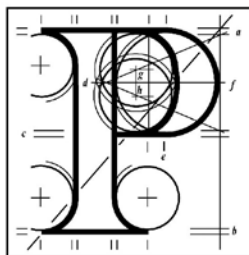


# An Bord Pleanála



## Inspector's Report

**Development:** Demolition of existing storage and other incidental buildings and the construction of a residential development with a total of 10 residential units consisting of 3 three storey four-bed dwellings and 6 two storey three-bed dwellings in a single terrace with court yards at ground level and 1 two-bed apartment at first floor level fronting South Lotts Road all with balconies/roof gardens at first floor level with central car parking area and ancillary site works all on site of 0.15 hectares at 20B – 22 South Lotts Road, Ringsend, Dublin 4.

### Application

Planning authority: Dublin City Council  
Planning application reg. no. 2992/15  
Applicant: Oranswell Properties Ltd  
Type of application: Permission  
Planning authority's decision: Grant, subject to 13 conditions

### Appeal

Appellants: Christopher & Gregory McGinn  
John Kelly & Others  
Type of appeals: Third parties -v- Decision  
Observers: Cllr. Dermot Lacey  
Cllr. Andrews & Other Councillors  
Date of site visit: 2<sup>nd</sup> June 2016  
Inspector: Hugh D. Morrison

## Site

The site is located to the east of the Grand Canal Basin in an area of largely former industrial sites and retained streets of red brick terraced dwelling houses. This site lies off South Lotts Road, which runs between Ringsend Road, to the north, and Grand Canal Street Upper, to the south. The site itself was formerly a rope works. However, it is now vacant, having been last used as a builder's provider's yard. To the north of this site lies Gordon Street, which on its southern side is composed of two storey terraced dwelling houses and single storey terraced cottages, while to the south is the Gasometer Apartments, also known as The Alliance, and the row of part two/part single storey dwelling houses, known as The Pidgeon House.

The site is of elongated form and it tapers from east to west. This site extends over an area of 1500 sq m and it presently accommodates a single storey building with a floorspace of 310 sq m. The north north eastern boundary abuts the rear yards and the rear extensions of the aforementioned two storey terraced dwelling houses on Gordon Street and its south south western boundary abuts The Pidgeon House. Access is from South Lotts Road, via a vehicular gateway, which is accompanied by an ESB sub-station on its northern side and a detached two storey dwelling house on its southern side. The sub-station is in turn accompanied by a make-up studio in a former corner shop at the eastern end of Gordon Street. A paved area laid out for parking is situated between this shop and sub-station and South Lotts Road.

## Proposal

The proposal would entail the demolition of the existing buildings on the site and the construction of a row of 10 dwellings with a total floorspace of 1250 sq m. Nine of these dwellings would be houses and one would be an apartment.

The 9 houses would be laid out in a row along the length of the site from east to west. They would comprise the following:

- 3 part two/part three storey four-bed houses, and
- 6 part single storey/part two storey three-bed houses.

Each of the houses would be accompanied by a ground level court yard and a first floor roof terrace. The most westerly house would have an additional ground level court yard.

One two-bed apartment would be constructed over the entrance to the site. This entrance would afford vehicular and pedestrian access to the site. Nine car parking spaces would be laid out forward of the row of houses. A footpath would run to the north alongside the principal elevations to these houses. Landscaping would accompany them and a bicycle stand would be sited in front of each house.

## **Planning authority's decision**

Following receipt of further information, permission was granted subject to 13 conditions.

## **Technical reports**

- Iarnrod Eireann Infrastructure: Advice concerning underbridge UBR60 with height restriction on South Lotts Road set out.
- Housing Development: Advises that applicant has agreed in principle to comply with Part V.
- Drainage: No objection, subject to standard conditions.
- Roads & Traffic Planning: Following receipt of further information, no objection, subject to standard conditions.

## **Grounds of appeal**

Appellants (a): Christopher and Gregory McGinn

- Attention is drawn to the inclusion within the red edge of the site of a strip of land that crosses a paved area between the exposed side elevation of the dwelling house at No. 24 South Lotts Road and the public footpath along the western side of the carriageway to this Road. This strip of land, which is denoted in drawing no. 1614/01, is in the appellants' ownership and yet the applicant has neither sought nor obtained their consent for its inclusion within the site. Furthermore, no third party rights of way pertain to this strip of land.
- Attention is drawn to the south west ground floor living room window in the rear elevation to the dwelling house at No. 24 South Lotts Road. Under the proposal, an apartment would be built over the entrance to the site. This apartment would be built to a height of 7.140m within 2.5m from this window. Consequently, it would severely over shadow the said window, even when the sun is highest in the sky. By the same token, the outlook from the window would be enclosed.

