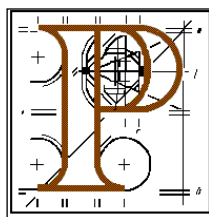


**An Bord Pleanála**



**Inspector's Report**

**Development:** Mixed use residential student accommodation and retail development lands at and to the rear of 84-87 Prussia Street, Stoneybatter, Dublin 7.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3705/15

Applicant: Balark Investments Ltd

Type of Application: Permission

Planning Authority Decision: Refuse Permission

**Planning Appeal**

Appellant(s): Balark Investments Ltd

Type of Appeal: 1<sup>st</sup> Party

Observers:

1. Mary Dawnay
2. Kelly Impey
3. The Rossiter Family
4. Nial Coffey
5. E.Lion, E. Ryan & E. O'Donnell
6. Christopher Coughlan & Eoin Kingston
7. Eithne O'Connell
8. Mr and Mrs Kenneth McEnroe

9. T. Murphy  
10. Ciarán Mac Anraoi  
11. Eugene Byrne  
12. Eileen Lynch NCR & Area Residents  
Group.

Date of Site Inspection: 18<sup>th</sup> & 24<sup>th</sup> March 2016

Inspector: Fiona Fair

Appendices: Photographs,  
Site location Map  
Excerpt from City Development Plan 2011 -  
2017

## **1.0 SITE DESCRIPTION (see photographs and location map)**

The site, with a stated area of 0.4020 ha, is located within the triangle formed by Prussia Street to the northeast, Aughrim Street to the southwest and St. Joseph's Road to the northwest. There is limited frontage to Prussia Street and a narrow frontage gap between houses to St. Joseph's Road. Other than these two points, the site forms a backland parcel behind single-, two- and three-storey residential and commercial buildings on the surrounding three streets. The site slopes very gently downhill from northwest to southeast – there being a fall of approximately 4m.

There is a cycle lane on the site side only of Prussia Street. The site side of Prussia Street is a clearway during morning and evening peak times. The opposite side of Prussia Street is a clearway at morning times only. There is 'Pay & Display' parking in operation on both sides of St. Joseph's Road between 0700- 2400 hours daily. There are two- and three-storey buildings on the opposite side of Prussia Street.

Two-storey, terraced houses on St. Joseph's Road, which back onto the site, have small back yards/gardens. Some houses have attic conversions, with rooflights opposing the appeal site. Single-, two- and three storey, terraced houses on Aughrim Street, which back onto the site, have generous rear gardens – some of which have mature trees. The houses are generally at a lower level than the appeal site. Three-storey-plus-dormer new apartment blocks on Aughrim Street (King's Court) have a generous separation from the appeal site boundary. Properties on Prussia Street which back onto the site are a mixture of two- and three-storey, terraced commercial and residential units. No.s 69-76 Prussia Street are generally at a lower level than the appeal site.

The car sales/repair business, which operated on the site, for a number of years, has moved. See google maps 3D aerial imagery attached as appendix to this report. From my site visit it appears that 84 – 87 Prussia Street was in use until recently as a window and guttering company 'Topline', however, this

business too has moved. The building at 84 – 87 Prussia Street is currently vacant. The forecourt access from Prussia Street – between no.s 83 and 88 had a number of cars parked on it at the time of my site visit. The boundary with Prussia Street comprises metal bollards and chains. There is parking for approximately 20 cars on the forecourt. The entire south eastern half of the site (with the exception of the Prussia Street forecourt) is covered with industrial-type buildings, with some mezzanine office/storage areas inserted. These buildings are currently vacant and derelict and are of no architectural merit. It would appear that there is vehicular access through the building from Prussia Street to the north-western portion of the site. There is also a gated secure access from the north eastern portion of the site to Saint Joseph's Road. This access also serves as a service access to a no. of houses on Saint Joseph's Road.

The area to the north east is entirely paved, and albeit currently vacant, is split into two parking areas – separated by a retaining wall, approximately 1m in height. There is one ramp linking the two parking yards.

There is a sheet metal vehicular gate from the lower parking yard to the yard to the rear of Hyne's Pub on Prussia Street. A two-storey annex to the rear of this public house juts into the site, with a window at second floor level looking into the lower parking yard. There are metal vehicular gates (which do not appear to be used at present) linking the upper car-parking yard with the rear garden of a house on Aughrim Street. The boundaries of the yards with surrounding properties are a mixture of brick/stone/concrete walls with palisade fencing either mounted on the walls or else erected on the site side of the walls. Some walls are collapsing in places.

## **2.0 PROPOSAL:**

Permission is sought for a mixed use residential student accommodation development and retail development. The proposed development will consist of:

- The demolition of the existing buildings and structures on site;

- The construction of a total of 37 no. student accommodation units, comprising:
  - (218 bed spaces) with ancillary laundry rooms, store rooms, plant rooms, student relaxation/ recreational rooms and student office across 3 no. individual 4 storeys blocks (Block A, Block B and Block C), with balconies/ terrace on the eastern elevation of Block A;
- 1 no. Class 1 retail unit (130 sq. m GFA) and 1 no. student chill-out area (109 sq. m GFA) located within ground floor of Block C; fronting onto Prussia Street.
- 11 no. car parking spaces, incl. 2 disabled spaces, all at surface level;
- 218 no. bicycle parking spaces consisting of 120 no. open rack spaces and 98 enclosed spaces;
- Vehicular and pedestrian access to the site is proposed from Prussia Street. A new internal road with 2m wide footpaths is proposed.
- It is proposed to reopen an existing pedestrian entrance from the site onto St. Joseph's Road for pedestrian and cyclists only. This gate is to have controlled access.
- Three landscaped courtyard spaces are proposed within the scheme including an outdoor gym area, located to the western side of Block A at ground level, an internal courtyard is proposed between Block A and B and a third space which has bicycle parking incorporated into the area.
- Landscaping & boundary treatment, engineering and site development works necessary to facilitate the proposed development.
- 1 no. 15 sq. m ESB substation;
- Waste storage areas;
- Signage;

Floor area of buildings proposed to be retained within site is stated as 0 sq. m

Floor area of the proposed development is stated as 6,332 sq. m

Floor area of buildings to be demolished is stated as 1,657 sq. m

Total non-residential floor area proposed is stated as 390 sq. m

Retail (Class 1) is stated as 130 sq. m

Proposed Plot Ratio is stated as 1.56 and Proposed Site Coverage is stated as 49% in the planning application form submitted with the application.

