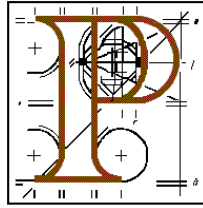


An Bord Pleanála



Inspector's Report

PL 29S.246160

Development

Demolish 2 houses and erect 9 apartments in a 2-4-storey building over a basement car park at nos. 1 & 2 Spafield Terrace, on corner of Sandymount Avenue and Spafield Terrace, to the rear of Merrion Road.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3655/15

Applicant: Damien Tansey

Type of Application: Planning permission.

Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): Wingfield Management Company
Helen Cosgrove
Mark Colgan
Des Harrold

Type of Appeal: Third Party

Observers: Two

Date of Site Inspection: 12th May 2016

Inspector: Karla Mc Bride.

1.0 INTRODUCTION

1.1 Site and location

The appeal site is located in Ballsbridge on the S side of Dublin City and the surrounding area is predominantly residential in character. The site is located to the rear of Merrion Road and it occupies a corner position at the junction of Sandymount Avenue and Spafield Terrace. Spafield Terrace provides access to several houses and an apartment complex (Adair Flats) which dates from the 1950s.

The site comprises two 2-storey houses which front on to Spafield Terrace and part of the rear gardens of nos.78 and 80 Merrion Road. The site is bound to the W by the rear gardens of nos.78 and 80 Merrion Road; to the N by 2-storey houses and the rear gardens of no.76 Merrion Road and no.3 (26) Spafield terrace; to the E by Adair flats; and to the S by Sandymount Avenue which comprises a mix of houses and apartment blocks. The S site boundary with Sandymount Avenue is defined by a high granite stone wall that extends around to the side gable of no.1 Spafield Terrace.

Photographs and maps in Appendix 1 serve to describe the site and location in some detail.

1.2 Proposed Development

Planning permission is being sought to develop the c.878sq.m. site:

- Demolish the two existing 2-storey houses and sheds.
- Provide 9 apartments in a new 2-4-storey over basement block.
- The 1117sq.m. block would be between c. 6.6m and 12m high.
- The proposed block would have a contemporary design
- Provide 11 car & 9 bicycle parking spaces with basement storage.
- Vehicular access off Spafield Terrace.
- Boundary treatment, landscaping and all ancillary site works.

Accompanying documents:

- Planning Report & Design Statement
- Infrastructure and Flood Risk Assessment

1.3 Planning Authority's Further Information Request

The Planning Authority requested FI in relation to the following matters:

1. Further details in relation to the vehicular access ramp, pedestrian footpath and sightlines – *ramp width will be increased, a 1.9m wide footpath will be provided, and sightlines are adequate.*
2. Further details in relation to the FRA, potential fluvial and coastal flooding and mitigation measures – *Engineers report submitted.*
3. Full visual assessment in order to assess the height impact - *additional contextual photomontages submitted.*
4. A Shadow Analysis - *submitted and the proposed development will have minimal impact on neighbouring properties.*
5. Revised floor plans which show the site boundary, site context and separation distances - *details submitted.*
6. Proposals to address overlooking concerns in relation to the balconies, the 4-storey stair case window and the corner window to unit no.9 - *amended floor plans and elevations submitted, balcony to no.4 has been omitted, scale and design of stair case window amended, and corner element of window to no.9 omitted.*
7. Proposals to improve the residential amenities of unit nos. 2, 5 & 7 which have balconies/terraces in close proximity to the public street - *design amended with a further 500mm separation with the site boundary, additional screening to nos.2 and 5 to form winter gardens, and additional tree planting along the street boundary.*
8. Submit a landscape plan for the open space - *submitted.*
9. Assess noise impacts of access ramp on neighbouring house along with proposals to minimise any impacts - *AWN Acoustic Assessment submitted, predicted noise levels are acceptable and no mitigation measures are required.*
10. Clarify whether or not nos. 78 & 80 Merrion Road are in single or multiple occupation and details of open space requirements per bedspace - *single family occupancy, each with 5 double bedrooms and 10 bedspaces per unit, 150sq.m of open space required per dwelling with c.160sq.m and c.216sq.m provided for no.78 and 80.*

1.4 Planning Authority decision

The Planning Authority decided to grant planning permission subject to 14 standard conditions.

