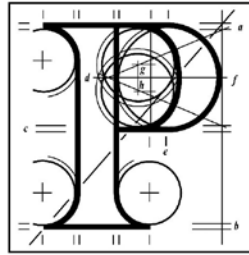


An Bord Pleanála



Inspector's Report

Development: Demolition of existing two storey dwelling and construction of a total of 30 residential units (2 semi-detached four bedroom houses of part two/part three storeys, Apartment Block A (a part three/part four storey development comprising of 22 units), and Apartment Block B (a three storey block of 6 units)), basement car park, and communal open space, hard and soft landscaping, access road, and associated works at 85 Templeogue Road, Dublin 6W.

Application

Planning authority:	Dublin City Council
Planning application reg. no.	2878/15
Applicant:	Sheelin McSharry
Type of application:	Permission
Planning authority's decision:	Grant, subject to 19 conditions

Appeal

Appellants:

Hugh Malone
P D Mayne
Caeman Wall & Others

Type of appeal:

Third parties -v- Decision

Observers:

Frank Jennings
C Ward
Ignatius & Eileen O’Kane
City of Dublin Education & Training Board
Austin O’Brian
Terenure Residents’ Association

Date of site visit:

9th March 2016

Inspector:

Hugh D. Morrison

Site

The site is located on the north western side of Templeogue Road (N81), in a position 0.45 km to the south west of Terenure cross roads and 1.15 km to the north east of the junction between the N81 and Templeville Road/Springfield Avenue (R112). This site lies within an established residential area of two and three storey semi-detached dwelling houses and two storey detached or terraced dwelling houses. To the rear of these dwelling houses are the Terenure Sports Grounds, including to the rear of the site itself the pavilion that serves these Grounds. The site is accessed directly from Templeogue Road at a point where its carriageway comprises two vehicular lanes, each of which is accompanied by a cycle lane. The Sports Grounds, too, are accessed directly from this Road at a point further to the north east. An on-site access road connects this access to the pavilion to the side and rear of dwelling houses and then along the north eastern boundary of the site.

The site itself is of regular shape and it extends over an area of 0.3425 hectares. It is relatively level. Historically, the front portion of the site comprised No. 85 Templeogue Road, while the rear portion was connected to No. 81. The former portion has a 27m frontage with this Road, although for the majority of its depth its width is 28m. The latter has a width of 44.5m, which tapers to 37.5m at its rear boundary. The site presently accommodates a two storey detached dwelling house. It is vacant and boarded up. Former front and rear gardens, including an abandoned tennis court, accompany this dwelling house. A wall and hedgerows denote the boundaries to the front garden. While boundaries to the rear are overgrown, there is evidence of hedgerows, trees, walls, and fences that either denote or approximate to the same. The north western and the rear portion of the north eastern boundaries abut the aforementioned Sports Grounds, while the remainder of the north eastern boundary and the south western boundary abut Nos. 83 and 87 Templeogue Road, respectfully. Additionally, the south eastern boundary to the rear portion of the site abuts the ends to the rear gardens at both Nos. 81 and 83.

Proposal

The proposal, as revised, would entail the following items:

- Demolition of the existing two storey dwelling house (227 sq m) at No. 85 Templeogue Road.
- The construction of a total of 30 residential units (3771.4 sq m), comprising of the following:
 - A pair of semi-detached four bedroom dwelling houses, which would be part two/part three storeys. (The houses include a winter garden at second floor level). These dwelling houses would be sited in a position whereby their front elevations would align with the front

building line of the adjacent pair of two storey semi-detached dwelling houses at Nos. 81 and 83.

- Block A would be sited in the rear portion of the site. This Block would be a part three/part four storey development comprising of 22 apartment units, with a mix of 9 three bedroom apartments (including 1 duplex unit) and 13 two bedroom apartments. It would be stepped back between its first and second floors over its projecting south eastern arm and the third floor would be stepped back further from this arm and from the south west and the south east arms.
- Block B would be sited in the front portion of the site and in a position whereby its front and rear elevations would project slightly forward of the corresponding elevations to the adjacent pair of three storey semi-detached dwelling houses at Nos. 87 and 89. This Block would be a three storey development comprising 6 two bedroom apartment units.
- Each Block would have a roof garden and between these Blocks an area of surface level communal open space would be provided.
- A single level basement beneath proposed Block A would comprise 41 car parking spaces, 65 bicycle parking spaces, bin store, plant room and store, and social/games room. (An additional 5 car parking spaces would be provided at surface level).
- The proposed development includes all associated and ancillary works, communal open space, hard and soft landscaping, access road, and associated works. Access to the proposed development would be provided by means of the existing site access from Templeogue Road, which would be widened.

Planning authority's decision

Following receipt of further information, permission was granted subject to 19 conditions.

Technical reports

- Housing development: Part V agreed in principle.
- Roads and traffic planning: Following receipt of further information, no objection, subject to conditions.
- Drainage: No objection, subject to conditions.

Grounds of appeal

(i) Hugh Malone

- Attention is drawn to the three previous proposals for the site, each of which was refused.
- The second of the aforementioned proposals was refused by the Board and the reasons and considerations given then for doing so could equally well be used now with respect to the current proposal.
- If the planning authority's change of approach is a response to media reports of a housing crisis in Dublin, then the Board is requested to recognise that this crisis can be addressed without granting permission to the current proposal, which would adversely affect the residential amenities of the area.

(ii) P D Mayne

- The minutes of pre-application consultation meetings are reviewed. Notwithstanding the reduction in height by one storey and the further contraction in proposed units, the current proposal would lead to an increase of three in the number of bedrooms over that proposed in the last preceding application.

Useable private/public open space was raised as an issue and yet, rather than reduce the number of units, the developer would pay a levy in-lieu of the provision of the full quantum of such space.

