected Structure, would materially contravene Policies RES 3 and DM 4 of the Dun Laoghaire Rathdown County Development, 2010-2016, would be contrary to the provisions of Chapter 13.5 of the Architectural Heritage Protection Guidelines for Planning Authorities 2004 and 2011 issued to Planning Authorities under Section 28 of the Planning and Development Act, 2000 (as amended) and would be contrary to the proper planning and sustainable development of the area.*
- 2. *The minimum private open space requirements for each residential unit in accordance with Table 16.1 of the Dun Laoghaire Rathdown County Development Plan, 2010-2016, have not been provided. The useable public open space and play opportunities for prospective residents are also not in full accordance with the County Development Plan 2010-2016. The development, therefore, would contravene requirements of Table 16.1, Policies DM2 and DM3 of the County Development Plan, 2010-2016, would adversely affect the residential amenity of future residents, would seriously injure the amenities or depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

#### 5. PLANNING HISTORY

5.1 No planning history on site.

## 6. PLANNING POLICY

6.1 The relevant development plan is the Dun Laoghaire Rathdown County Development Plan 2010-2016. The site is zoned objective 'A' with a stated objective 'to protect and/or improve residential amenity'.

### 6.2 Policy RES3: residential Density

It is Council policy to generally promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following guidelines:

- >> Sustainable Residential Development in Urban Areas (DoEHLG 2009)
- >> Urban Design Manual - A Best Practice Guide (DoEHLG 2009)
- >> Quality Housing for Sustainable Communities (DoEHLG 2007)

## 7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Kieran O'Malley & Co. Ltd on behalf of Andrew & Delyth Parkes & Others. The grounds of appeal are as follows...

- The appellants are residents of Sydenham Villas which are within an Architectural Conservation Area (ACA). The appellants consider the proposal would have an adverse impact upon the setting of a protected structure and Sydenham Villas ACA by virtue of height, scale and mass and would also impact adversely on the existing residential amenity of the appellants dwellings due to an overbearing impact and loss of privacy through overlooking. The appellants are of the view that the Council failed to adequately assess the proposal in the context of the ACA and existing dwellings.

7.2 A first party appeal has been lodged by Stephen Little & Associates on behalf of the applicants, Targeted Investment Opportunities PLC.

- The proposal is consistent with National and Regional planning policy, consistent, with the recommendations of the Sustainable Residential

Development in Urban Areas, Urban Design Manual and Sustainable Urban Design Standards for New Apartments and has adequate regard to the contents of the Architectural Heritage Guidelines.

- The proposal is consistent with Development Plan zoning and the Core Strategy set down under the Development Plan. The proposal is consistent with Development Plan policies regarding residential development including residential density, architectural heritage objectives and landscape/biodiversity. The appellants note that the Building Height Strategy would provide for circumstances where the increased height could be provided and note the site context in addition the fact that buildings higher than four/five storeys have been permitted in the area.
- In regards to public open space it is noted that policy is flexible in that it allows for payment of a contribution in lieu of provision of public open space. It is noted that the level of private open space proposed is consistent with the Sustainable Urban Housing, Design Standards for New Apartments.
- It is noted the size, mix and type of units proposed are acceptable in the context of the publications, Quality Housing for Sustainable Communities (2007) and Sustainable Urban Housing, Design Standards for New Apartments (2007) as well as Development Plan policy.
- It is noted that there is adequate separation distance between the development proposed on site in terms of internal separation as well as adequate separation between the proposed development and existing residential development on surrounding lands. This includes the Sydenham Villas ACA with the proposal separated from the existing dwellings by the LUAS line and existing screening.
- The provision of car and cycle parking is satisfactory with it noted the site is within 400m of the LUAS stop (Dundrum). The level of parking is consistent with Development Plan requirements (Table 16.3).
- In regards to childcare facilities it is noted that the level of supply of such that the balance required would be 14 childcare spaces and that such a small scale would be unviable. It is also considered that the level of zoned land in the area is small with the future demand for childcare space considered to be unlikely to arise.
- The appellants disagree with refusal reason no. 1 and note that the proposal would not have an adverse impact on the character and setting of the existing protected structure. Notwithstanding such the appellants has submitted revised scheme for consideration if the original proposal is considered unacceptable.
- In regards to refusal reason no. 2 it is noted that the proposal is consistent with Development Plan policy in regards to provision of public and private open space. It is noted that in the case of private open space the balcony areas are consistent with Development Plan requirements apart from in the case of 10% of the units, however in such cases the level of balconies are consistent with the requirements of the National Apartment guidelines.