Application accompanied with:

- Planning Statement
- Urban Design Statement
- Student Accommodation Market Demand Report
- Student Management Plan
- Appropriate Assessment (Screening Report)
- Schedule of Landscape Works
- Drainage Drawings & Report
- Report on the Cultural Heritage Impact Assessment at Prussia Street

### **3.0 PLANNING AUTHORITY'S DECISION**

Dublin City Council Refused Planning Permission for the following reasons:

1. ***'Having regard to the height, scale and proximity of the proposed development relative to site boundaries and the established pattern of development in the area; it is considered that the proposed development would have an overbearing visual impact on the existing residences on St. Joseph's Road and would lead to an unacceptable level of overlooking and loss of privacy. The proposed development would, therefore, seriously injure the amenities, depreciate the value of properties in the vicinity and would be contrary to the zoning objective of the area, which is to protect and /or improve the amenities of residential conservation areas, and would be contrary to the proper planning and sustainable development of the area'.***
2. *'Having regard to the policy objectives set out in the Dublin City Development Plan 2011-2017, in particular Policy QH30 which supports the provision of high quality, professionally managed student accommodation and which requires compliance with Appendix 23 'Guidelines for Student Accommodation', and having regard also to*

*Section 17.9 which relates to Residential Quality Standards, it is considered that the proposed development would result in a **substandard development by reason of a number of units having a poor outlook, the inadequate glazing to a number of living spaces, the lack of sufficient open space provision, as well as the inappropriate quantity, quality and range of communal and recreational facilities to serve the amenity of students as future occupants of the scheme.** The proposed development would, therefore, seriously injure the residential amenities of the future occupants of the scheme, would be contrary to the provisions of the City Development Plan, and would be contrary to the proper planning and sustainable development of the area’.*

3. *‘Having regard to the **scale and massing of the proposed Block fronting Prussia Street,** it is considered that the proposed development **would be visually incongruous** and would **have a negative impact on the scale and character of adjoining properties, the fine grain nature of the streetscape and the visual amenities of the area.** Accordingly, the proposed development would be contrary to the provisions of the Dublin City Development Plan, 2011-2017 and the proper planning and development of the area’.*

## **4.0 TECHNICAL REPORTS**

The reports are summarized as follows.

### **4.1 Planners Report:**

The planners report reflects the decision to refuse permission.

### **4.2 Drainage Division:**

Report recommends no objection subject to condition.

### **4.3 Roads and Traffic Planning:**

No objection subject to conditions.

#### **4.4 Archaeological Report:**

No objection subject to conditions.

#### **4.5 Environmental Health Report:**

Report states that proposal for an outdoor gym is not acceptable as it would likely give rise to noise complaints

#### **4.6 Objections/Submissions**

A number of observations and objections were received, concerns raised are similar in nature to those raised in the observations summarised in detail below.

#### **4.7 Inspectors Note:**

The File was referred by An Bord Pleanála to DAU of the DAHG, An Taisce, Fáilte Ireland, A Chomhairle Ealaíon, no responses were received.

### **5.0 APPEAL GROUNDS**

#### **5.1 A first party appeal has been lodged by Balark Investments Ltd. The grounds of appeal are summarised as follows:**

- The reasons for refusal could have been addressed by way of further information having regard to the fact the proposal is acceptable in principle.
- The first party appeal provides for a revised scheme layout which has considered each reason for refusal
- Student accommodation reduced from 218 bedspaces to 202 bedspaces. A retail unit (130 sq. m) with ancillary café / restaurant, ancillary student facilities, student office, plant block, ESB substation. Waste storage areas, car and bicycle parking spaces, open amenity space, boundary treatment and all associated site works and services.
- No concerns raised in relation to the principle of the proposal



- No objection raised by the Drainage Division, Road & Traffic Planning, Archaeology and the Air Pollution Monitoring and Noise Control Unit of Dublin City Council.
- A minimum of 200 no. bedspaces is required in order to ensure longterm commercial viability of the scheme.
- Revised drawings and a student Housing Quality Assessment as prepared by Ferreira Architecture are enclosed with the appeal.
- Block A has been set back from the shared boundary with St. Josephs Road at first, second and third floor level and now provides a separation distance of between 22 and 24m to the rear of the properties on St. Josephs Road
- Revised design will held to reduce the scale when viewed from the rear of St. Joseph's Road
- The floorplate of the building is retained at ground floor and this is considered appropriate in the context of screening and boundary treatment
- The opposing elevation of the first, second and third floors are now situated between c. 11 and c. 13m from the shared boundary which is an increase from the 6m distance as submitted to DCC
- This has resulted in the loss of 16 bedspaces.
- Minimum separation distance of 22m are achieved in respect of the properties located on Aughrim Street and this increases to 30 m in some parts.
- A minimum distance of 22m is achieved between opposing windows of the upper floors of Block A and the rear of the dwellings located on St. Josephs Road.
- Regard must be had to the urban context of the site, given that minimum opposing distances have been achieved indicates that the proposed scheme represents the most appropriate response to this backland site.
- It is not unreasonable to envisage that residential uses with associated fenestration will be developed on the site.

- Internal configuration of house units adjacent to the St. Josephs Road boundary will help reduce opportunities for overlooking.
- 2 no. first floor terraces are proposed at first floor level on the western elevation of Block A for semi-private use. Terraces fitted with 1.8m screen; management co. to prevent access between the hours of 10pm and 9 am.
- Should the Board have concern regarding the 2 no. first floor terraces, the applicant is happy to omit same They are not necessary to be included as part of the amenity and open space requirements of the scheme.
- Heights of seven storeys for commercial development (which includes student housing) are permissible within the Inner City. The proposed development provides of 3 – 4 storey (12.4m) which is well within this limitation.
- Draft Plan amends the methodology for building heights within the Inner City generally up to 28m (9 storey residential or 7 storey offices generally) – shift in allowing increase height subject to normal planning criteria in the interests of sustainable development
- In assessing the previous appeal on this site PL29N.240827 the Inspector considered that four storeys was appropriate fronting Prussia Street – the proposed building in the previous case was 0.2m higher than is now proposed.
- In order to reduce concerns with respect to massing of Block C. It is proposed to step back the fourth floor by 2m adjacent to Prussia Street.
- There are a range of building types in the vicinity of Prussia Street and it is not necessary to rigorously adhere to a fine grain typology in order to work well.
- A revised external finish of the Prussia Street elevation - Block C – is proposed
- This elevation now includes additional vertical rendering along the first and second floors, which suggests separate bays of differing widths.
- The external finish of the setback fourth storey of Block C is recolored to a lighter render which will reduce the visual impact.

- Student accommodation should be considered more akin to a hotel / hostel use, being occupied effectively for four nights a week during term time and on a short stay basis over the holiday period.
- Hotel / hostels do not require minimum standards of open space
- The matter of private open space has been clarified in the Draft DCC Development Plan
- The application of these Draft Development plan standards (which were unpublished at the time of DCC decision) and their use in assessing the proposed scheme is contrary to fair procedure. The matter could have been addressed by way of F.I.
- The scheme has been revised to have regard to the standards.
- Block A has been revised whereby 7 of the 24 units which previously had north facing bedrooms and 4 of these having living spaces facing north have been reconfigured reducing the number of bedrooms facing north and the living space is now dual aspect facing east and south.
- Units 13, 23 and 33 which had a large deep plan living area serving 6 no. bedspaces with limited window openings has been reconfigured with the room of concern now designated a communal lounge (secondary amenity space) with a wider window opening.
- The reconfigured house units 11, 20 and 29 include a reduced 3 no. bedspaces which are now provided with living area which is c. 5m deep allowing for max light penetration.
- The layout and orientation of the scheme has been designed in order to maximise access to daylight within the constraints of this backland site. Living and communal areas have been prioritised in this regard due to the nature of the student occupancy
- The depth of all living areas has been reduced and areas of glazing increase significantly.
- Areas with depths of 7 – 8 m are now provided with additional glazing.
- The Development Plan does not provide a quantitative requirement in respect of open space for student accommodation schemes.