- The factors that had a bearing on the previously cited road safety reasons for refusal persist, with the only change being that of a significant increase in traffic.

The widened site access would require the re-siting of an electricity pole and yet this matter, which could have a bearing on sightlines, has not been addressed.

The dimensional adequacy of the proposed car parking spaces and the absence of turning facilities for delivery/service/emergency vehicles are raised as issues.

- How would the two large waste containers negotiate the ramp and where would they be stored on collection days?
- Draft condition 8 addresses social housing. Thus, while three of the proposed units are identified for such housing, this condition is insufficiently transparent.

- Additionally the following points are raised:
 - The proposal would represent over-development, which would be out of keeping with adjacent residential properties,
 - Traffic generated by the proposal would adversely impact on existing conditions on Templeogue Road, and
 - The establishment of an adverse precedent.

(iii) Caeman Wall & Others

- Attention is drawn to pre-application advice from the planning authority to the effect that a proposal for 26 apartments and 2 houses was “over development of the site where the prevailing character of the area is a low density characterised by large two storey period houses.”

Extracts from the case planner’s original report are quoted and surprise is expressed that a further information request ensued. That the information duly received could be pronounced satisfactory leading to a grant of permission is questioned.

- The form, scale, and density of the proposal would fail to protect and improve the residential amenities of the area, and so it would contravene the Z1 zoning objective for the site. It would further contravene the Z2 zoning objective and in particular Section 15.10.2 of the CDP which seeks to protect residential conservation areas from “unsuitable new development or works that would have a negative impact on the amenity or architectural quality of the area.”
- The proposal would exhibit a density of 87 units per hectare and so it would be clearly excessive within the existing residential area that exhibits densities of 7 – 20 units per hectare.

The previous proposal for the site would have exhibited a density of 88 units per hectare. This proposal was strongly critiqued in the light of the same CDP and Guidelines that apply today. Thus, “the excessive density, bulk, height and scale behind the building line on such a modest site is out of character and scale with the pattern, character, and charm of development on Templeogue Road.”

Attention is drawn to Block A Apartments Nos. 4, 11 and 21, where bedroom planning requirements are not met.

- Section 17.9.1 open space standards are said to be met, with the level of provision being “marginally within the standard”. Given the aforementioned suburban context of the site, such marginality is inappropriate.

Likewise the over reliance of the proposal on roof gardens, with their limited utility in the Irish climate, is symptomatic of over-development. Furthermore, these gardens would, due to their extent and the height and the proximity of the proposed Blocks to the site boundaries, lead to overlooking, overshadowing and they would maintain an overbearing presence with respect to adjoining residential properties.

Attention is drawn to Block A Apartment Nos. 3, 4, 5, 6, 10, 11, 12, and 17 wherein the proposed retention of trees would prejudice their lighting and aspects.

- The site could provide public open space, if a smaller development were to be proposed. Instead the planning authority has acceded too readily to the expediency of a levy in-lieu, which would be used to improve Bushy Park. As this Park is over 500m away and it is presently overused, this approach would be unsatisfactory.
- While the proposal would comply with the car parking standard of 1.5 spaces per unit, this standard is considered to be too low for this suburban location, wherein public transport options are limited. Instead 2 spaces per unit would be an appropriate level of provision.

The estimated 134 residents would generate vehicular traffic movements that would add to the pressure on the local road network.

The proposed sightlines would encroach into the 0.5m wide nearside cycleway on Templeogue Road and so they would be prejudicial to cyclist safety.

- Standard C of Section 17.9.1 requires that proposals, such as the current one, be accompanied by an urban design statement that demonstrates how the proposed design both responds to and would positively contribute towards the host locality. The DoECLG’s Urban Design Manual advises that such statements should establish that the development has evolved naturally from its surroundings and that “appropriate increases in density respect the form of building and landscape around the sites boundaries and amenity enjoyed by neighbouring users.” The applicant’s statement fails to reflect this advice as their proposal would be incapable of establishing the said points.
- As with early proposals, which were refused partly on this ground, the current one would establish an adverse precedent for the area.

Responses

The planning authority has not responded to the above cited grounds of appeal.

The applicant has responded.

With respect to the grounds raised by appellant (i), he makes the following points:

- Under the CDP's zoning objective, the proposal would be permissible in principle. Paragraph 2.2 of the latest Sustainable Urban Housing: Design Standards for New Apartments Guidelines states the following:

In general terms, apartments are most appropriately located within urban areas and the scale and extent of apartment development should increase in relation to proximity to urban centres and established higher density housing locations. Existing public transport nodes or locations where good public transport can be provided that are close to employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.

The site is located beside a QBC and close to local services and facilities in Terenure and Bushy Park, the city centre, and employment areas, and so it would be suitable for apartments.

The following examples of relevant infill development, permitted at appeal, are cited:

- PL29S.235671: Dunluce, Anglesea Road,
- PL29S.121705: Glaunsharoon, Eglington Road, and
- PL29S.201622: Elm Park, Merrion Road.
- The CDP encourages the development of infill sites and the provision of high quality homes. The current proposal would meet both these objectives.
- The appellant considers that the proposal would adversely affect the amenities of existing residential properties some of which are in a residential conservation area. However, he does not state specifically how this would come about.

The applicant reviews the relationships that would emerge between the proposal and existing residential properties in the vicinity.

- The layout of the proposed pair of semi-detached dwelling houses and Apartment Block B is described in conjunction with adjacent dwelling houses. This layout would transition well between the two front building lines exhibited by the existing dwelling houses. The

scale of old and new would also harmonise and conceal the scale of Apartment Block A from the street.