- If the original proposal is not considered acceptable a modified scheme has been submitted for consideration. The changes include reductions in the height and scale of Block A and revised design of Block B with the proposal is reduced in from 114 units to 89.

## 8. RESPONSES

### 8.1 Response by Dun Laoghaire Rathdown County Council.

- It is noted that the proposal would be satisfactory in regards to impact on the ACA in the vicinity.
- It is noted that the level of separation between the proposal and nearby dwellings is satisfactory and that the context of the site and the desirability higher for residential density is relevant,
- The PA note that refusal was an appropriate decision in this case.

### 8.2 Response by Stephen Little & Associates on behalf of the applicants/first party appellants, Targeted Investment Opportunities PLC.

- It is considered that having regard to the level of separation between the site and the Sydenham Villas ACA, the proposal would have no adverse impact on the character and setting of the ACA.
- It is noted that the level of separation between the proposal and the dwellings within the Sydenham Villas ACA is such that the proposal would be acceptable in the context of Development Plan policy (back to back first floor windows) and that the proposal is satisfactory in the context of residential amenity.
- In regards to the issue of building height it is noted that such arguments are addressed in the first party appeal as well as noting a revised scheme with a reduced building height was submitted for consideration also.

### 8.3 Response by Kieran O'Malley & Co Ltd on behalf of Andrew & Delyth Parkes & Others...

- It is noted that this site is zoned for residential and that it is transitional zone with the level of development excessive in scale and not having regard to adjoining residential development.
- The proposal does not comply with the Council's Building Height Strategy and the heights proposed are beyond the upward and down ward modifiers outlined for in certain circumstances.
- The proposal by virtue of its design and scale would have an adverse impact on the character and setting of a protected structure (Herbert Hill).

- The Board is requested not to consider the modified scheme as it includes new dwellings to the front of Herbert Hill that did not form the part of the original proposal. It is noted that the proposal requires a fundamental redesign with adequate regard had to the character and setting of the protected structure. It is also noted that the modified scheme would still have an adverse impact upon the third party appellants' properties.

## 9. ASSESSMENT

- 9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development  
 Density  
 Development control, unit type and layout  
 Visual amenity, building height  
 Adjoining amenity  
 Architectural Heritage  
 Traffic  
 Modified scheme  
 Other Issues

### 9.2 **Principle of the proposed development:**

- 9.2.1 The appeal site is zoned objective 'A' under the Dun Laoghaire Rathdown County development Plan 2010-2016 with a stated objective 'to protect and/or improve residential amenity'. The proposal entails the provision of a residential development including conversion of the existing protected structure on site from a single dwelling to two residential units and refurbishment of an existing gate lodge for use as a dwelling unit. The proposed use is consistent with the zoning objective of the site. The proposal entails a significant increase in the intensity of residential development on site. I would consider that the principle of the proposed development is acceptable in the context of Policy RES3 of the Development Plan as the site is of substantial size, zoned, serviced and in close proximity to Dundrum Town Centre as well as a public transport corridor (Dundrum Luas stop with 400m of the site) and is currently underutilised. I would consider that the principle of the proposed development is satisfactory subject to the proposal being acceptable in regards to its physical impact in the context of the visual amenity of the area, the amenities of adjoining properties, the impact on the character and setting of an existing protected structure and traffic impact. These aspects of the proposal are to be examined in the later section of this report.