- Condition no.3 required changes to the balconies at nos. 4 and 8, and the use of opaque glass in the en-suite windows in the NW elevation from ground to second floors.

This decision reflects the report of the City Planning Officer.

Pre-panning meeting: undertaken on 03/06/2015

Interdepartmental reports:

The Roads and Traffic Department had no objections subject to compliance with conditions (following the submission of FI in relation to the vehicular ramp, the footpath width sightlines).

The Drainage Division had no objections subject to compliance with conditions (following the submission of FI in relation to the potential for fluvial and coastal flooding).

Prescribed Bodies: No submissions on file

Public submissions:

Seven letters of objection received which raised concerns in relation to scale and visual impact; out of character as apartments not permitted along mews laneways; traffic congestion and noise, visitor parking and emergency services; overshadowing, overlooking (including from roof terraces) and residential amenity; no demand for apartments and development already under construction at Hume House.

1.4 Planning history

Reg. Ref.:1095/15 – Permission granted for extension to the side of no.80 Merrion Road.

Reg. Ref. 1720/07 – Permission granted by ABP under PL29S.223338 for 8 apartments in the existing houses at nos.78 & 80 Merrion Road and 15 apartments in a new wing to the side with frontage along Sandymount Avenue to the junction with Spafield Terrace, with vehicular access off Spafield Terrace to a 25 space basement car park.

2.0 DEVELOPMENT PLAN

2.1 Zoning objective:

The site is located within an area zoned with the objective Z1 in the Dublin City Development Plan, 2011-2017 which seeks “To protect, provide and improve residential amenities.”

2.2 Mews Development standards (*Section 17.9.4*):

a) Existing stone/brick coach houses located on mews laneways are of national and international importance....proposals to demolish such buildings on economic grounds will generally not be accepted.

b) Development confined to single-family units of 2-storey height.

d) New buildings should complement the character of the lane and main building with regard to scale, massing, height, depth, roof treatment and materials, and may be required to incorporate gable-ended pitched roofs.

f) Accommodation will only be allowed in the roof space of a 2-storey mews if the pitch and eaves height is in accordance with the established pattern on the laneway, this provision shall not apply where 3-storey mews are proposed, dormer windows, front or rear, will not be permitted, and balconies will be considered on their merits.

j) At least one off-street car space per mews building.

m) Private open space shall be provided for the full width of the site, the depth shall not be less than 7.5m and it should be free of off-street parking.

p) The distance between the opposing windows of mews dwellings and of the main houses shall be a minimum of 22m.

2.3 Development standards:

Public open space: 10% of site area for new developments

Private Open Space: 15sq.m of private open space per bed-space

Separation: 22m between directly opposing rear first floor windows.

Rear garden depth: 11m normally required.

Car parking: 2 off street spaces normally required.

Heritage:

Protected Structures: None in the vicinity

Architectural Conservation Areas: None in the vicinity.

Natural Heritage: None in the vicinity or directly linked to the site.

European sites: None in the vicinity or directly linked to the site.

3.0 APPEAL

3.1 Summary

There are four Third party appeals in relation to this application from:

- Wingfield Management Company
- Helen Cosgrove
- Mark Colgan
- Des Harrold

3.1.1 *Wingfield Management Company (Adair apartments)*

Inadequate car parking spaces with overflow car parking along the narrow mews laneway; inadequate provision for safe access to and from the basement car park via the ramped entrance (onto the narrow laneway) which is located opposite the entrance to Adair apartments; traffic congestion and hazard.

No detailed consideration of waste collection along the laneway; the ramped entrance to basement car park is too narrow for trucks; and a dedicated waste bin collection point should have been provided.