- The potential for visual obtrusion and overlooking between Apartment Block A and No. 83 Templeogue Road is assessed. The separation distance between the two would be 24.3m and the only habitable room window would be on the ground floor and thus screened by an adjacent boundary wall. Landscaping to the eastern boundary of the site would also screen the Block's presence.
- A sunlight analysis of the proposal concludes that any over shadowing of Nos. 79, 81, and 83 Templeogue Road would be minimal and within BRE Guidelines.
- National and regional planning guidelines are cited with respect to the need to promote compact urban form by, for example, permitting net residential densities of in excess of 50 units per hectare on sites well served by public transport (no upper limit is stated). This approach is echoed by Policy SC13 of the CDP. For the reasons set out under the first bullet point above, the appeal site would be suitable for a high density development.

If density is too high, then this should manifest itself through a failure to meet CDP standards, e.g. building height, plot ratio, site coverage, car and bicycle parking, and private and communal open space. However, this the proposal would not do.

The appellant refers to a shortfall in standards with respect to bedroom provision in proposed apartments nos. 4, 11, and 21. However, the HQA does not bear this out.

- The appellant queries the proposed open space provision. The applicant responds by demonstrating that the proposed private open space provision for each of the apartments would exceed that which is required under the aforementioned latest Guidelines and the CDP. He also demonstrates that, if the proposed private and communal open space is combined, then at 13.4 sq m per bedspace it would be approximately at the mid-point in the range of 12 – 15 sq m required by the CDP.

The appellant's concern with overlooking from proposed roof gardens would be satisfactorily mitigated by the installation of opaque glazed screens.

The appellant's concern with tree retention and the amenities of future occupiers is not accepted. In this respect, attention is drawn to the dual aspect design of each apartment.

- Paragraph 4.21 of the Sustainable Residential Development in Urban Areas Guidelines and Section 17.2.3 of the CDP advise on the use of levies in-lieu of the provision of public open space in situations wherein a site would be too small or inappropriate (because of its shape and general layout) to fulfil a useful purpose in this regard. The layout of the site would, appropriately, entail the provision of a pair of semi-detached dwelling houses to the front and so it would not be conducive to the provision of public open space to the rear. In these circumstances and in the light of the proximity of Bushy Park, draft condition 3, which requires a levy in-lieu of on-site provision is in order.
- The proposal would entail the provision of 41 basement car parking spaces and 5 surface ones. It would thus comply with CDP standards, which cite 1.5 spaces as the maximum per unit within the area in question (the aforementioned latest Guidelines give 1 space as a benchmark).
- Given the envisaged level of parking provision, the proposal would attract 46 cars and the applicant's engineering services report advises that the maximum peak hour trip rate would be 4 cars in and 5 cars out. No significant impact on traffic volumes would arise.
- Concern over sightlines is misplaced as Dublin City council's Roads and Traffic Planning Division accepts the adequacy of including the nearside cycleway within the sightlines that accompany the site entrance.
- The applicant's architect has prepared an urban design response to the site, which sets out a justification for the design approach adopted in preparing the current proposal.

The maximum height of the proposal would be 12.65m.

- The proposal would not establish an adverse precedent, as, in accordance with the points raised above, it would be an appropriate development. Furthermore, the presence of playing fields to the rear and a transition in adjacent building lines to the front contribute to the uniqueness of this site.

With respect to the grounds raised by appellant (ii), he makes the following points:

- The pre-application meetings entailed an iterative process that led to revisions that cumulated in the submitted proposal, which is acceptable in principle to the planning authority.
- All of the proposed car parking spaces would be to the requisite dimensions.

The area of communal open space would be laid out to facilitate access/ turning manoeuvres by emergency vehicles. While this area would be

controlled by bollards, these bollards would be sited in a position that would leave room within which small vans could turn.

- Concerns over the adequacy or otherwise of waste management would be fully addressed by draft condition 10.
- Refuse collection lorries would not park on Templeogue Road. Rather they would enter the site and attend a surface level refuse collection area, which would be supervised by a management company to be formed under draft condition 17.
- Social and affordable housing would be addressed by means of the provision, under a Part V agreement, of on-site units.

With respect to the grounds raised by appellants (iii), he makes the following points:

- The grounds cited are not elaborated upon and so detailed response to the same is not possible. Nevertheless, the subjects raised are addressed in the applicant's responses to the other two appellants.

Observers

Observers reiterate and elaborate on the grounds of appeal cited by the appellants above. With respect to the latter, the following points are noted:

- The depiction of the trees on the submitted plans is understated and so the extent of pruning that would be necessary to accommodate the development would be considerable. Their screening properties would, as a result, be curtailed. Accordingly, this development should be set back further from the site boundaries to avert this outcome.
- During the morning peak, tailbacks from the junctions to the north east affect the frontage of the site. Thus, even if a yellow box were to be provided by the site entrance, right hand exiting manoeuvres would be inherently hazardous due to the poor sightlines caused by the presence of queueing traffic.
- Given the aforementioned tailbacks and the added pressure generated by traffic from the proposal, (a) the efficiency of the Templeogue Road bus corridor would be further prejudiced, and (b) side streets would be more likely again to be used by commuters.
- The inadequate provision of car parking spaces would lead to overspill onto surrounding side streets, where, in a bid to reduce congestion, residents have sought unsuccessfully to obtain permission to widened vehicular access points and drive-ins.

- Concern is expressed over the adequacy of local water and drainage infrastructure to service the proposal.

Planning history

- 4266/04: Demolition of existing dwelling and construction of 55 apartments over a basement car park: Refused on the grounds of serious injury to residential amenity, over development/insufficient open space, serious injury to visual amenity/adverse precedent, insufficient car parking, poor visibility at the site access, and insufficient numbers of dual aspect units and lack of facilities for refuge and recycling.
- 4841/05: Demolition of existing dwelling and construction of 36 apartments over a basement car park: Refused at appeal PL29S.215431 on the grounds of over development/insufficient open space, serious injury to visual and residential amenity, and poor visibility at the site access.
- 3998/10: Demolition of existing dwelling and construction of 32 apartments over a basement car park: Refused on the grounds of serious injury to visual amenity and insufficient open space, serious injury to residential amenity, and adverse precedent.
- PAC 0057/15: Last of 7 pre-application consultations held for apartment proposals between 2009 – 2015.