### **9.3 Density:**

9.3.1 The proposal entails the conversion of the existing dwelling on site to two dwellings, refurbishment of a gate lode as a dwelling unit and the construction of 111 apartment units. The proposal provides for a total of 114 residential units on a site with an area of 1.07 hectares. The proposed development provide for a density of 107 units per hectare. As noted above policy RES3 of the Development Plan promotes higher densities. Under the same Section (5.3.3) of the development plan it is noted that...

“where a site is located within circa 1 kilometre pedestrian catchment of a rail station and/or Luas line, and/or 500 metres of a Quality Bus Route, and/ or 1 kilometre of a town or district centre, higher densities at a minimum of 50 units per hectare will be encouraged subject to residential development management standards. Proposed developments shall also be required to demonstrate that sufficient design and place-making qualities are incorporated and that the appropriate safeguards to the various standards and criteria outlined in the Development Management section (Chapter 16) are adhered to”.

This policy is as per the recommendations of the Guideline for Planning Authorities on Sustainable Residential Development in Urban Areas regarding residential density.

9.3.2 The provision of in excess of 50 units per hectare is acceptable at this location with no maximum density specified under Development Plan policy. I would consider that the density proposed would be acceptable subject to the design and scale of the proposal being acceptable in the context of the visual amenity of the area, the amenities of adjoining properties, acceptable in the context of architectural heritage, and the character and setting of a protected structure, traffic safety and subject to a design of sufficient quality. All these aspects of the proposal are to be discussed in later section of this report.

### **9.4 Development control, unit type and layout:**

9.4.1 Block A is a is an U-shaped block located on the north western half of the site and is part five, six and eight-storeys in height with the building heights increasing moving to the north west on site. This Block houses 10 apartment units (31 no. one bed units, 67 no. two-bed units and 7 no. three bed units). In regards to development control standards the floor area of the apartment units in Block A meet the floor area standard set down under Table 16.1 of the County Development Plan and are in accordance with requirements of the Quality Housing for Sustainable Communities (DoEHLG 2007). The proposal is compliant with development Plan policy in that 70% of the units would be

dual aspect unit and no single aspect apartments are north facing. There is a separation distance of 22m provided between opposing portions of Block A which meet the minimum requirements for apartment development up to three-storeys.

9.4.2 All apartment units in Block A are provided with a terrace/balcony. Table 16.1 of the County Development Plan sets down the minimum standards for private open space in apartment developments. The development provides for a requirement of 6 square metres for one bed units, 8 square metres for two bed units and 10 square metres for 3 bed units. In general the proposal is compliant with these standards with balconies and terraces in some case being marginally below the minimum (less than 0.3 of a square metres). The provision of private open space within Block A is of a satisfactory standard. I would note that Block B, which is much smaller in scale, would also meet the required standards in regards to unit size and provision of private open space. I would also consider that the design and layout of the residential units provided within the existing dwelling, Herbert Hill and the existing gate lodge are of satisfactory quality in regards to Development Control Standards.

9.4.3 In relation to public open space the requirements of the Development Plan are a minimum open space requirement of 25% of the total site area or a population based provision (as below), whichever is greater.

**Policy DM2: Open Space – Class 1**

All residential developments will be required to provide Class 1 Public Open Space for Active Recreation/Playing Fields at a rate of 0.8-1.6ha/1000 population. For the purposes of the calculation, public open space requirements shall be based on housing units with presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 2 persons in the case of dwellings with two or fewer bedrooms. Discretion as to how much, by what means - including if a financial contribution in lieu of land will be made - and where such provision is made will be determined in each case by the Planning Authority.

**Policy DM3: Open Space – Class 2**

All residential developments will be required to provide Class 2 Public Open space for Passive Recreation at a rate of 0.2-0.4ha/1000 population. For the purposes of the calculation, public open space requirements shall be based on housing units with presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 2 persons in the case of dwellings with two or fewer bedrooms. Discretion as to how much, by what means - including if a financial contribution in lieu of land will be made – and where such provision is made will be determined in each case by the Planning Authority.