Appellants (b): John Kelly & Others- Residents from twenty-four households of dwelling houses on the southern side of Gordon Street. These dwelling houses are of two storey form and they comprise a continuous terrace.

- The site is a backland one and so its development is addressed by Section 17.8.5 of the CDP. The proximity of the proposal to the adjacent two storey terraced dwelling houses on the southern side of Gordon Street would be

such that not only would “meaningful change” occur but their amenity would be adversely affected and hence they would be devalued.

- The proposed two storey dwellings on the site would be sited between 5 and 10m away from the rear elevations of the existing dwelling houses on Gordon Street. Some of these dwelling houses have been the subject of ample rear extensions and so first floor windows in resulting rear elevations are close to the common boundary with the site, e.g. the extensions granted to application reg. nos. 2358/05 and 4306/05 at No. 71. From these windows especially, the proposed dwellings would be visually intrusive.
- The proposal would entail the provision of a walkway with cycle stands sited close to the aforementioned common boundary. Additionally, a courtyard and a roof terrace would, variously, adjoin and be adjacent to the property at No. 65 Gordon Street. Noise and disturbance generated by the use of these areas and facilities would ensue.
- The proximity of first floor windows in the rear elevations of existing dwelling houses on Gordon Street and ground floor windows in the front elevations of the proposed dwelling houses, e.g. between No. 71 and No. 9 the separation distance between the said windows would be c. 6m, would lead to overlooking and a loss of privacy.

The proximity of projecting first floor windows in the existing dwellings at Pigeon House and the ground floor master bedroom windows in the proposed dwellings would likewise be c. 6m.

- The streetscape formed by the principal elevations of the dwelling houses comprised in the aforementioned terrace attracts the residential conservation area designation of Gordon Street. By contrast, the rear elevations are of less importance and so extensions, including by means of dormer windows, have been permitted. The proposal would mean that the opportunity to extend shallow rear yards, as has been done at No. 59, would be forfeited.

Given the Z2 zoning of Gordon Street, the site, which is zoned Z1, is a transition zone and yet this is not reflected in the design of the proposal, e.g. the proposed apartment over the entrance from South Lotts Road would adjoin No. 24 South Lotts Road, which is in the residential conservation area.

- The proposal would provide no public open space. The CDP only requires the provision of communal open space in conjunction with the development of apartments. This requirement appears to assume that dwelling houses do not require such space, as they are served by rear gardens, a condition that

would not be met under this proposal, where courtyards and roof terraces only would be provided.

- The said courtyards would provide a poor quality of private open space, due to overshadowing during the spring and autumn seasons. Furthermore, the proposal would itself overshadow the rear yards and rear elevations of the adjacent dwelling houses on Gordon Street, with No. 63 being particularly affected.
- The proposed means of access to car parking spaces and thereafter the proposed walkway to the dwellings themselves would be inadequate to serve emergency vehicles.
- The existing dwelling houses on Gordon Street fulfil a valuable role in providing accommodation for those employed locally. The opportunity to extend these dwelling houses is important in this respect not least by means of extending plot sizes. The proposal would curtail and negate such opportunities and so it would be at odds with ensuring their long term retention and thus sustainability.

Notwithstanding the foregoing grounds, if the Board is minded to grant permission, then a sewer that passes through the site and which serves the dwelling houses on Gordon Street should be protected.

Attention is drawn to PAC 0062/14 and the concerns expressed therein that overlap with the above grounds of appeal.

### **Responses**

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

The applicant has responded to these grounds. They begin by describing the site within its context and by emphasising that their proposal would remove a non-conforming use from this site and fulfil the residential zoning objective for it. They also provide a chronology of the pre-application consultations that were undertaken in conjunction with their evolving proposal and the subsequent application stage. They then proceed to respond to the above cited grounds of appeal as follows:

#### Appellants (a)

- The strip of land in question was to be used for the purpose of a connection to the public sewer. However, another route has been identified and agreed with the City Council's Drainage Section, thereby obviating the need to use the said strip.