- The open space proposed – 3 no. court yards was considered appropriate in the context of close proximity of the Grangegorman campus which will provide significant open space and sports facilities.
- In the subject scheme it was not considered desirable or necessary to provide large scale outdoor space which would be underutilised in comparison to the leading edge facilities available at Grangegorman.
- Quantitative standards were applied in the assessment of the open space proposed which are not included in the current Development Plan.
- The requirements of 5 – 8 sq. m of open space as requested in the Planners Report are not included in the Draft Plan.
- The Draft Plan provides a quantitative standard in respect of both indoor and outdoor communal and recreational facilities at a combined level of at least 5 – 7 sq. m
- As the revised scheme proposes 202 bed spaces this would require a minimum of 1,010 sq. m as per the Draft Plan.
- The revised scheme provides for 1,267 sq. m of outdoor space arranged in 3 no. courtyards.
- A total of 1,507 sq. m of communal indoor and outdoor space is proposed.
- In addition semi – private terraces at first and third floor levels provides an additional 217 sq. m of outdoor space
- Increase planting, landscaping, seating, informal meeting places and a dispersed gym equipment is proposed.
- Landscape lights will have single directional lantern tops to prevent light spill to adjoining rear gardens.
- If required sound barrier screens could be erected to enclose the exercise areas.
- The appeal site is a suitable location for off campus student accommodation, will contribute towards the animation of the area and represents a positive response to the streetscape than the current building.
- Appeal accompanied with Following 11 No. Revised Drawings:

- Landscape Strategy Proposals Drg. No.1344-5061 (1:200 @A1)
- Landscape Detail Area 1 Drg. No.1344-5062 (1:100 @A1)
- Landscape Detail Area Drg. No.1344-5053 (1:100 @A1)
- Block A + C Amenity Areas Drg. No.1344-5064 (1:100 @A1)
- Site Plan Drg. No. 0502 Scale 1:200 @A1
- Ground Floor Plans Block A, B & C Drg. No. 0510
- First floor Plans, Block A, B & C Drg. No. 0511
- Second Floor Plans Blockk A, B & C Drg. No. 0512
- Third Floor Plans Block A, B & C Drg. No. 0513
- Block A Sections and Elevations Drg. No. 0520
- Block B & C Elevations Drg. No. 0521

## **6.0 RESPONSES**

**6.1** A response has been received from the Planning Authority. The response is summarised as follows:

- It is not proposed to respond in detail to the ground of appeal as the p.a. considered that the comprehensive planning report dated 18.11.2015 deals fully with all the issues raised and justifies its decision.

## **7.0 OBSERVATIONS**

**7.1** An Observation was received from Mary Dawnay, it is summarised as follows:

- Welcomes the decision of DCC
- Overbearing impact to residences on St. Josephs Road
- Incongruous form, height and scale.
- Unacceptable level of overlooking and loss of privacy
- Injurious to residential and visual amenities of the area
- Visually incongruous
- Depreciate property in the vicinity
- Contrary to the zoning objective of the area

- Contrary to policy QH30 which supports the provision of high quality, professionally managed student accommodation
- Substandard development contrary to section 17.9 which relates to residential Quality Standards
- Injurious to the residential amenities of the future occupants of the scheme
- Revised scheme has not been adequately described and detailed in the submission by the applicants
- Concern with respect to overlooking from western elevation of Block A and also concern with respect to late night antisocial behaviour
- Full extent of the omission of the 5 no. bedrooms overlooking the rear gardens of St. Joseph's road has not been fully detailed in the revised details.
- Limited details provided with respect to scale and massing
- Proposal for a 4 storey building located in close proximity to the two storey residential properties is excessive and not in keeping with the character of the properties in the area.
- No daylight / shadow analysis study for the development in its current configuration
- Concern with respect to pedestrian access gate into St. Joseph's Road
- Concerns with respect to lack of car parking and exacerbation of current lack of car parking in the area.
- More details are required on boundary treatment
- Concern with respect to external lighting

**7.2 An Observation was received from Kelly Impey. It raises the same concerns as those summarised in section 7.1 above.**

**7.3 An Observation was received from The Rossiter Family (Kathleen, Pearse, Edel and Mark Rossiter). It is summarised as follows:**

- Building visually incongruous
- Negative visual impact and depreciate and devalue existing property in the area

- Building style does not fit with the architectural heritage of the area.
- Concern with respect to height of building, overlooking and loss of light to houses on St. Joseph's Rd, Aughrim St, Prussia St
- No shadow analysis was submitted
- Concern with respect to anti-social behaviour
- Concern with respect to use of the accommodation outside of the academic year
- Concern with respect to noise and light pollution
- Environmental concern – previous use of the site for petrol / diesel storage tanks
- Impact upon foundations of adjoining dwellings – ground destabilisation
- Concern with respect to proposed pedestrian access through the lane on St. Joseph's Road – security threat
- Concern with respect to car parking congestion and lack of car parking spaces available to serve the proposal.

**7.4 An Observation was received from Nial Coffey on behalf of Fingal Residents Association of c/o Paul MacMara. It is summarised as follows:**

- Changes proposed by the applicant are immaterial the proposal should be refused
- Changes can't be viewed by the public to make comment
- Proposal is still over development
- Misleading as adjacent buildings have been incorrectly drawn on the plans submitted
- Plot ratio (1.3) and site coverage (37%) is unreasonably high for the area.
- The proposal would not work in tandem with existing apartments located on Aughrim St. backing onto the site
- The Board previously refused planning permission on this site ABP PL29N240827 9Nursing Home) which was of similar 4 storey in height and ran the length of the site.
- The current scheme has a higher density and plot ration than the permission refused by reason of its height, scale and proximity to site

boundaries thereby constituting overdevelopment of this backland, confined site.

- Open space provision is inadequate – courtyard provision of open space – north facing, overshadowed and dominated by 4 storey structures.
- Height and proximity of blocks to boundaries unacceptable in particular to Prussia St and St. Joseph's Road
- Orientation and positioning of the internal layouts are poor and sub-standard
- Submitted plans have an overlooking dimension that are perpendicular to an angled bay window
- Overlooking distances are 13m to adjacent buildings and 14m to buildings within the site.
- The vehicular access / egress to the site is constrained off Prussia St. – will give rise to a traffic hazard.