3.1.2 *Helen Cosgrove (no.3 (26) Spafield Terrace)*

Adverse impact on residential and visual amenities; obtrusive and overbearing; overlooking and overshadowing; design, layout and fenestration; outdoor amenity space and proximity to boundaries.

Contrary to Z1 zoning objective and the residential and mews development standards set out in paragraph 15.10.1 and 17.9.14.

The c.4.8m wide mews laneway is unsuitable for the additional traffic generation as Appendix 8 requires a minimum width of 6.5m.

3.1.3 *Mark Colgan (no.4 Spafield Terrace)*

Excessive scale, height and density, out of character with the area; apartments are prohibited in mews laneways, overlooking & overshadowing and undesirable precedent.

Inadequate road width of c.4.8m; traffic generation; overflow parking along laneway; endanger pedestrian safety and traffic hazard.

3.1.4 Des Harrold (no.9 Sandymount Avenue)

Inaccuracies in Planner's report in relation to the site description.

Incompatible with Z1 objective to "improve" residential amenities and residential development standards with regard to height, scale, density, overshadowing, overlooking and vehicular activity.

Inadequate car parking, laneway and footpath widths along with pre-existing traffic and car parking problems along the laneway.

Mews development standards should be applied, including those that would require new development to be subordinate to the main houses at Merrion Road, along with minimum separation distances.

Inadequate private open space, substandard and poor quality communal open space, and no public open space provided.

Close proximity to public road and infringement of building line.

One of the houses to be demolished may be an original coach house with only one other original structure remaining.

Query the accuracy of the Shadow Analysis and Photomontages.

The Adair scheme on the opposite side of the laneway was developed a long time ago as 2-3 storey blocks which are well set back from the laneway and do not set a precedent for the proposal.

Proposal would set an undesirable precedent.

3.2 First Party response to Third Party appeals

Previous proposal under PL29S.223338

Permission was previously granted in 2008 for an apartment development at nos.78 & 80 Merrion Road and land to the rear at nos.1 & 2 Spafield Terrace which comprised:

Demolition of 1 & 2 Spafield Terrace.

Conversion of the guest house at 78 & 80 into 8 apartments.

Erection of 15 apartments in a block along Sandymount Avenue between Merrion Road and Spafield Terrace.

Vehicular access to basement car park off Spafield Terrace.

Permission not implemented and nos.78 & 80 are being refurbished as houses with back gardens halfway to Spafield Terrace.

The currently proposed development will comprise:

A standalone building on the corner of Sandymount Avenue and Spafield Terrace.

A significant break between nos.78 & 80 Merrion Road and the corner site which will allow for light penetration to the neighbouring properties.

A similar access but smaller basement car park.

The previous Engineers report described the basement access, road widening and footpath arrangements, and a 25 space car park.

ABP had regard to the zoning objective and pattern of development in the area and the proposed design, and considered that the proposal would not seriously injure amenities or property and that it would be acceptable terms of traffic safety and convenience.

Current proposal:

The proposal is significantly smaller in scale and extent than the previously permitted development:

The scale of the building adjacent to no.3 (26) Spafield Terrace is significantly lower than previously permitted.

The height at the boundary is lower than the ridge line of the existing mews at no.3 (26).

The overall height is subsidiary to the main buildings at nos. 78 & 80 Merrion Road.

The proposed flat roof does not exceed the eaves level of the primary building fronting Merrion Road.

There will be a significant gap along Sandymount Avenue.

The currently proposed site layout plans (amended by FI) show:

A new footpath along Spafield Terrace where none exists.
The main pedestrian entrance is along Sandymount Avenue.
The vehicular entrance is in the same location as permitted.
The building is set back from the back of the footpath along Sandymount Avenue.
This setback is greater than previously permitted.

Proposal includes high quality landscaping, the area is increasingly dominated by apartment schemes, it is close to a DART station, and it is consistent with the pattern of development in the area.

The Planning Authorities decision:

The PA considered the proposal (as amended by FI) to be compatible with proper planning and sustainable development.

Response to Third party appeals:

Section 17.9.14 deals with policies relating to under-developed mews laneways whereby the PA will actively encourage comprehensive schemes agreed by property owners in advance.