9.4.4 It is noted by the applicant that the requirement for public open space based on 25% of site area is 2,655square metres (total site area is 10,659square metres) and based on DM2 and DM3 is 2,385square metres. There are three main areas of public open space, one within the courtyard area of Block A, one between the northern elevation of Herbert Hill and southern elevation of Block A and one south of Herbert Hill giving a total amount of open space of 1,739square metres. There is indication that there are open space areas not including this amount due to its location under retained trees or being small areas of incidental space. It is notable that permission was refused on the basis that “the minimum private open space requirements for each residential unit in accordance with Table 16.1 of the Dun Laoghaire Rathdown County Development Plan, 2010-2016, have not been provided. The useable public open space and play opportunities for prospective residents are also not in full accordance with the County Development Plan 2010-2016”. The level of meaningful public open space is 17% of the site area, whereas the requirement is for 25%. I would consider that the level of public open space could be considered to be a little more than this figure with some smaller areas of open space on site and also indication that a playground area is to be provided to the west of Block A and east of the existing access road on site. These areas of incidental open space and the playground area were not included in the main open space calculations, with no detailed plans submitted for the playground area. The Landscape Design Report indicates that the requirement for a playground area for apartment developments of more than 25 units and less than 150 is between 85-100square metres. I would consider that there would be approximately 25% of the site area provided as public open space and that the area to the west of Block A should be included as such is an open space area including provision of a playground at this location. Should the Board disagree with this assessment of the level of public open space, Development Plan policy does provide for contributions in lieu of public open space. I would also note that in the event of a grant of permission a condition should be imposed requiring a detailed design for the play area to be agreed with the Planning Authority prior to the commencement of development.

## **9.5 Visual amenity, building height.**

9.5.1 The proposal consists of a number of elements, In addition to existing structures on site, which are to be retained; the proposal entails new residential development in the form of two new blocks. Block A is an U-shaped block located on the north western half of the site and is part five, six and eight-storeys in height with the building heights increasing moving to the north west on site. Block B, which is located along the north eastern boundary of the site (southern half of the site), consists of 3 no. three-storey town houses. In terms of visual impact the proposal entails alterations and

extension to the existing dwelling and gate lodge on site and two new blocks. The extensions to the existing structures are modest in scale and would have no significant or adverse visual impact. In the case of Block B, which is a three-storey block adjacent the north eastern boundary, the height and scale of such taken in conjunction with existing boundary treatment and trees/vegetation on site would mean it would not have a prominent or significant visual impact in the surrounding area.

9.5.2 Block A would have the most significant impact in regards to visual amenity given it has a significant footprint and is part five, six and eight-storeys in height. There is Building Height Strategy included in the Development Plan. Dundrum is one of the centres where increased building height would be considered, however there is no Local Area Plan providing specific guidance in this regard. The Building Height Strategy indicates circumstances which provide for additional leeway to increase building height (upward modifiers) and these include the following...

"A development would contribute to the promotion of higher densities in areas with exceptional public transport accessibility, whilst retaining and enhancing high quality residential environments. (Areas with exceptional public transport accessibility are defined as areas within a 500m walkband on either side of the Luas corridor, a 500m walkband around the DART stations, a 500m walkband on either side of the N11 and 100m walkband on either side of a QBC). Densities should be higher adjacent to these corridors and nodes and grade down towards neighbouring areas so that they are lower in close proximity to residential areas".

There are a number of factors in favour of allowing a structure (Block A) of the height proposed on site. Firstly the site is located in close proximity to a public transport node and corridor with the Balally Luas stop in walking distance of the site. I would also note that there are existing adjoining structures that set a precedent for the building height sought; these include the Dundrum Town Centre located to the south of the site and the existing apartment development Riverbank Apartments also located to the south of the site. In this regard I do not consider that the proposal for building heights in terms of eight-storeys would be contrary to the Building Height Strategy and the proposed development is satisfactory subject to the overall scale and design being considered appropriate in the context of visual amenity and the amenity of adjoining development.