#### **7.5 An Observation was received from E. Lion, E. Ryan and E. O'Donnell.**

##### **It is summarised as follows:**

- Concern with regard to excavation and damage to surrounding property.
- Archaeological survey required
- Access to back yard development on Prussia Street are generally via an arch
- Concern with regard to surveillance and security of the site; would need to be controlled / monitored
- Concern regarding anti-social behaviour
- The height of the development should not exceed the height of surrounding two storey houses
- Observation accompanied with observation submitted to the planning authority, dated 21 October 2015.



**7.6 An Observation was received from Christopher Coughlan and Eoin Kingston. It is summarised as follows:**

- The proposed use is not listed as a permissible use under Objective Z1 Zone nor is it listed as a use Open to consideration.
- Student accommodation is however listed under zoning objective Z15.
- Properties on Prussia St and St. Josephs Road are zoned on lands zoned as objective Z2.
- The proposed development does not address the overall quality of the area particularly with regard to mass and scale.
- The proposal is unsuitable and injurious to the amenity and architectural quality of the area.
- The GFA of the proposed development is greater than that previously refused on the appeal site on foot of PL240827
- Concern of proximity to neighbouring properties and overlooking in particular to the north and east of the site.
- Windows on the north of Block A do not all appear to be 11m from the boundary and 22m from the rear facades of properties on St. Josephs Road.
- 106 of the 218 bedrooms face the boundaries of the site.
- Access to roof areas for potential use as terraces is a cause of concern.
- Photomontages submitted are inadequate.
- Section submitted on Drawing No.'s 0503 & 0521 do not clearly illustrate the relationship with the surrounding properties
- Contiguous elevations demonstrate that excessive height and insufficient setbacks of the design.
- Development should be attempting to reinstate and reinforce the fabric of Prussia Street not alter it in such an unsympathetic manner
- No shadow studies were submitted with the application.
- Prussia street façade as proposed would be detrimental to the character of the street.
- The courtyard associated with Bloc A will have a negative impact upon the residential amenity of surrounding residents.

- Concern as to treatment of the boundaries of the site.
- Protection of mature trees along the western boundary is a concern. No measures proposed.
- The landscape Drg. No.1344-220 proposes trees which are inappropriate urban street trees and will give rise to additional overshadowing of adjoining property.
- Concern with respect to noise and anti-social behaviour
- Pedestrian / cycle controlled access via St. Josephs Road is undesirable and should be used for emergency access only.
- Car parking proposed is inadequate. Vehicular access onto Prussia Street is confined and will give rise to a traffic hazard
- Unacceptable that no consultation took place with adjoining property owners
- Proposal is premature in the absence of the new LAP for Stoneybatter.

**7.7 An Observation was received from Eithne O'Connell. It is summarised as follows:**

- Proposal is contrary to the Development Plan and guidelines for third level student accommodation.
- Proposal does not accord with the historical or architectural merit of the area.
- Height and architectural design of the proposal is of concern.
- Negative impact on the Church of the Holy Family, which is listed on the National Inventory of Architectural Interest.
- Concern with regard to overlooking, overshadowing, serious concern of blocking of southern daylight at the back of north facing houses on St. Josephs Road
- Excessive massing and proximity to boundary walls
- Noise and light pollution. Gym area close to boundary walls are unsuitable and may give rise to conflict.
- Query the planned use of the development outside of the college year.
- Right of way issues for existing residents via St. Josephs Road access have not been addressed or clarified.

- Potential for antisocial behaviour and burglary
- Concern with respect to the proposed vehicular access onto Prussia Street which is confined and busy; traffic hazard and danger to pedestrians
- No proposal for treatment of fuel tanks allegedly buried on the site

**7.8 An Observation was received from CMC Planning Consultants on behalf of Mr & Mrs Kenneth McEnroe. It is summarised as follows:**

- Proposal is in conflict with the land use definition of the current Development Plan.
- There is no clear direction from the local authority or the Development Plan as to the standards that should be specifically applied to Student Accommodation
- Whether student accommodation is considered residential or hotel / commercial or as the observer maintains a unique class of its own - the Development Plan should be clear and concise in defining it.
- Request that ABP review whether this type of development is permissible in principle under the current Development Plan zoning.
- Set back of terraces or the provision of screening as proposed by the applicant does little to address concerns of residents.
- The development is inappropriately sited in this small backland plot.
- Reasons for refusal stated in the notification of decision to refuse permission 3705/15 have not been overcome by the redesign now proposed and submitted to ABP.
- The applicant does not refer to the Z2 zoning, the protected structures or the established pattern of development in St. Joseph's Road
- Study carried out by Shanarc 'Summary of Impacts and Recommendations', on behalf of the applicant is of note. It predicted that works proposed would have a 'significant negative impact on the amenity or architectural quality of the area, to such a degree as to permanently affect its character.'
- The red line photomontage of St. Josephs Road included with the appeal is questionable.

- The visual impact of the proposal has not been fully assessed by the applicant. The Board should request a full assessment of the likely impacts including Zones of Visual Influence and proposed mitigation measures.
- Several proposals for student accommodation across the city are currently underway. Therefore full assessment of actual requirement should be required.
- Shortfall in accommodation should not mean that all aspects of proper planning and development are to be set aside and or minimum standards in development applied.
- The developer is blindly chasing 'commercial viability' to the detriment of neighbouring properties and providing minimum standards only for occupants of the accommodation.
- Treatment of boundary walls, environmental issues relating to the previous use, overshadowing and the impact on amenity, lack of supervision, increased pedestrian and motor traffic, noise pollution, Right of way issues for existing residents via St. Josephs Road access, have not been addressed or clarified.
- Transitional zone nature of the appeal sit emust be adhered to.
- Potential for antisocial behaviour and burglary
- Concern with respect to the proposed vehicular access onto Prussia Street which is confined and busy; traffic hazard and danger to pedestrians
- No proposal for treatment of fuel tanks allegedly buried on the site

**7.9 An Observation was received from T. Murphy. It is summarised as follows:**

- Negative visual impact
- Concern with respect to height – 4 storeys
- Negative impact upon adjoining residential conservation area
- Premature in advance of the LAP
- Negative impact upon residential amenity of adjoining residences in particular St. Josephs Road – overlooking and overshadowing

- Devaluation of property
- Traffic and parking congestion
- The reasons for refusal in the case of PL240827 have not been overcome and are still applicable in the subject appeal case.
- Concern to use of the building outside of the college year.

**7.10 An Observation was received from Ciarán Mac Anraoi. It is summarised as follows:**

- Height is excessive and uncharacteristic of the area
- Proposal does not detail planned use of the development outside of the academic year
- Parking facilities are inadequate for a development of this scale
- Concern with respect to traffic and parking congestion
- No impact carried out on local services.