Spafield Terrace already has significant mews development which exhibits no particular pattern and ABP has already granted permission for a different type of arrangement along the lane.

The PA is satisfied with the previously permitted and the currently proposed vehicular access arrangements.

The PA is satisfied with the proposed bin collection arrangements which are typical for suburban Dublin.

The previously permitted development was of a much larger scale, extent and height than the current proposal and it does not contravene Development Plan policies and standards for the area.

Proposal (as amended by FI and conditions) will not give rise to undue overlooking or overshadowing of neighbouring properties.

The site is located on Sandymount Avenue, the DART station is nearby and the area is suitable for higher density developments.

3.3 Third party responses to First party submission

Three response submissions received from Helen Cosgrove, Des Harrold and Winfield Management Company Ltd. raised no new issues.

3.4 Observers

Two letters of observation received from An Taisce and Tom Yeaton:

Inaccurate address and description as the proposal relates to the actual site of nos.1 & 2 Spafield Terrace, the application is invalid.

The previously permitted apartment scheme to the side and rear of nos. 78-80 Merrion Road does not set a precedent as this is the first ever application for the actual mews site.

No.1 Spafield Terrace is one of only two original coach houses remaining on the lane (OSi map attached), and this mews house is incorrectly described as being relatively modern by the applicant.

The Plan recognises the architectural and historic merit of original mews houses which should be retained and not demolished.

Policy SC30 requires that new development should be in harmony with the City's historical spaces and structures, and the proposed block would be visually intrusive and out of character with the established Victorian character of the area.

The Plan makes several other references to the contribution made by Victorian architecture to the City, and No.1 Spafield Terrace is worthy of conservation.

Proposal is contrary to the standards for mews developments.

Inappropriate height, scale and mass of development along a narrow mews laneway which would be conspicuous and excessively prominent in the context of the mews laneway.

Serious injury to the residential amenities of the area by way of over shadowing, overlooking, visual intrusion, proximity to boundaries.

Give rise to traffic and pedestrian problems along a narrow mews laneway which serves several homes including the Adair flats.

Proposal would set an undesirable precedent.

3.5 City Council Response

No new issues raised.

3.6 Further correspondence

Helen Cosgrave and Des Harrold concur with the concerns raised by the other third party appellants and no new issues were raised.

4.0 REVIEW OF ISSUES AND ASSESSMENT

The main issues arising in this case are:

1. Principle of development
2. Design, layout and visual amenity
3. Residential amenity – neighbouring sites
4. Residential amenity – proposed apartments
5. Access and parking
6. Other issues

4.1 Principle of development

The proposed development would be located within an area zoned Z1 for residential use and the proposed apartment development is compatible with this objective in principle.

The proposed scheme would be located along a mews laneway which runs parallel to the rear of nos. 66 to 80 Merrion Road. Very few of the original mews structures remain, several new houses have been constructed, and the mews character has changed substantially over the decades. The laneway also provides a secondary access point to Adair Flats on the opposite side of the lane to the appeal site.

The Development Plan standards for mews lane developments along with the concerns raised by the appellants and Observers are noted. However, having regard all of the above, taken in conjunction with the 15 unit 2-4 storey apartment development that was previously permitted by the Board under PL29S.223338 for this site (in combination with the rear gardens of nos. 78 & 80 Merrion Road), I am satisfied that the mews development standards set out in section 17.9.4 of the Development Plan do not apply in this case.

4.2 Design, layout and visual amenity

4.2.1 Previously permitted development:

The apartment development permitted by the Board under PL29S.223338 would have comprised 8 apartments in the existing houses at nos.78 & 80 Merrion Road and 15 apartments in a new building to the rear. The design of the new building sought to complement the design of the existing houses at Merrion Road.