9.5.3 In relation to the overall visual impact of the proposed development, it was noted earlier that the impact of alterations to the existing structures and Block B would not be significant as they would not be visible in the surrounding area. Block A however provides for a U-shaped Block of significant height and

scale being five, six and eight-storeys in height. This aspect of the proposal is the most visible in the surrounding area and in particular the eight-storey portion of the block, which is concentrated on the northern side of the site. It is proposed to retain the existing trees that run along the roadside boundary of the site and such would do a lot to screen the new development on site and help it assimilate into the area. I would consider that the overall design and scale of Block A is not out of character and scale at this location in that there is similar development in terms of design, scale and type in the area including residential development to the south and Dundrum Town Centre to the south west. The design of Block A is contemporary in nature featuring fairly common materials for such developments such as rendered finishes, a high degree of glazing and zinc cladding. The information submitted includes photomontages showing views of the proposal in the surrounding area. I would consider that taken in conjunction with the retention of existing trees and vegetation on site and additional landscaping that the visual impact of the proposal in the surrounding area would be acceptable in the context of visual amenity.

## **9.6 Adjoining amenity:**

9.6.1 There are a number of existing properties and land uses on adjoining sites. The nature of the site is that the bulk of new development is located to the north of the site in the form of Block A. The southern half of the site contains the existing two-storey dwelling and three-storey Block A. I would consider that by virtue of the scale and massing of development on site and the fact that the Sandyford Road runs along the south western boundary of the site, that the proposal would have no significant or adverse visual impact in regards to existing residential development to the south (Riverbank Apartments) or west (Ridgeford Apartments). The issue of impact on Sydenham Villas to the east is raised by the third party appellants. The appellants raise concerns that the proposal would have an overbearing impact due to scale and proximity to the rear amenity space associated with the existing dwellings as well as result in a loss of privacy. Although Block A is located close to the north western site boundary, there is a reasonable degree of separation between the appeal site and the existing dwellings in Sydenham Villas by virtue of the existing Luas line that runs between them. I would consider that the degree of separation between the proposed development and the existing dwellings in Sydenham Villas is sufficient in regards to preserving residential amenity. I would consider that in the context of the site, which is located in an urban area and at a location where higher density development would be acceptable and desirable, that there is a sufficient degree of separation in this case. I am satisfied that the proposal as submitted would be acceptable in the context of the residential amenity of Sydenham Villas (the issue of impact on its status as an ACA will be dealt with in the chapter relating to architectural heritage).

9.6.2 To the north of the site are 3 no. two storey structures that back onto the northern boundary of the appeal site. The structures are in residential use and include Rockville Apartments and Don Marmion House. Block A is located 13m from the northern boundary of the site and the boundary to the rear of the existing properties on the adjoining site. The appellants note that the adjoining site is zoned MTC (Major Town Centre) and seem to suggest that it would be subject to a more intense level of development in the future. Such may be the case; however the impact of the proposal on existing development is relevant. The documents submitted include a shadow analysis which shows the shadow impact on the 21<sup>st</sup> of March at 9 am, 12 noon and 3pm with the existing situation shown as well as with the proposed development. The applicants note that the shadow impact of the proposed development and in particular Block A is no worse for properties to the north than it would be at present due to existing site levels and the shadow impact of existing mature trees concentrated along the northern boundary. I would agree that this is the case based on the shadow analysis submitted and that the existing trees. I would also note that the shadow impact analysis shows that the proposed development would not have a significant or adverse impact on any of the other adjoining site through overshadowing on the day assessed. In regards to the shadow analysis I would consider there is justification for a more extensive shadow analysis and not one confined to only one day of the year.

9.6.3 In regards to overlooking of property to the north I would consider that the context of the site in proximity to Dundrum Town centre and public transport infrastructure taken in conjunction with the desirability for higher densities at such locations as well as the zoning of the site to north as MTC is relevant. I would consider that Town Centre context of the adjoining sites to the north would mean that the pattern of development proposed would be acceptable and sufficient separation distances are provided in regards to existing development to the north and in the event of future redevelopment of the site.