**7.11 An Observation was received from Eugene Byrne. It is summarised as follows:**

- The proposed use is not listed as a permissible use under Objective Z1 Zone nor is it listed as a use Open to consideration.
- The GFA of the proposed development is greater than that previously refused on the appeal site on foot of PL240827
- Concern of proximity to neighbouring properties and overlooking in particular to the north
- Windows on the north of Block A will overlook properties on St. Josephs Road.
- No shadow studies were submitted with the application.
- Concern with respect to light spillage, noise and anti-social behaviour
- External courtyards for student interaction / social interaction will have a negative impact upon adjoining residential amenity.
- Protection of mature trees along the western boundary is a concern. No measures proposed.
- The landscape proposals give no detail as to the proposed treatment of boundaries.

- Tree protection on the site has not been adequately addressed.
- Negative impact upon wildlife in the area
- Site management and controlled access to the site is objectionable and will leave neighbours open to antisocial behaviour.
- Traffic congestion and car parking congestion; existing bad situation will be made untenable.
- No construction or demolition plan was submitted.
- An Archaeological survey should be carried out.
- Concern of excavation works to surrounding property.
- Concern with regard to the bulk, scale and massing of the development in a residential area adjacent to Z2 residential conservation zone.

**7.12 An Observation was received from Eileen Lynch, North Circular Road and Area Residents Group. It is summarised as follows:**

- The proposal is piecemeal – only one of many backland sites in the locality.
- Land use plan for the area is required
- Proposal is an underuse of a very valuable economic land asset.
- Premature in the absence of an LAP for the area
- The proposed development does not enhance the variety of townscape or contribute to the unique blend of urban design elements in the locality.
- Negative impact upon amenity of surrounding residential property.
- 4 storey blocks due to scale, height and orientation are excessive and incongruous
- Overshadowing and overlooking of property on Prussia Street unacceptable.
- Overdevelopment of the site in particular when viewed from St. Joseph's Road which it seriously overshadows and overlooks.
- Block A should be reduced.
- Day light / overshadowing assessment needs to be carried out.
- Grangegorman S.D.Z has as a priority the provision on site of student accommodation of 2000 bed spaces.

- Student accommodation facilities exist on DCU, Trinity Hall Dartry and are proposed at Newmarket the Coombe.
- The need for student accommodation should be justified.
- Has significance in terms of negative social impact upon the surrounding area.
- Proposal does not respect the amenities of the surrounding area.
- Concern as to potential use of the development should there be insufficient demand for student accommodation.
- No open space contribution.
- The Cultural Heritage Impact Assessment Report states that ‘the proposed development has a strong potential to direct impact sub-surface archaeological remains’ and recommends archaeological monitoring.

## 8.0 PLANNING HISTORY

**8.1 PL29N.240827 / Reg. Ref. 3588/11** Permission Refused on appeal for The demolition of the existing motor dealership building and the construction of a part four-storey and part three storey, over basement level retirement/nursing home consisting of 93 number single en-suite bedrooms and ancillary administration and support areas, (total 5,877 square metres), an associated retail unit (67 square metres) and an associated office unit (67 square metres) including 14 surface level car parking spaces and 25 car parking spaces at basement level, two entrances on Prussia Street, one for surface level access and one for basement level access along with roof gardens and all associated ancillary landscaping and site works, all on a 4,985 square metres site at 84-87 Prussia Street.

Reason for Refusal:

*‘It is considered that the proposed development by reason of its height, scale and proximity to site boundaries would constitute overdevelopment of this backland, confined and enclosed site and would give rise to a poor living environment for future residents of the proposed nursing home. Furthermore, it is considered that the proposed development includes an excessive number*

*of bedrooms served by windows with a poor outlook including bedrooms served by north facing or squint windows only. Therefore, it is considered that the proposed development would seriously injure the amenities of the area, property in the vicinity of the site and the amenities of future residents of the nursing home and would be contrary to the proper planning and sustainable development of the area'.*

**8.2 Reg. Ref. 4057/99** Permission granted to Motorvalue Ltd. For new entrance canopy with alterations to existing showroom windows and new fencing of bollards and chains on dwarf wall to motor retail premises.

**8.3 Reg. Ref. 3793/98** Planning permission Refused for construction of new 2 storey extension and front facade to existing motor retail premises and maintenance facility.

Reason for Refusal states: *'The proposed extension of this non-conforming use by reason of its design, height and materials, having regard to its location adjoining a residential conservation area would be both visually incongruous and unsympathetic to the existing architectural character of the adjoining area, would in particular negatively impact on the adjoining property at No. 88 Prussia Street, would thus seriously injure the amenities of properties in the vicinity, the existing streetscape and as such would be contrary to the objectives of both the Dublin City Development Plan 1999, and the proper planning and development of the area'.*

**8.4 Pre – Planning** The Planners report indicates that pre – planning discussions took place.



## 9.0 PLANNING POLICY

The Dublin City Development Plan 2011 – 2017 (CDP) shows the appeal site as being subject to the zoning objective **Z1**, i.e. *“to protect, provide and improve residential amenities.”*

The following policies, sections and appendices of the City Development Plan are considered of relevance:

**Policy RE30** *‘To promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors (see also policy FC20)’*

**Policy RE32** *‘To promote Dublin as an International Education Centre/ Student City, as set out in national policy, and to support and encourage provision of necessary infrastructure such as colleges (including English Language colleges) and high quality custom built and professionally managed student housing (see also sections 8.4.8, 11.4.13, and 12.4.4).*

**Policy QH30** *To support the provision of high quality, professionally managed and purpose built third level student accommodation on campuses or in appropriate locations close to the main campus adjacent to high quality public transport corridors and cycle routes, in a manner which respects the residential amenity of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with Appendix 23 ‘Guidelines for Student Accommodation’ and shall be considered in the context of the Department of Education and Science ‘Guidelines on Residential Development for 3<sup>rd</sup> Level Students’ (1999) and the supplementary review document of July 2005.’*

Section 11.4.33 Support expansion of third level institutions with high quality student accommodation.

Section 16.4 Guiding Principles for Building Heights

Section 17.6 Policies on Building Heights (Variation 14 October 2013)

Section 17.9.5 Backland Development

Section 17.9 Standards for Residential Accommodation

Appendix 23 Guidelines for Student Accommodation

## **10.0 ASSESSMENT**

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. This is a First Party Appeal under Article 37- (1) (a) of The Planning and Development Act 2000 (as amended). In my judgement the principle factors for consideration in this appeal relate to:

### **10.1 Revised design**

### **10.2 Nature of the Proposal and Compliance with Policy**

### **10.3 Height, Massing and Scale of the Proposal**

### **10.4 Impact Upon Residential Amenity of The Area**

### **10.5 Impact Upon Visual Amenity of The Area**

### **10.6 Quality of Accommodation Proposed**

### **10.7 Traffic, Car parking and Access**

### **10.8 Appropriate Assessment (AA)**

### **10.1 Revised design**

The First Party in their submission has urged the Board to consider a revised design for the redevelopment of the subject site. The revised design put forward by the applicant reduces the number of student accommodation bed spaces by 16, it is stated, from 218 to 202 bed spaces. It is submitted in the 1<sup>st</sup> Party appeal that revised drawings and a Student Housing Quality Assessment as prepared by Ferreira Architecture are enclosed with the appeal. I note that while the revised drawings listed in Table 1 of the appeal are included and accompanied with Architectural Visualisation Images (dated December 16<sup>th</sup> 2015, by Digital Dimensions). The first party appeal does not include a 'Student Housing Quality Assessment', as stated.