Development Plan

Under the Dublin City Development Plan 2011 – 2017, the site is zoned Z1 (sustainable residential communities), wherein the Objective is “To protect, provide, and improve residential amenities.” The neighbouring properties to the south west at Nos. 87 and 89 Templeogue Road are zoned Z2 (residential conservation areas), wherein the Objective is “To protect and/or improve the amenities of residential conservation areas.”

Policy SC13 addresses urban density as follows:

To promote sustainable densities, particularly in 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 infrastructure such as schools, shops, and recreational areas, having regard to the safeguarding criteria set out in Chapter 17, 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.

Policy QH15 addresses housing quality assessment various Sections within Chapters 16 (Guiding Principles) and 17 (Development Standards) are of relevance to the proposal.

National planning guidelines

- Sustainable Residential Development in Urban Areas
- Sustainable Urban Housing: Design Standards for New Apartments: December 2015

Assessment

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

- (i) Land use and density,
- (ii) Visual amenity,
- (iii) Residential amenity,
- (iv) Development standards,
- (v) Traffic, access, and parking,
- (vi) Flooding and drainage, and
- (vii) AA.

(i) Land use and density

1.1 The proposal is for the development of a site, which under the CDP is zoned Z1 and which along its south western boundary abuts a pair of semi-detached dwelling houses that are zoned Z2, for a residential after use. As such use is permissible in both these zones, there is no in principle land use objection to this proposal.

1.2 The proposal would comprise the provision of a pair of semi-detached dwelling houses and 28 apartments, 22 of which would be provided in a four storey Block A, sited in the rear portion of the site, and 6 of which would be provided in a three storey Block B in the front portion along with the aforementioned pair of semis.

1.3 The site itself is located within an established residential area that lines the north western side of Templeogue Road to the south west of Terenure district centre. This area is bound to the north west by Terenure Sports Grounds and, further to

the south west, by the grounds of Terenure College. Its character and position within the city are such that the area can be categorised as suburban.

- 1.4 The site is bound to the north east by a pair of two storey semi-detached dwelling houses at Nos. 81 and 83 Templeogue Road and to the south west by a pair of three storey semi-detached dwelling houses. The site itself sub-divides into front and rear portions. Historically, these portions were separate with the latter being connected to No. 81 rather than No.85 as it is today. Thus, in the past, the rear portion would have been a back land site and the front portion, presumably, an infill one. Now combined, the total site is an infill one.
- 1.5 Given the suburban character and infill nature of the site, the question thus arises as to whether it is a suitable one for what would be predominantly apartment development. Paragraph 2.2 of the latest Sustainable Urban Housing: Design Standards for New Apartments Guidelines (SUH:SNA) and Policy SC13 of the CDP set out national and local guidance in this respect. The former Guidelines state that such development is most appropriately located within urban areas and its scale and extent should increase in relation to urban centres and established higher density housing areas. Good public transport and proximity to employment and urban amenities are also emphasised. The latter Policy refers to the promotion of sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city. Attention needs to be paid to the context of sites and whether they are supported by a full range of community infrastructure.
- 1.6 The applicant has cited the aforementioned Guidelines and they draw attention to the site's position on a QBC, which runs inwards to the city centre and outwards to Tallaght, and to its proximity to Terenure district centre and local amenities such as Bushy Park. The applicant also outlines how the siting of the pair of two storey semi-detached dwelling houses and the three storey Apartment Block B in the front of the site would, variously, respect or reflect the front building lines of adjacent comparable dwelling houses on either side of the site, thereby strengthening the streetscape presence of the site.
- 1.7 During my site visit, I observed that the cross roads at the focal point of the said district centre is the subject of QBCs that run through both Rathgar/Rathmines and Harold's Cross to the city centre. This district centre comprises a range of local shops and services and it is situated some 400m to the north east of the site along Templeogue Road. I note that Bushy Park links into the Dodder Valley Park and I note, too, that there are a number of schools in the area.
- 1.8 In the light of the above comments and observations, I consider that the site is, in principle, suited to apartment development.

- 1.9 Section 5.4 of the Sustainable Residential Development in Urban Areas Guidelines (SRDA) advises on appropriate locations for increased densities, which include public transport corridors. This section states that such densities should be promoted on sites within 500m walking distance of a bus stop and that they should generally be a minimum net density of 50 dwellings per hectare.
- 1.10 During my site visit, I observed that there is an outward bound bus stop on the opposite side of Templeogue Road from the site and an inward bound one to the north east before Terenure district centre. I also observed bus stops within this centre that serve routes between Rathfarnham and the city centre. These, too, would be within 500m of the site.
- 1.11 Section 5.4 also advises on infill residential development as follows:
- In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*
- The factors thus identified will be revisited under the second and third headings of my assessment.
- 1.12 The proposal would entail the provision of 30 dwellings on a site with an area of 0.3425 hectares. This proposal would thus exhibit a gross/net density of 87 dwellings per hectare. Appellants and observers draw attention to the densities that are exhibited by existing residential properties in the area, i.e. between 7 and 20 dwellings per hectare, and they express alarm at the step change that would be entailed in the proposal.
- 1.13 The applicant draws attention to the aforementioned Guidelines citation of a minimum density of 50 dwellings per hectare. They also draw attention to the absence of any maximum and thus contend that exception should not be taken to density *per se*, but only if the proposal would lead to other insurmountable planning problems.
- 1.14 During my site visit, I observed that the north western and north eastern boundaries of the rear portion of the site abut the open and expansive Terenure Sports Grounds and so two of the four aspects to this portion of the site are not onto residential property. The situation of the said portion of the site thus affords an opportunity for higher density and indeed Apartment Block A, which would accommodate the majority of the proposed residential units, would be sited in the same.
- 1.15 I, therefore, conclude that the proposal would be permissible in principle in land use terms and that its density, while much higher than exhibited by the

host residential area, should not be summarily dismissed but examined further in the light of my assessment of visual and residential amenity.