## **9.7 Architectural Heritage.**

9.7.1 The appeal site is occupied by an existing structure that is on the record of protected structures. The protected structure (RPS no. 1518) is Herbert Hill, which is a two-storey dwelling. There is also a single-storey gate lodge within the curtilage of the site. In terms of impact on the protected structure I will assess the impact of the development on the actual protected structure in regards to physical alterations and interventions and first and then assess the impact of the proposed development including new development within the curtilage on the setting of the protected structure. The existing structure on site is a two-storey dwelling dating from the 1850's. There is also an existing coach house to the rear that is from the same period as the dwelling. There is a single-storey gate lodge and entrance gate.

9.7.2 In terms of impact on the protected structure, the proposal entails conversion of the existing dwelling to two residential units. This includes demolition of a single-storey portion of to the rear of the existing dwelling (utility room, cellar, storage and boot room). Alterations to the internal layout and fabric of the existing protected structure is quite minimal. At ground floor level the changes include blocking up a single door opening and the insertion of some new partition walls (kitchen/dining area, cloakroom). At first floor level there are a few more changes than at ground floor with a number of openings blocked up and new partition walls. I would however consider the historic layout and historic fabric of the structure is being largely retained. A small two-storey extension is proposed to rear to provide a separate access and stairs to the first floor which is to be an independent dwelling unit separate to the ground floor, which is to form the other unit. The information submitted indicates that the internal features including plasterwork, cornices, skirting and doors are to be retained and repaired. Features such as fireplaces are also to be retained. In terms of external alterations little change is proposed with apart from the two-storey extension that is modest in scale and has no significant impact on the character or proportions of the existing dwelling. I am satisfied that there is sufficient detail and an inventory of existing architectural features and details of works to be carried out is provided. The proposal does include partial demolition of the protected structure to facilitate a small two-storey extension to provide for a separate access to the first floor to convert the dwelling into two independent dwelling units. I am satisfied that the level of demolition is acceptable and would not impact significantly on the integrity of the existing protected structure. The portion of the building being demolished is lacking in the same level of architectural features as the main body of the dwelling which is being retained and refurbished.

9.7.3 The existing coach house is being retained and converted into storage for ten two residential units within the existing dwelling. The works to the structure include repair works to the roof and new hardwood door to provide better security. The proposal also entails alterations to the existing gate lodge. The proposal entails demolition of a flat roof extension to the side and replacing it with a new extension similar in scale and design. It is also proposed to extend the gate lodge to the rear with a single-storey mono-pitch roofed extension with a zinc roof and horizontal timber cladding. It also proposed to enlarge the two existing window openings on the rear (one to provide internal access to the extension and the other to provide glass double doors). It is proposed to repair existing sash windows and replace uPVC windows with new sash windows. I would consider retention and use of the existing coach house to be a positive element both in general terms and in regards to architectural heritage and conservation. I am satisfied that the level of works proposed are in keeping with best practice conservation guidelines. I would also consider that the alterations and works proposed to the gate lodge are also

satisfactory. The extensions and alterations do no impact upon the overall design and character of the existing gate lodge with the level of extension being modest and to the rear.

9.7.4 The third party appellants raise concerns regarding the impact of the proposal on the status of Sydenham Villas as an ACA due to its proximity, height and scale. As in the case of residential amenity, I would consider that the degree of separation between the existing dwellings and the site are such that the proposal would have no significant impact adverse or otherwise on the character and setting of the designated Architectural Conservation Area. When within Sydenham Villas in the public area the visibility of the proposed development is not significant and therefore would not have an adverse impact in relation to the ACA.