The 2-4 storey apartment building would have extended along a section of Sandymount Avenue located between the rear of nos.78 & 80 Merrion Road to the site of nos.1 & 2 Spafield Terrace (which would have been demolished). The unbroken block would have been located to the rear of no.80 Merrion Road and to the side of no.3 (26) Spafield Terrace. There would have been 6 pedestrian entrances along Sandymount Avenue and one vehicular access off Spafield Terrace to the 25 car space basement car park.

4.2.2 *Currently proposed development:*

The proposed apartment development would contain 9 apartments in a new 2-4 storey building located on the corner of Sandymount Avenue and Spafield Terrace. It would be located to the rear of nos.78 & 80 Merrion Road and to the side of no. 3(26) Spafield Terrace. The site would comprise the site of nos.1 & 2 Spafield Terrace (which would be demolished) and part of the rear gardens of the existing houses at nos. 78 & 80 Merrion Road. There would be a c.22m separation distance along Sandymount Avenue between the proposed building and the existing houses at nos. 78 & 80 Merrion Road which are to be refurbished back to single family homes with rear gardens.

The new building would have a contemporary design with balconies, terraces and a flat roof, and the height would step up from the neighbouring properties to the N and W. The front elevations to the S and E would be set back from the boundaries with Sandymount Avenue and Spafield Terrace and the boundaries would be defined by walls, landscaping and trees. Some of the ground and first floor terraces and balconies (as amended by way of the Further Information submission and planning authority conditions) would be further set back or recessed. There would be one pedestrian entrance along Sandymount Avenue and one vehicular access off Spafield Terrace to the 11 car space basement car park.

The site is not located within an Architectural Conservation Area, there are no Protected Structures in the vicinity and the surrounding area is characterised by a wide variety of building styles, heights and designs. The proposed design and layout, taken in conjunction with the separation distance between the existing houses at Merrion Road, and the setbacks and step-up in height from neighbouring properties will ensure that the new building is not visually obtrusive and that it would not have an adverse impact on the visual amenities of the area.

4.3 Residential amenity – neighbouring sites

4.3.1 Previously permitted development:

The previously permitted 2-4 storey building would have stepped up from the rear of no.80 Merrion Road and the side of no. 3 (26) Spafield Terraces to a maximum height of c.14m along Sandymount Avenue. It would have extended across the rear elevation of no.80 Merrion Road to the W by c.6m, and beyond the rear elevation of no.3 (26) Spafield Terrace to the N by c.3m.

There would have been no windows in the side elevations of the new building to the W and N and the main rear elevation would have been located within c.12m of the N site boundary with the adjoining back gardens of no.76 Merrion Road and no.3(26) Spafield Terrace.

Most of the units would have had balconies or terraces and the rectangular area of communal open space located to the rear N would have been c.33m long and c.400sq.m. The third floor apartments located in the roof space would have been lit by velux roof lights and dormer windows.

4.3.2 Currently proposed development:

The proposed building would step up from the site boundary with no.80 Merrion Road and from the side of no. 3 (26) Spafield Terraces to a maximum height of c.12.5m along Sandymount Avenue. The 12m wide and 7m high W section would be set back c.7.5m from the site boundary, c.17.5m from the rear return and c.22m from the main rear elevation of no.80 Merrion Road to the W. The taller 3rd and 4th floor sections would be located c.10m from the neighbouring site boundary.

The c.10m wide and c.7m high 2-storey N section would be set back c.0.5m from the side elevation of no.3 (26) Spafield Terrace and it would extend c.6m beyond the rear elevation of this 2-storey house. The taller 3rd and 4th floor sections would be located c. 5.5m and c.11.5m respectively from the neighbouring site boundary.

There would be no windows to habitable rooms in the N elevations of the new building, and the amendments proposed by way of the Further Information submission, which would include screening the windows to the tall stair case, redesigning the corner windows to unit no.9 at penthouse level, and re-designing some of the balconies, would ensure that the residential amenities of neighbouring sites to the N along

Spafield Terrace (including no.3 (26) would not be overlooked to any significant extent.

There would be windows to habitable rooms and terraces in the W elevations of the new building, however the separation distances outlined above, and the amendments proposed by way of Further Information would ensure that the residential amenities of neighbouring sites to the W along Merrion would not be overlooked.