(ii) Visual amenity

- 2.1 The proposal would entail the siting of a pair of two storey semi-detached dwelling houses and a three storey Apartment Block B in the front portion of the site and a four storey Apartment Block A in the rear portion of the site. The existing two storey detached dwelling house on the front portion of the site is sited in a transitional position with respect to the front building lines exhibited by the pair of two storey semi-detached dwelling houses to the north east and the pair of three storey semi-detached dwelling houses to the south west. Under the proposal, this dwelling house would be demolished and the front portion would be redeveloped to provide the said pair of semis and Block B in positions that would, variously, respect and reflect the front building lines exhibited by the aforementioned pairs of semis. Consequently, the variation in front building lines on either side of the site would be expressed.
- 2.2 The design of the pair of semis would reflect that of the adjacent pair, too. Thus, these dwelling houses would be of rectangular form under a double pitched roof and they would be finished in red brick under a natural slate roof. Likewise, the design of Block B would reflect that of the adjacent pair of red brick Victorian semi-detached dwelling houses, which are effectively three storeys comprising, as they do, two storeys above a ground level basement. These dwelling houses have a parapet top to their front elevations behind which lies lesser and greater double pitched hip ended roofs. Block B would be of rectangular form with a parapet edge to its flat roof. It would be finished throughout in red brick and its openings would have a vertical emphasis. Thus, the form, scale, design, and finishes of this Block would reflect, in a contemporary idiom, the influence of the said dwelling houses.
- 2.3 The applicant states that the proposed buildings on the front portion of the site would screen proposed Apartment Block A on the rear portion from public views on Templeogue Road. Views of this Block would, however, be available from the rear elevations of dwelling houses in the vicinity and from their rear gardens. Views would also be available from within Terenure Sports Grounds.
- 2.4 Appellants and observers critique the proposal with respect to its scale and consequently its appropriateness on a site that, as it abuts a residential conservation area, affects the setting of the same.
- 2.5 The main body of Block A would be sited across the rear half of the rear portion of the site, while a subsidiary arm would project into the front half of this portion, i.e. towards the most easterly corner. Together, the main body and this

arm would wrap around a communal area of open space towards the most southerly corner of the front half of the rear portion of the site. This space would be further enclosed by Block B to the south east. Its positioning next to the south western boundary would mean that Block A would relate to the rear half of the rear garden to No. 87 in the first instance.

- 2.6 The main body of Block A would be partly three and partly four storeys. The north western and north eastern elevations would overlook Terenure Sports Grounds. The majority of these elevations towards the northernmost corner of the site would be four storeys. The applicant has submitted photomontages of the same, which show the top storey protruding between and above the existing line of deciduous and coniferous trees that mark the adjacent site boundaries. The submitted landscape plan shows the retention of these trees, where they are healthy, and so their screening properties are envisaged as continuing. Nevertheless, views from within the Sports Grounds of these elevations would be available and the discrepancy between the scale of Block A and existing dwelling houses within its vicinity would be capable of being read.
- 2.7 The top storey to the main body would be set back from the south western and south eastern elevations by 5.35m and 12.35m, respectfully. While this would ease the presence of this storey within views from the south west, the height differential between this Block and Block B and the pair of Victorian semi-detached dwelling houses at Nos. 87 and 89 Templeogue Road would be apparent, i.e. comparable parapet heights would, variously, be 12.6m, 10.1m, and 10.89m. The anomaly of the more substantial Block A to the rear of these frontage buildings would thus be clear from within the adjacent residential conservation area.
- 2.8 As originally submitted the subsidiary arm to Block A would have featured a glazed mono-pitched roof. However, following a request for further information by the planning authority, this Block was revised by the omission of a mono-pitched glazed roof from the end of its projecting south easterly arm and the specification instead of a set back to the second floor. Thus, across this arm its profile would step up from two to three storeys. This revision would ease the presence of the same when viewed from the adjacent rear gardens at Nos. 81 and 83 Templeogue Road.
- 2.9 Appellants and observers express concern that the applicant has failed to demonstrate that his proposal would be an appropriate urban design response for the site within its context. They also express concern that to accede to this proposal would establish an adverse precedent for the area.
- 2.10 I consider that the design and layout of the proposal has been shaped by the opportunities and constraints presented by the host built environment and

that my foregoing discussion of the same bears this out. Likewise, I consider that the site can be distinguished from other sites in the area insofar as the north western and north eastern boundaries of its rear portion both abut Terenure Sports Grounds, rather than residential property, and so the less sensitive nature of these interfaces facilitates a greater scale of development than would otherwise be the case.

2.11 I, therefore, conclude that, provided the top storey of Block A is omitted, the proposal would be compatible with the visual amenities of the area.

(iii) Residential amenity

3.1 The site is orientated on a south east/north west axis. The proposed pair of semi-detached dwelling houses and Apartment Block B would be orientated to reflect this axis. Proposed Apartment Block A would be of more complex design insofar as it would incorporate an atrium over circulation space and voids, which would be overlooked by openings to apartments. The applicant has submitted a report from their architects that outlines how atriums have been incorporated in other apartment developments that they have designed and that user feedback has been favourable.