9.7.5 The impact of the new development on the setting of the protected structure is a significant factor and is one of primary reasons for refusal of the proposal. It was considered that the proposed development, by virtue of the height, scale, bulk, massing and proximity to the Protected Structure would have a significant adverse impact on the character and setting of a Protected Structure, would materially contravene Policies RES 3 and DM 4 of the Dun Laoghaire Rathdown County Development, 2010-2016, would be contrary to the provisions of Chapter 13.5 of the Architectural Heritage Protection Guidelines for Planning Authorities 2004 and 2011 issued to Planning Authorities under Section 28 of the Planning and Development Act, 2000 (as amended) and would be contrary to the proper planning and sustainable development of the area. The Architectural Heritage Protection guidelines note under Section 13.5 that...

13.5.1 "Proposals for new development within the curtilage of a protected structure should be carefully scrutinised by the planning authority, as inappropriate development will be detrimental to the character of the structure".

13.5.2 "Where a formal relationship exists between a protected structure and its ancillary buildings or features, new construction which interrupts that relationship should rarely be permitted. There may be a designed vista between a building and a built or landscape feature within its gardens or a less formal relationship between a house and its outbuildings. Similarly, the relationship between the protected structure and the street should not be damaged. New works should not adversely impact on views of the principal elevations of the protected structure".

9.7.6 The existing protected structure on site is a two-storey dwelling dating from the 1850's and is set in significant grounds. The existing entrance to the site is



located at the north western corner with a driveway/lane running south to the front of the existing dwelling on site. The existing dwelling has a garden area to the south and a more extensive garden area to the north. The layout of new development on site entails the provision of a larger U-shaped Block to the north of the existing dwelling and a much more modest three-storey block to the south east of the existing dwelling on site. I would consider that the proposal and in particular the bulk, scale and layout of Block A has little regard to the setting of the existing protected structure and by virtue of its proximity, scale and bulk, would have hugely detrimental impact on the setting of the existing protected structure. In the case of Block B, the more modest scale of such has a lesser impact; however the impact of such is still significant in regards to setting, and would certainly impact on existing vistas of the protected structure on site. I would consider that the existing protected structure is somewhat swamped by the extent of new development proposed on site and has been significantly reduced in terms of its prominence as the most important structure on site. Despite attempts to provide a transition in scale between the protected structure and development to the north, the transition in scale is much too abrupt and only results in a structure that is visually dominant and overpowers the protected structure to the detriment of its character and setting. I would consider that the design, scale, form and location of the proposed development within the curtilage of Herbert Hill, and in close proximity to that protected structure, would materially and adversely affect the character and setting of the protected structure, would be contrary to the provisions of Chapter 13.5 of the Architectural Heritage Protection Guidelines for Planning Authorities, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and development of the area.

## **9.8 Traffic:**

9.8.1 The proposal entails the provision of 114 residential units on the appeal site with access to site from Sandyford Road. It is proposed to revise the existing vehicular entrance with a widened entrance and new splayed walls (9m wide, 5.5m carriageway and 1.7m footpaths). The proposal included the submission of a Traffic & Transport Report (TTR). The TTR included details of traffic surveys carried out to establish trip generation and distribution figures. In addition to such trip generation figures were also determined based on two existing developments with similar circumstances (proximity to public transport facilities). The assessment of traffic was based on an opening design year of 2018 and a future design year of 2028. Junction analysis was carried out for the three armed signalised junction providing access to the site. The assessment indicates that this junction would operate within capacity for the opening and future design years. The TTR concludes that the proposal is compliant with land use zoning policy, is served by excellent public transport infrastructure, is accessible by pedestrians and cyclists and provides an

appropriate level of car and cycle parking. The TTR concludes that there are no significant traffic or transportation reasons for preventing a grant of permission.

9.8.2 I am satisfied with the methodology and scope of the Traffic & Transport report. In relation vehicular access it would appear that it is proposed to provide for a signalised junction. It is notable that the Transportation Section requested further information requiring a revision to tables within the TTR regarding junction capacity and to clarify whether it is proposed to install traffic lights at the vehicular entrance. The Transportation Section also requested revised proposal to provide for at least 1 space per residential unit, measures to prevent commuters using the LUAS parking on site and proposal for charging points.