The contents of the Shadow Analysis report are noted, and having regard to the layout, height, setbacks and separation distances with site boundaries, I am satisfied that the proposed development would overshadow the neighbouring residential sites to any significant extent.

Finally, the rear gardens of the existing houses at nos. 78 and 80 Merrion Road, which are currently being refurbished, would continue to provide an adequate level of private amenity space in line with Development Plan requirements.

4.3.3 Conclusions:

Having regard to all of the above, the proposed development would not seriously injure the residential amenities of neighbouring properties to any significant extent by way of overshadowing, overlooking, loss of privacy or visual intrusion.

4.4 Residential amenity - proposed apartments

The proposed scheme would provide for an acceptable density of development having regard to the location of the site relative to the City Centre, the mixed character of the surrounding area, and the close proximity of a DART station and bus service along Merrion Road.

The proposed development would provide for an acceptable level of residential amenity to serve future occupants in line with Development Plan requirements with regard to dwelling mix, floor area, room size, orientation, storage and the vertical juxtaposition of like uses.

The proposed development would also provide for adequate private open space in the form of balconies and terraces. Communal open space would comprise a c.285sq.m. landscaped garden area to the N and W parallel to the rear garden boundaries with nos. 76, 78 & 80 Merrion Road.

The absence of public open space is noted however the site is located in fairly close proximity to several other parks, open spaces and sports grounds in the surrounding area, which is considered to be acceptable.

4.5 Access and parking

4.5.1 Existing situation:

Vehicular access to the proposed development would be off Sandymount Avenue and via Spafield Terrace to a basement car park. Sandymount Avenue is a busy thoroughfare and Spafield Terrace is a relatively narrow laneway which provides access to several houses and the apartments at Adair Flats. This laneway is c.6.4m wide in the vicinity of the site and it comprises a c.4.8m wide carriageway with a c.1.6m wide footpath along the E side opposite the appeal site. Most of the laneway is marked with double yellow lines except for two permit parking space, and all of the houses located along the laneway have off street car parking spaces. There are also several on-street pay and display car parking spaces along the Sandymount Avenue frontage.

The Third parties and Observers have raised concerns in relation to the narrow width of the laneway, the location of the ramped entrance (which could also give rise to noise and disturbance), existing traffic congestion, future traffic generation, overflow car parking along the lane, and the creation of a traffic hazard.

4.5.2 Proposed arrangements:

The proposed basement car park would contain 11 car and 9 bicycle parking spaces along with storage facilities. The c.4.5m wide ramped entrance would be located immediately adjacent to the side of no.3 (26) Spafield Terrace, opposite the entrance to Adair Flats, and c.21m from the junction of Spafield Terrace and Sandymount Avenue. The overall width of the laneway in the vicinity of the proposed building would be increased from c.6.4m to c.8m. This would include the existing footpath and carriageway and a new c.1.9m wide footpath which would extend along the E site boundary over a distance of c.21m to the car park entrance. The carriageway width would remain the same at 4.8m.

4.5.3 Previously permitted development:

The previously permitted development under PL29S.223338 included a 25 space basement car park with a similar vehicular access arrangements, widened laneway and new footpath. However the vehicular entrance to the car park would have been set back c. 5m

from no.3 (26) Spafield Terrace; the laneway width in the vicinity of the SE corner of the building at the junction with Sandymount Avenue would have been increased from c.4.8m to c.6.0m; it would have included a c.5.5m carriageway and a c.1.2m wide footpath over a distance of 15m to the car park entrance. The Board was satisfied with the previously proposed vehicular access and car parking arrangements in terms of traffic safety and convenience.

4.5.4 *Discussion and assessment:*

There has not been a material change in circumstances since the previous scheme was permitted and although a different Development Plan is now in place the residential zoning objective and car parking standards remain the same. The overall scale of the development has been substantially reduced and there has been c.60% reduction in the number of car parking spaces proposed.