3.2 Externally, habitable room openings would be concentrated in the less sensitive north western and north eastern elevations and in the south eastern elevation to the main body of this Block. Openings in the latter elevation would be screened to the south west by projecting winter gardens. The south western elevation would have high level/roof level window openings only, apart from in the recessed top storey. The stepped south eastern elevation to the subsidiary arm would be entirely blank.

3.3 The aforementioned winter gardens and other winter gardens in Blocks A and B adjacent to the south western boundary of the site would be obscure glazed, as would the edges of the proposed roof gardens within the vicinity of this boundary. Additionally, the north eastern edge of the roof garden to Block B would be obscure glazed.

3.4 In the light of the above details, I consider that the applicant has designed their proposal to obviate the risk of significant overlooking of neighbouring residential properties and so I consider that the privacy enjoyed by these properties would be maintained.

3.5 The side elevation to the dwelling house to the north east (No. 83) of the front portion of the site contains non-habitable room windows at first floor level. In the return portion of this elevation, at ground floor level, there is a pair of glazed sliding doors to the kitchen and a glazed door to a sun room with a bay window feature to the rear. (Under an extant permission granted to application reg. no.

1154/14 for this dwelling house, this sun room would be incorporated within an open plan kitchen/breakfast room area). The side elevation to the dwelling house to the south west (No. 87) of the front portion of the site is blank.

- 3.6 The applicant has submitted a daylight analysis for the proposal during the Equinoxes and Solstices. This analysis shows that, during the former, a marginal increase in the overshadowing of the rear garden and the side elevation of the dwelling house at No. 83 would occur during the afternoon and, during the latter, marginal increases would occur in the morning (winter) and evening (summer). Parallel but lesser overshadowing would affect the rear garden of No. 81. I note that the ground floor of the said return is served by windows on the rear and north eastern side elevations. I note, too, that these openings would be replicated under the extant permission either as glazed sliding doors, windows or rooflights. Accordingly, while some lighting of this floor would be lost, the openings that would be affected do not/would not be the only ones lighting the same.
- 3.7 The proposal would entail the provision of a basement car park underneath Block A, which would be accessed via a ramp that would be constructed on the north eastern side of Block B and thus adjacent to No. 83. The use of this ramp by cars would lead to environmental impacts in terms of noise, fumes, and light spillage.
- 3.8 During my site visit, I observed that, in addition to traffic on Templeogue Road, there is an access road to Terenure Sports Grounds that passes to the north of the rear gardens at Nos. 73 – 79 (odd, inclusive). Thus, traffic passes to the front and near to the rear of No. 83 with corresponding impacts upon the local environment. Cars using the proposed ramp add further to these impacts.
- 3.9 The applicant proposes to plant the strip between the said ramp and the north eastern boundary wall with trees (Southern Magnolia and Swamp Spanish Oak). These trees would have screening properties. I consider that, in addition, this ramp should be accompanied by an acoustic barrier to mitigate vehicular noise.
- 3.10 I conclude that the proposal would not lead to significant levels of overlooking or overshadowing of neighbouring residential properties and, provided the environmental impact of traffic on the site is further mitigated, it would be compatible with the residential amenities of the area.

(iv) Development standards

- 4.1 The proposal would entail the provision of 30 units, i.e. 2 dwelling houses and 28 apartments, including 1 duplex. The mix of unit sizes would be as follows: 23 two-bed and 7 three-bed units. Section 17.9.1 of the CDP encourages, in developments of 15 units or more, the provision of three-bed units by requiring

that this size of unit account for a minimum of 15% of all units. The proposed level of provision in this respect at 23% would exceed this requirement.

- 4.2 The applicant has submitted a Housing Quality Assessment (HQA). A summary table in this Assessment illustrates that the proposed units would comply with the various area, dimensional, and aspect standards of the CDP and so, with respect to internal space provision, they would provide a satisfactory standard of amenity to future occupiers.
- 4.3 The applicant has submitted sunlight and daylight analysis of the proposal, which concludes that, as the most challenged ground floor rooms would receive above the minimum BRE levels for daylighting, all upper floor rooms can be assumed to be compliant, too.
- 4.4 Apartments in Block A would be laid out around an atrium and so they would have doors and windows that open from and looking out into the same. At upper floor levels the circulation routes to doors would be accompanied by voids next to the majority of windows that serve habitable room openings and so any overlooking and loss of privacy would be eased. At ground floor level, the circulation space would not be accompanied by voids and so the specification of opaque glazing to habitable room windows would be important to protect privacy.
- 4.5 Appellant (iii) draws attention to the presence of trees adjacent to the north western and the north eastern elevations of Block A and they express concern that these trees would reduce the lighting available to apartments. The applicant does not accept that this would be a significant issue and they draw attention to the compensatory effect that would arise from the dual aspect of each apartment.
- 4.6 I have noted above under the second heading of my assessment that the applicant's landscaping plan envisages that the healthy trees along the north western and north eastern boundaries would be retained. In the absence of an up to date tree survey (one was submitted under application reg. no. 4841/05 and appeal PL29S.215431), I am not able to establish which trees would, in practise, be retained. I anticipate that some would be removed and that a degree of pruning would be undertaken on many of those retained. Thus, I envisage that any loss of lighting would be limited.
- 4.7 The aforementioned table includes information with respect to the provision of private open space, i.e. a total of 1071.6 sq m would be provided, whereas the CDP requires 1604 – 2010 sq m (134 bedspaces x 12 – 15 sq m per bedspace). This table also includes the communal open space that would be provided at ground level between Blocks A and B and in the roof top gardens to these Blocks,

i.e. $405 + 317.8 = 722.8$ sq m. Under Section 17.9.1 of the CDP, private and communal open space can be aggregated for the purpose of meeting the 12 – 15 sq m standard. Thus, as the total provision would be 1794.4 sq m, this would represent 13.4 sq m per bedspace and so come within the requisite range.