9.8.3 Based on the information on file it would appear that the proposal is for a signalised junction at the vehicular entrance to the site. Notwithstanding such, it would appear that sightlines at the proposed vehicular entrance would comply with the standard required under the Design Manual for Urban Streets and Roads set down under Table 4.2 on roads with a design speed of 50kph. In regards to car parking it is proposed to provide for 127 car parking spaces including 22 surface car parking and 105 within a basement car park (Block A). It is proposed to provide cycle parking for 131 bicycles. Based on Table 16.3 the proposal has a parking requirement of 185 spaces (Dwellings 1 space per 1 and two bed unit, 2 spaces per three bed unit, Apartments 1 space per 1 bed unit, 1.5 per 2 bed unit and 2 spaces per three bed unit+). It is notable that the parking standards for residential development under Table 16.3 note in brackets, 'depending on design and location'. I would consider that 185 car parking spaces are unnecessary and the context of the site 500m from the Luas stop (Balally) should be taken into account. The proposal provides for at least one space per unit, which I would consider to be acceptable and is what was requested as further information by the Transportation Section despite being provided for on-site. The level of bicycle parking provided is also of a satisfactory level.

## **9.9 Modified Scheme:**

9.9.1 The applicants/first party appellants have submitted a modified scheme for consideration if necessary. The modified scheme includes a reduction in height of Block A providing for U-shaped block of part five-storeys, part six-storeys and part seven- storeys. The reduction in height is mainly confined to the eight-storey element of the original design with a slightly reduced footprint of the Block. Block B has also been redesigned to provide for a two-storey building with a single-apartment on each floor with the revised structure featuring a pitched roof as opposed to the original proposal for a flat roofed structure. The modified scheme provides for 89 apartment units as opposed

to the 114 originally sought. The modified proposal is noted; however I would consider that such fails to address the concerns regarding the impact of the proposed development on the setting of the existing protected structure and in particular Block A even in its modified form would have a significant and adverse impact on the character and setting of the protected structure.

#### **9.10 Other Issues:**

9.10.1 The proposal entails retention of existing boundary treatment in the form of the existing boundary walls on all sides of the site with modification to the existing entrance layout (widening) and lowering of a section the wall to the south of the entrance to facilitate improved visibility. In addition it proposed retain a significant number of existing trees on site as well as removing a number of trees. The information submitted included an Arboricultural Assessment including a survey of all trees and classification of such by way of condition and value. The assessment identifies all trees for retention and removal including a reason for removal of such. In most cases loss of trees relates to their poor condition. The assessment also includes details of tree protection measures to be implemented during construction. I am satisfied with the scope and level of detail of this assessment and would consider that that the level of trees to be retained and removed is justifiable. I am satisfied that subject to adequate conditions regarding construction management and implementation of trees protection measures specified that the proposal would be satisfactory.

9.10.2 The information submitted included a site specific flood risk assessment. The site is noted as being predominantly in Flood Zone C with a part of the site within Flood Zone B. It is noted that there is no historic incidences of flooding on the site itself. As part of the site is within Zone B justification test was carried out. The assessment outlines mitigation measures including ground floor level being 3.4m above 1%AER fluvial flood level.

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

9.10.4 The submission by the RPA requested further information including a geotechnical report regarding measures to be taken during construction to ensure slope stability in relation to the location of site adjoining the Luas track. In the event of consideration of a grant of permission such may justify a request for such information or an appropriate condition to deal with such.

## **RECOMMENDATION**

I recommend a refusal based on the following reason.

### **REASONS AND CONSIDERATIONS**

1. The design, scale, bulk, form and location of the proposed new development within the curtilage of Herbert Hill, and in close proximity to that protected structure, would materially and adversely affect the character and setting of the protected structure, would be contrary to the provisions of Chapter 13.5 of the Architectural Heritage Protection Guidelines for Planning Authorities, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and development of the area.

Colin McBride

18<sup>th</sup> December 2015