The vehicular entrance to the basement car park would be relocated c.5m to the N and closer to the existing entrance to Adair flats on the opposite side of the laneway. However on the basis of the information submitted with the planning application and by way of further information, in combination with my site inspection, I am satisfied that the ramped entrance would be acceptable and not give rise to noise or disturbance and that the field of vision and sightlines are adequate from both the existing and proposed entrances. Therefore, the proposed vehicular access arrangements would not give rise to a traffic hazard.

Unlike the previous proposal, the width of the carriageway would not be increased in the vicinity of the junction of Spafield Terrace and Sandymount Avenue, however a wider pedestrian footpath would now be provided. Having regard to the reduced quantum of development and car parking between the previous and currently proposed schemes, I am satisfied that the S section of Spafied Terrace has the capacity to accommodate 11 additional cars along the carriageway without giving rise to a traffic hazard or endangering public safety.

The proposed development would provide for an acceptable level of off street car parking in line with Development Plan requirements for the area. It would not give rise to overspill car parking along Spafield Terrace which is defined by double yellow lines for most of its length, and there is on-street pay and display parking available around the corner at Sandymount Avenue. The proposal would also provide for an acceptable level of secure bicycle parking and it would be located in close proximity to a nearby DART station and Dublin Bus services.

5.5.5 *Conclusions:*

Having regard to all of the above, the proposed development would provide for an acceptable level of car and bicycle parking, the vehicular access arrangements are considered acceptable and would not result in undue noise or disturbance, and the proposal would not give rise to a traffic hazard or endanger the safety of other road users.

4.6 **Other issues**

Landscaping & boundary treatment: The developer should submit full landscaping, planting and boundary treatment details along with a timetable for implementation, for the written agreement of the Planning Authority, before development commences.

Environmental services: The proposed water supply, drainage and refuse collection arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the City Council.

Flood risk: The contents of the Flood Risk Assessment proposed are noted and the proposed development would not give contribute to or rise to a flood risk in the area.

Heritage: The concerns raised in relation to the origins of the house located at no.1 Spafield Terrace are noted and the structure does appear to contain some original fabric, however the structure is not listed in the Record of Protected Structures and is therefore not afforded any specific legal protection from demolition.

Precedent: The proposed development would not set an undesirable precedent for similar future developments along mews laneways, particularly having regard to the extent of the changes that have already taken place in the vicinity.

Social housing: The developer should comply with Section 96 requirements for the provision of social and affordable housing.

Appropriate Assessment: The proposal is not located within or directly linked to any European sites and AA is not required.

5.0 **RECOMMENDATION**

Arising from my assessment of the appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, subject to compliance with the attached conditions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dublin City Development Plan, 2011 to 2017, and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area nor would it give rise to a traffic hazard or endanger the safety of other road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The edge of the balcony at the first floor level balcony to unit no.4 shall be recessed behind the NW screen wall.
 - (b) The balcony at the second floor level to unit no.4 and the balcony to unit no.7 from the study at second floor level shall be omitted from the overall development.
 - (c) The balcony to unit no. 8 shall be recessed into the building so that it does not project beyond the wall of the master bedroom at second floor level on the W elevation.
 - (d) The en-suite windows in the NW elevation from ground to second floor levels shall be permanently fitted with opaque glazing.

Revised drawings showing compliance with this condition shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of orderly development and to protect residential amenities.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include a timetable for implementation.
Reason: In the interest of the proper planning and sustainable development of the area.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services.
Reason: In the interest of public health.

5. The Applicant shall ensure all car parking spaces are allocated in conjunction with the apartment units with a minimum allocation of 1 no. car space per unit and not sold separately to avoid non take-up by residents. Parking spaces shall be constructed so as to be capable of accommodating future electric charging points as required.
Reason: In the interests of traffic safety and convenience.

6. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

7. The construction of the development shall be managed in accordance with a Construction & Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, construction parking, noise management measures and off-site disposal of construction/demolition waste.
Reason: In the interests of public safety and residential amenity.

8. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

Karla Mc Bride

12th May 2016