It is submitted that:

- **Block A** has been set back from the shared boundary with St. Josephs Road at first, second and third floor level and now provides a separation distance of between 22 and 24m to the rear of the properties on St. Josephs Road.
- The opposing elevation of the first, second and third floors are now situated between c. 11 and c. 13m from the shared boundary which is an increase from the 6m distance originally proposed.
- Minimum separation distance of 22m are achieved in respect of the properties located on Aughrim Street and this increases to 30 m in some parts.
- 2 no. first floor terraces are proposed at first floor level on the western elevation of Block A for semi-private use. Terraces fitted with 1.8m screen; management co. to prevent access between the hours of 10pm and 9 am.
- Block A has been revised whereby 7 of the 24 units which previously had north facing bedrooms and 4 of these having living spaces facing north have been reconfigured reducing the number of bedrooms facing north and the living space is now dual aspect facing east and south.
- Units 13, 23 and 33 which had a large deep plan living area serving 6 no. bedspaces with limited window openings has been reconfigured with the room of concern now designated a communal lounge (secondary amenity space) with a wider window opening.
- The reconfigured house units 11, 20 and 29 include a reduced 3 no. bedspaces which are now provided with living area which is c. 5m deep allowing for max light penetration.
- The depth of all living areas has been reduced and areas of glazing increase.
- Areas with depths of 7 – 8 m are now provided with additional glazing.

- **Block C.** It is proposed to step back the fourth floor of Block C by 2m adjacent to Prussia Street.
- A revised external finish of Block C addressing Prussia Street is proposed. This elevation now includes additional vertical rendering along the first and second floors, which suggests separate bays of differing widths. The external finish of the setback fourth storey of Block C is recolored to a lighter render to reduce the visual impact.

From my assessment of the plans and drawings submitted it is clear that the number of bed spaces proposed within Block A has been reduced from 34 to 31 at ground floor and a computer, recreational room of some 71 sq. m incorporated. The no. of bed spaces proposed at first, second and third level of Block A has been reduced, consecutively, as follows: from 37 to 32, from 37 to 32 and from 30 to 28. This equates to a reduction of 15 bed spaces in Block A. I note also that the 3<sup>rd</sup> floor of Block C has also been redesigned to accommodate the proposed 2 m set back from Prussia Street. This has resulted in a reduction of 1 bedspace from 6 to 5 no. From my calculations it would appear that the bed spaces have been reduced by 16 and I calculate that a total of 202 are now proposed.

It is evident from the Observers' submissions that the proposal of a revised scheme by the First Party to the Board has given rise to much anguish and concern amongst local residents. I note the first party have not submitted revised public notices. Regard being had to Section 132(1) of the Planning and Development Acts 2000-2006 it is my opinion the revisions put forward by the applicant are not too significant a deviation from that considered and Refused by Dublin City Council, regard being had to proposed height, design,

nature of the proposal and the mix of uses proposed. I am of the opinion that the revision is such that revised public notices are not required. I advise that this is also a matter for the Board to consider, particularly, should the Board be mindful to grant planning permission.

Given, I consider, that the amendments to the design are minor in nature it is my intention to have cognisance to same in my assessment of this planning application.

## **10.2 Nature of the Proposal and Compliance with Policy**

The site is zoned 'Z1', under which it is an objective *'to protect, provide and improve residential amenities.'* The student accommodation scheme is proposed to be provided across three building Blocks (A, B and C) all of which are 3 / 4 storeys in height. The main entrance for both vehicles and pedestrians is proposed from Prussia Street and a secondary controlled access point is proposed from St. Joseph's Road, which would cater for pedestrians and cyclists only.

Block A which is the largest of the three blocks is proposed to be located on the western part of the site. The building would contain a total of 123 no. bedspaces (reduced by way of revised drawings submitted to the Board on the 16<sup>th</sup> December 2015). Block B would comprise a total of 50 no. bedspaces with a student office at ground floor level while Block C would consist of a total of 29 no. bedspaces with a retail unit (Class 1) and a student chill out room located at the ground floor of Block C.

Whilst the list of 'Permissible Uses', within 'Z1', zone does not specifically refer to student accommodation, it includes 'residential' and 'shop (local)'. I note that under uses listed as Open for Consideration, 'Hostel' and 'Hotel' are listed. I agree with Dublin City Council that the uses proposed are acceptable

under the Z1 zoning and that the retail element is welcomed at ground floor level addressing Prussia Street supporting an animated and active frontage.

I also agree with the opinion of the first party that the principle of student accommodation on this site is wholly appropriate in the context of its proximity to the Grangegorman Campus. The site is located directly across from the recently opened pedestrian cycle access into the Grangegorman Campus from Fingal Place. The site is located close to the city centre and within walking distance of a number of public transport facilities and close proximity of the strategic cycle network. Cognisance being had to policy in respect of Student Accommodation and the need to contribute to the overall student housing stock within the city, as set out in Section 11.4.13, Policy QH30 and Policy RE32 of the Dublin City Development Plan 2011 – 2017, I consider that the proposal is in the main in accordance with said policies. I highlight however that quality of accommodation proposed, impact upon residential amenity, impact upon visual amenity of the surrounding area and streetscape will be addressed separately below in the succeeding sections of this report.

### **10.3 Height, Massing and Scale of the Proposal**

The subject appeal site which is roughly triangular in shape, is a backland site, in the main located to the rear of two-storey buildings in residential use. The ground level within the appeal site is at a raised level to the surrounding rear gardens. While the FFL of the proposed blocks is indicated in the submitted documentation it is unclear if the ground level is to be reduced on site and by how much.

There are some single-, three- and four-storey structures on surrounding streets and some element of commercial use on Prussia Street. The narrowest part of the site is at the southeastern end – to the rear of no.'s 80-83 Prussia Street. The site widens out to the rear of houses on St. Joseph's Road. The proposed development will result in the reinstatement of buildings on Prussia Street – where there is a gap at present formed by the former car dealership premises.

It is of note that the immediately adjoining properties to the north, northwest and north east incl, 2 storey, properties on Saint Joseph's Road which back onto the appeal site and a number of terraced houses on Aughrim Street and Prussia Street are located within the Z2 zone. The zoning objective of the 'Z2' zone is stated as follows: *'To protect and/or improve the amenities of residential conservation areas.'*

Section 15.9 'Transitional Zone Areas' of the Dublin City Development Plan 2011 – 2017 is clearly of relevance to the subject appeal case. It states: *'...it is important to avoid abrupt transitions in scale and use zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties'*.