- 4.8 Appellant (iii) expresses the view that the level of open space provision within the proposal for what is a suburban site should be nearer to the top end of the aforementioned range of 12 – 15 sq m. The applicant has responded by pointing out that this level of provision would be near the mid-point. The appellant also critiques the proposed reliance on roof gardens, which are said to be unsuited to the Irish climate and which would be detrimental to the amenities of neighbours. The latter critique is discussed above under my third heading. As to the former critique, roof gardens are regularly incorporated within apartment developments. Their subsequent amenity value is linked to their standard of finish and subsequent upkeep. In this case, the applicant proposes to landscape the same to a satisfactory standard and so I consider that it would be capable of affording an acceptable standard of amenity.
- 4.9 Under the second heading of my assessment, I recommend the deletion of the top storey from Block A. Nevertheless, the proposed roof garden should be retained, as it would contribute to the amenities of this Block. I also envisage that the two adjacent roof gardens would afford a level of informal surveillance to one another that would otherwise be lacking if only one was present.
- 4.10 Appellants and observers draw attention to the absence of public open space provision from the proposal. They state that this is indicative of over development and they express concern over the proposed use of a levy in-lieu of such provision to improve Bushy Park, which is 500m away and overused. The applicant has responded by defending this approach. He cites both Paragraph 4.21 of the SRDA Guidelines and Section 17.2.3 of the CDP, which advise on the appropriateness of levies in-lieu, where sites would either be too small or awkward to incorporate public open space. In the present case, the applicant draws attention to his proposals for the front portion of the site, which would be appropriate in streetscape terms, and yet which would conceal the rear portion of the site and thus render it impractical for the provision of public open space. I concur with this position. I note that the nearest entrance to Bushy Park would appear to be c. 350m away. I note, too, that pressure on the use of this Park may justify funding measures that would allow such pressure to be more easily handled and so the envisage levy in-lieu may be timely.
- 4.10 I conclude that the proposal would accord with all relevant quantitative and qualitative development standards.

(v) Traffic, access, and parking

- 5.1 The applicant refers to a Traffic and Transport Assessment (TTA), dated November 2010, that was submitted as part of application reg. no. 3998/10 for the provision of 36 apartments on the site. This TTA included a TRICS analysis of arrivals and departures for 32 apartments throughout the day. Morning peak hour departures were estimated to be 4 between 07.00 and 08.00 and 5 between 08.00 and 09.00. Evening peak hour arrivals were estimated to be 4 between 17.00 and 18.00 and 4 between 18.00 and 19.00. Accordingly, the peak hour traffic movements generated by the proposal would not add significantly to overall traffic movements on Templeogue Road.
- 5.2 The applicant continues to rely on the aforementioned analysis. I consider that traffic conditions today on Templeogue Road are likely to be heavier than when the TTA was prepared. I recognise too that the current proposal is for 30 units and that, if the top storey of Block A is omitted, then this would contract further to 27. In these circumstances, there may be justification for the applicant's continuing reliance upon the said TTA.
- 5.3 The planning history of the site indicates that the proposed access was deemed to be unsatisfactory under the first two refusals against proposals for the site, but not under the last one. The second of these refusals (PL29S.215431) was issued by the Board. The inspector recognised that the siting of the proposed access was not optimal from a sightline perspective and he expressed the view that a stopping distance of 30m was appropriate for cyclists on a road with a commuter design speed of 25 kmph.
- 5.4 Under the current proposal the access would be sited slightly to the north of that which was previously proposed under PL29S.215431 and the north eastern sightline would be improved by a setback in the front boundary treatment to the site, whereby proposed railings would be 2m back from the kerb line rather than 1.63m. The aforementioned TTA revisits the issue of stopping distance and commuter design speed. It estimates that a stopping distance of 27m would suffice where the design speed is 23 kmph.
- 5.5 During my site visit, I observed that Templeogue Road is of straight alignment, thereby facilitating forward visibility. I also observed that there is signal controlled bus gate 75m to the south west of the proposed access and that traffic can tailback beyond this access towards the bus gate. Thus, while the speed limit is 50 kmph, during peak periods vehicular speeds are considerably less than this limit.
- 5.6 The applicant envisages vehicular egress as entailing two stage movements in tandem with the visibility splays available that reflect, variously, the kerb line and

a line 0.5m into the 1.2m wide nearside cycle lane. The former splays would have x and y distances of 2.4m and 25.7m to the south west and 28m to the north east, while the latter would have x and y distances of 2.4m and 63.5m to the south west and 49m to the north east. The logic of this two stage movement would be that exiting drivers would have sufficient visibility to see any on-coming pedestrians or cyclists before proceeding to encroach on the cycle lane for the fuller visibility needed to check on any on-coming vehicles.

- 5.7 The visibility splays that would normally be required to serve a new access off a road that is subject to a 50 kmph speed limit would each have x and y distances of 2.4m and 70m. The aforementioned splays would fall short of these dimensions.
- 5.8 An opportunity to improve visibility to the north east could be realised by augmenting the proposed set back of the front railings by the specification of railings to the south western boundaries of each of the proposed front gardens, thereby ensuring that there is visibility across the same. Such visibility would assist road users seeking to either turn right into the site access from Templeogue Road or road users seeking to exit from the site. A parallel opportunity to improve visibility to the south west does not appear to exist.
- 5.9 While Dublin City Council's Roads and Traffic Planning Division has raised no objection to the two stage movement outlined above, the proposed site access and this associated two stage movement have not been the subject of a Road Safety Audit. From my own observations on site, I noted that whereas the signal controlled bus lane entails the merging of buses and other vehicles, the nearside cycle lane is uninterrupted. Thus, while merging movements may, at times, lead to reduced traffic speeds, there appears to be no need for cyclists to reduce speed. I noted, too, that, whereas there are residential properties that have individual site accesses off Templeogue Road with limited sightlines, the current proposal seeks to replace such an access to one dwelling house with an upgraded access that would serve 30 residential units. Thus, while cyclists are presumably aware of the risk posed by emerging vehicles from the said residential properties, the risk posed by the proposed development would be appreciably greater.
- 5.10 Thus, given the scenario of relatively high cycle speeds and markedly heavier use of the site access, I am concerned that the proposed site access would afford a line of sight along the nearside cycle lane of only 25.7m and that the improved sightline of 63.5m would only be available on the basis of a 0.5m encroachment into a 1.2m wide cycle lane. The ensuing risk of emerging vehicles either colliding with cyclists or forcing cyclists to swerve and collide with other vehicles would thus be appreciable.