The proposed development comprises of three Blocks with Blocks B (307.76 sq. m) & C (151.18 sq. m) linked at floors 1 – 3 by a glazed link. Block A (762.28 sq. m) is in the main 4 storey 12.4m in height to flat roof parapet. It is stepped down at its western extremity. Blocks B and C are also in the main 4 storeys' in height of some 12.4m to parapet. As set out above the revised drawings submitted to the Board, of which the stated dimensions have regard to, makes amendments to the original proposal. Block A is set back / stepped from the shared boundary with rear gardens of residences on St. Josephs Road at first, second and third floor level. The opposing elevation of the first, second and third floors are now stated as being between c. 11 and c. 13m from the shared boundary with Saint Joseph's Road which is an increase from the 6m distance originally proposed. It is also proposed to step back the fourth floor of Block C by 2m adjacent to Prussia Street.

The stated plot ratio proposed is 1.5 which is within the indicative plot ratio of 0.5 – 2.0 as set out for Z1 in the Development Plan. The site coverage of the

proposal is 49% which is also within the indicative site coverage standard for Z1 zones which is 45 – 60%.

Albeit the proposed building heights across the blocks are in accordance with the Development Plan standards, (Variation 14 of the Dublin City Development Plan amended the maximum permissible height in the inner city as 6 storeys residential / 7 storeys commercial with 'student housing' being in the commercial category). Albeit that the density proposed respects plot ratio and site coverage standards. I am of the opinion that the proposed height, mass and scale is problematic and gives rise to overdevelopment of this constrained, backland site.

It is my opinion that the architectural visualisation photomontages submitted by the First Party with the appeal documentation are seriously inadequate. From Contiguous Elevations Drg. 0504 submitted with the original application it is clear that Block A and Block B would rise well above the ridge line of houses along Prussia Street and Saint Joseph's Road. I consider that the height and massing of the Blocks is too great and poorly considered against the sites context. The height of the Blocks in particular Blocks A and B would be visually incongruous when viewed from the surrounding streetscape, would be visually overbearing when viewed from properties along St. Josephs Road. Having examined the documentation on file and following an inspection of the site and its surrounding context I raise serious concern with respect to the fourth floor of Blocks A and B and their relationship to the surrounding streetscape, in particular, when viewed from Saint Joseph's Road, Prussia Street and Aughrim Street.

As set out at paragraph 8.1 above, on foot of PL29N.240827 / Reg. Ref. 3588/11 planning permission was refused on appeal for the construction of a part four-storey and part three storey, over basement level retirement/nursing home, an associated retail unit and an associated office unit. The reason for refusal, in part, considered that the proposed development by reason of its height, scale and proximity to site boundaries would constitute overdevelopment of this backland, confined and enclosed site and would give



rise to a poor living environment for future residents of the proposed nursing home. It was clearly stated by the Inspector in his assessment of PL29N.240827 that while the reinstatement of the building line along Prussia Street is to be welcomed, the *'fourth storey of the proposed structure is too high.'* The subject appeal proposal while marginally of a lower height is of similar scale and massing to that refused on the appeal site in 2012.

It is my opinion, that given the backland, constrained nature of the appeal site regard being had to the amendments proposed by way of revised drawings submitted to the Board, that the design resolution has failed to demonstrate due regard to the 'Z2' zoning of the adjoining Saint Joseph's Road. The proposed development is too high, situated in a location that is likely to result in adverse visual and residential amenity impact to the surrounding area. I note that 15.9 'Transitional Zone Areas' of the City Development Plan seeks to protect the more environmentally sensitive zone.

I consider that the alterations proposed to the façade of Block C as it addresses Prussia Street and the set back at third floor level are positive and I am of the opinion that a stepped fourth floor could be accommodated at this location addressing Prussia Street.

If the Board are mindful to grant planning permission, I would recommend the removal of the third level of Blocks A and B. I highlight that the removal of the 4<sup>th</sup> floor would result in a loss of 40 bed spaces, giving a Total of 162 bedspaces.

#### **10.4 Impact Upon Residential Amenity of The Area**

Having examined the documentation on file and following an inspection of the site and its surrounding context I raise concerns that inadequate assessment of day light / sun light impact and overshadowing of adjoining properties has been carried out.

Cognisance is had to the design amendments proposed by way of revised drawings submitted to the Board, however, having regard to the transitional

zonal character of the site, it is my opinion, that the design resolution has failed to demonstrate due regard to the 'Z2' zoning of Saint Joseph's Road. Of which it is the objective *"to protect and/or improve the amenities of residential conservation areas"*.

The adjoining houses on St. Joseph's road are two storey with limited rear gardens depths. Notwithstanding the stepped set back now proposed to Block A where it abuts the rear gardens of St. Josephs Road and the junction at Prussia Street. It is my opinion that the buildings proposed at Block A and B are too high and of inappropriate scale and mass relative to this constrained backland site. The proximity of the proposed development relative to site boundaries is also of concern, it is considered that the proposed development would have an overbearing visual impact on the existing residences on St. Joseph's Road and Prussia Street and would give rise to overshadowing.

The internal modifications to reduce overlooking of adjoining rear gardens is noted. While windows serving Unit's 10, 19 and 28 still face northwest overlooking adjoining rear gardens, they are set back on average 14m from the party boundary with St. Josephs Road and in excess of 22m from opposing first floor windows. Therefore while I consider that the revised plans have gone some way to overcoming the serious issue of overlooking raised by observers, it is my opinion that the 4 storey height of Block A located east of the restricted rear gardens along St. Josephs Road would likely to result in adverse impact on residential properties by way of overshadowing and overbearing. The development as proposed is in my opinion is too high and too close to the boundaries of the site thereby contrary to the Z1 zoning Objective, of the appeal site itself *"to protect, provide and improve residential amenities"*.

I have considered whether omitting the third floor of Block's A and B would resolve the issue of overbearing and overshadowing to adjoining properties. However in the absence of a shadow study and also a revised visual impact assessment with long range views I would be hesitant to recommend such a grant of planning permission.

Related to overshadowing of adjoining properties is the issue of potential amenity value for prospective occupiers of the scheme. In the absence of a shadow study I would also have concern with respect to significant adverse overshadowing impacts on the proposed communal courtyards.

Concern has been raised with respect to the semi-private terraces, outdoor courtyard positioned to the party boundary with houses on St. Josephs Road and also the proposal for an outdoor gym. It is submitted that the location of the outdoor recreational areas and their proximity to boundaries particularly to St. Josephs Road would negatively impact upon the amenities of residents along St. Josephs Road by virtue of noise disturbance.

I would have some concern with respect to the outdoor gym and can see why local residents would be concerned that such activity would give rise to noise impact. I am not convinced that dispersing the equipment would overcome concerns and recommend that should the Board consider a grant of planning permission be forthcoming they include a condition omitting the outdoor gym equipment. I would also have some concern with respect to the inclusion of semi-private terraces at first and third floor levels and consider accordingly that they be omitted by way of condition should planning permission be forthcoming from the Board.