- 5.11 In the light of the foregoing, I am not persuaded that the use of the proposed access would be compatible with the maintenance of road safety. Even if I was to be so persuaded, the question would still remain as to how drivers exiting from the site would know to adopt the two stage movement. Clearly, if exiting drivers undertake one movement and simply encroach into the cycle lane for the purpose of obtaining a better south westerly sightline the aforementioned risk to cyclists would be that much greater.
- 5.12 Appellants and observers express concern that the proposed level of parking provision, even though it would comply with CDP standards, would, in practise, be insufficient to meet the likely demand for the same. They also express concern over the accessibility of the site to service and emergency vehicles.
- 5.13 The applicant has responded by drawing attention to the availability of 40 car parking spaces in the proposed basement and 65 cycle spaces. A further 6 spaces would be laid out at surface level adjacent to the on-site access road. Thus, 45 car parking spaces would be provided for residents and 1 car parking space for visitors. I note that if the number of residential units were to contract to 27, then the surface spaces could be set aside for visitors.
- 5.14 The applicant also draws attention to the provision of a turning head within the proposed area of communal open space for emergency vehicles and the siting of bollards in conjunction with the same in a position that would facilitate turning manoeuvres by smaller vehicles. Service vehicles, such as bin lorries, would utilise the access road and bins would be brought up from the basement to meet the same. A management company would oversee the same.
- 5.15 The ramp to the basement car park would be signal controlled so that access and egress movements from the same would occur independently of one another. The on-site access road would, leading up to these signals, be c. 25m long and so tail backs onto Templeogue Road would not be likely to arise. Spaces within the basement and associated circulation and manoeuvring spaces would be adequately dimensioned.
- 5.16 I conclude that, while the traffic generated by the proposal would not add significantly to traffic on Templeogue Road, the proposed site access has not been the subject of a Road Safety Audit and the visibility splays available to it would be sub-standard especially with respect to on-coming traffic from the south west. Thus, this access would be unsatisfactory from a road safety perspective. On-site access and parking arrangements would, however, be satisfactory.

(vi) Flooding and drainage

- 6.1 The applicant's engineer has submitted a report that includes an interrogation of the OPW's Flood Maps website which shows no record of recorded flood points within the wider area of the site. Available CFRAMS draft maps for the Eastern Region do not show this area. However, as the River Dodder runs well to the south of the site and at a considerably lower level than the same, I do not anticipate that any significant risk is posed by fluvial flooding.
- 6.2 The aforementioned report also addresses surface and foul water drainage and water supply arrangements for the proposal. These arrangements would incorporate SuDS features in accordance with the Greater Dublin Strategic Drainage Study and calculations are set out that demonstrate both the demand that would arise and the capacity of existing public services. Dublin City Council's Drainage Division has raised no objection to these arrangements.
- 6.3 I conclude that the site would not be at any significant risk of flooding and the proposed drainage and water supply arrangements would be satisfactory.

(vii) AA

- 7.1 The site is neither in nor near to a Natura 2000 site. The nearest such sites are in Dublin Bay (SAC and SPA). The proposal would be linked to these sites via the combined foul and surface water public sewerage network that discharges to the Ringsend WWTP. Periodic storm water surges through this Plant can lead to a decrease in the water quality of the Bay. However, the Conservation Objectives of the said Natura 2000 sites do not refer to water quality. Furthermore, the scale of water treatment occurring at the Plant is such that the contribution of the proposal would be negligible.
- 7.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and 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.

Conclusion

In the light of my assessment, I conclude that the site is an infill one wherein redevelopment to a higher density for residential use would, in principle, be acceptable. The SRDA Guidelines refer to the balance that needs to be struck between the reasonable protection of residential amenities and the established character of an area and such redevelopment. The design and layout of the proposal would, subject to the omission of the top storey of Apartment Block A, strike such a balance. However, the higher density envisaged would lead to traffic generation of a

much higher order than the site has hitherto known. While the proposed site access would be an improvement on the existing one, the visibility splays available to it, particularly to the south west where on-coming traffic is in view, would be sub-standard. The ensuing risk of collision between cyclists and either exiting drivers or other road users would be significant. I conclude that this risk needs to be allayed before the proposed high density redevelopment of the site can be acceded to.

Recommendation

In the light of my assessment, I recommend that the demolition of existing two storey dwelling and construction of a total of 30 residential units, basement car park, and communal open space, hard and soft landscaping, access road, and associated works at 85 Templeogue Road, Dublin 6W, be refused.

Reasons and considerations

The proposal would entail the redevelopment of the site whereby the existing dwelling house would be replaced by 30 residential units. Traffic generated by the site would, accordingly, increase markedly. The proposal would also entail the construction of a new site access. However, this access would have sub-standard visibility splays and so the sightlines available to exiting traffic would be unduly restricted. Accordingly, the risk of collision between such traffic and road users, especially cyclists using the nearside cycle lane on Templeogue Road, would be unacceptably high. The proposal would thus endanger public safety by reason of a traffic hazard and, as such, it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison

Inspector

15th March 2016