Concern has been raised with regard to anti-social behaviour and crime. However regard being had to the student management plan submitted, it is my opinion that the applicant has indicated that adequate measures will be put in place to counter act anti-social behaviour. Cognisance is had to the submission that a Management Company will be established. The Management Co. will detail the responsibilities of each student in the welcome pack and tenancy agreement which must be signed by each student. The Management Company will also work closely with the Guards, emergency services, third level institutions and local residents. I note the proposal that a security company will be retained by the Management Company and will provide on-call and out-of-hours supervision of the premises. The buildings

and grounds will be monitored by CCTV. Regard is had that active uses and passive surveillance will result in a more secure pedestrian environment.

### **10.5 Impact Upon Visual Amenity of The Area**

Having examined the documentation on file and following an inspection of the site and its surrounding context I raise concerns that inadequate visual impact assessment has been submitted.

Long range views, incorporating photomontages of the proposed development, from Manor Street and also from St. Josephs Road / north from Prussia Street have not been submitted. I would have serious concern with respect to the visually domineering impact of the proposal when viewed in the context of / from the two storey houses along St. Josephs Road.

The revised sections and elevations submitted do not illustrate the relationship of the proposed Blocks with the surrounding properties making it difficult to assess the potential visual impact. The contiguous elevations submitted with the original application demonstrate the excessive height of the proposal. The scale of the development in relation to the two storey houses on St. Josephs's Road is particularly excessive, and I agree with concerns that the proximity of Block A to the rear of these houses is an issue.

In agreement with the planning authority assessment I am of the opinion that the height of Block C relates fairly well to Prussia Street when viewed from this street. This section of Prussia Street is characterised by 2/3 storey's in height. However, I have serious concern that the height of blocks A and B will tower above, in the main, two storey frontage buildings and would be visually obtrusive and not in keeping with the character of the existing streetscape.

## **10.6 Quality of Accommodation Proposed.**

The revised plans submitted to the Board with the appeal, as detailed in section 10.1 of this report in my opinion overcome the second reason for refusal of the notification of decision to refuse permission.

I am of the opinion that the proposal as amended has due regard to Appendix 23 – Guidelines for Student Accommodation and is in line with the provision of the Development Plan, in respect of bedroom sizes, communal facilities and services, management, cycle provision, recreational facilities and bed spaces to accommodate students with disabilities. The appeal site is in close proximity of and easily accessible to Grangegorm and the city centre via quality transport corridors. The revised scheme provides for 202 bedspaces incorporates a computer room / recreational room, a chill out room and 3 no. communal lounges within Block A.

The only area of concern, in terms of compliance with Appendix 23, which still remains relates to the potential overbearing / overshadowing impact on local resident's amenities and the impact of the proposed development internally to the scheme. A daylight / and sunlight analysis is critical to the assessment of the impact of the proposed development given height and massing proposed, this has not been submitted.

## **10.7 Traffic, Car parking and Access**

Observers to the appeal have raised concern with respect to traffic congestion, absence of adequate car parking, safety of the vehicular access proposed and security issues and noise associated with the proposed pedestrian / cycle access via St. Josephs Road.

Eleven off street car parking spaces are proposed for the entire development incl. two disabled spaces, at surface level. It is proposed to provide 218 cycle parking spaces. The cycle parking is proposed to be located in two no.

secured and enclosed buildings, which will accommodate a total of 98 bikes, with a further 120 no. spaces located within the grounds of the site.

The appeal site is located close to the city centre and within walking distance to a number of high quality public transport facilities. A number of bus routes travel directly adjacent to the site and the site is also adjacent to the proposed Blanchardstown BRT. The site is also located in close proximity to the strategic cycle network.

It is submitted that the internal road layout and geometry is compliant with the requirements of DMURS. It is the opinion of the Road and Traffic Planning Division of Dublin City Council that traffic generation associated with the proposed development is expected to be relatively minor. That the quantum of bicycle parking and pedestrian access to the site is also acceptable. I tend to agree with the Roads and Transportation Planning Division report.

I note the concerns raised with respect to the controlled pedestrian / cycle access via Saint. Joseph's Road, however, it is my opinion that there is merit to this pedestrian / cycle route linking to the north aiding connectivity of the site. Therefore I do not recommend that it should be omitted. It is not proposed that existing rights of way are impacted upon.

### **10.8 Appropriate Assessment (AA)**

The application was accompanied with an AA Screening report. The Stage 1 Screening Statement concludes that the proposed development will have no direct or measurable indirect impacts on the habitats of any Natura 2000 sites within a 15Km radius of the application site.

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Malahide Estuary SPA / SAC, Baldoyle Bay SPA / SAC, North Bull Island SPA / SAC, South

Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC or the Rye Water Valley / Carton SAC or any other European Site, in view of the sites conservation objectives and a stage two AA is not therefore required.

## **11.0 CONCLUSIONS AND RECOMMENDATION**

In conclusion, further to the above planning assessment of matters pertaining to this appeal, including consideration of the submissions and observations to the appeal, the planning history and the site inspection, I consider that the proposed development would be contrary to the proper planning and sustainable development of the area for a number of reasons. It is considered that the proposed development would have negative consequences for the visual and residential amenity of the area, in particular, the adjacent residential conservation area of Saint Joseph's Road for reasons of the height, mass and scale of the development and the resultant overshadowing and overbearing impacts. I recommend therefore that permission for the proposed development be **REFUSED** for the following reasons and considerations.

## **12.0 REASONS AND CONSIDERATIONS**

1. The appeal site is zoned 'Z1', in the Dublin City Development Plan 2011 – 2017, the objective of which is *“to protect, provide and improve residential amenities”*. It is also located on land that has a transitional zoning character with the land to the north of the site zoned 'Z2' the stated objective of which is *“to protect and/or improve the amenities of residential conservation areas”*. Having regard to the height, scale and proximity of the proposed development relative to site boundaries and the established pattern of development in the area; it is considered that the proposed development would have an overbearing visual impact on the existing residences on St. Joseph's Road and would give rise to overshadowing. The proposed development would, therefore, seriously injure the amenities, depreciate the value of properties in the vicinity and would be contrary to the zoning objective of the area, which is to protect and /or improve the amenities of residential conservation areas, and

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

2. Having regard to the proposed height, scale and massing of Block A and Block B, it is considered that the development would be visually incongruous in its context and would have a serious negative impact on the visual amenities of the area, in particular when viewed from Saint Joseph's Road to the north and from long range views from Prussia Street and Manor Street, to the south. Accordingly, the proposed development would be contrary to the provisions of the Dublin City Development Plan, 2011-2017 and the proper planning and development of the area.

3. The Board is not satisfied that the proposed development would not be likely to have significant adverse overshadowing impacts on (i) the proposed communal courtyards and (ii) adjoining properties along Aughrim Street, Saint Joseph's Road and Prussia Street; based upon lack of information provided in relation to shadow study. The proposed development would thus be contrary to the proper planning and sustainable development of the area.

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Fiona Fair  
Planning Inspector  
30.03.2016