- The proposed apartment would be amended by setting back the first floor element of the stair core by 1.8m from the boundary with No. 24. (The single storey element would coincide in height with the adjoining boundary wall to this property). This set back would relieve the impact of this apartment upon the lighting and outlook of the living room window. (The amenity afforded by this window needs to be assessed against the pre-existing backdrop of the ten storey Gasworks structure to the south of the site).

#### Appellants (b)

Attention is drawn to the inclusion of seven households who reside in some of the dwelling houses within the range of Nos. 47 – 61 Gordon Street. These dwelling houses would be unaffected by the proposal.

- The site is not a backland one as it has its own means of access from South Lotts Road that was legally confirmed at the further information stage. Rather this site is a deserted builder's yard, wherein there is a pressing need for redevelopment to remove the eyesore that it represents when viewed from South Lotts Road and the rear of dwelling houses on Gordon Street.
- Concerns over visual intrusion are misplaced as the proposal is one that design-wise has been well considered. To link such intrusion to views afforded by existing windows to extended dwelling houses on Gordon Street, some of which are on the common boundary, is entirely misplaced.
- Concerns over noise are misplaced as the site was last used as a builder's yard, a use that were it to be resumed would be considerably noisier than the proposed residential use.
- The proposal would provide each of the dwellings with 38 sq m, an amount that would both meet CDP standards and compare favourably with the open space available to residents of the adjacent dwelling houses on Gordon Street.
- The lighting of the proposed courtyards needs to be assessed on the basis that they would adjoin ground floor bedrooms, whereas the first floor roof terraces would adjoin living and dining rooms that would have southerly orientations and enjoy direct sunlight.
- The car parking provision would be appropriate and the clearance height of the proposed entrance would facilitate the attendance of emergency vehicles in accordance with Part B requirements.
- The appellants' sustainability argument amounts to a quest on their part to reserve the site for their future use for rear yard extensions. Approaches

from residents were not forthcoming prior to the making of the current application. The applicants/owners of the site are of course entitled to develop it under the constitution and in accordance with relevant laws and regulations.

- The applicant undertakes to protect the sewer identified by the appellants.

### **Responses to responses**

#### Appellants (a)

- Satisfaction is expressed that the applicant has overcome the appellant's first ground of appeal.
- While the amendment of the apartment is welcomed, a further revision is requested to ensure that a 45 degree angle from the top of the boundary wall is achievable.

#### Appellants (b)

- Contrary to the applicant's contention, the site would be a backland one as it accords with the definition of a backland site given in the CDP.
- The appellants were entitled to extend as they have done to improve the level of accommodation available to them. The applicant's thoroughness in refining the design of their proposal is not questioned, only the inevitable proximity of the proposed dwellings which would have an adverse impact upon residential amenity and hence property values.
- The appellants' noise concern is legitimate as normally residential development entails the abutment of rear gardens rather than a scenario within which rear gardens would adjoin a public street. Furthermore, any new use proposed for the site would need to be assessed in the light of its residential zoning objective.
- Inter-visibility would arise between existing first floor bedroom windows and proposed ground floor ones over short distances, i.e. c. 10m.
- The appellants' argument concerning the site was not based on any sense of entitlement but rather the need to ensure that the residential use of the dwelling houses on Gordon Street is sustainable into the future, thereby safeguarding the residential conservation area designation of the Street.
- That a transitional zone can exist where Z1 and Z2 zones abut was established by the Board's decision on PL29N.245898.

- The applicant does not address the need for both public/communal open space and private open space.
- The applicant does not contest the appellants' assessment of overshadowing of the proposed courtyards.
- Emergency vehicles would only be able to enter the site as far as the proposed car park.
- Questions of sustainability are applicable not only to the applicant's site but to the adjoining residential properties of the appellants as well.

### **Observers**

(a) Cllr. Dermot Lacey: Support expressed for appellants (b).

(b) Cllr. Andrews & Others: Support expressed for appellants (b).

### **Planning history**

- PAC 0062/14 occurred on 21<sup>st</sup> February 2014.
- PAC 0194/15 occurred on 20<sup>th</sup> April 2015.

### **Development Plan**

Under the Dublin City Development Plan 2011 – 2017 (CDP), the site is shown as being in an area zoned Z1, wherein the objective is "To protect, provide, and improve residential amenities." The adjoining area to the north, which encompasses Gordon Street, is a residential conservation area and the former gasometer super-structure to the south is a protected structure. Section 17.9.5 of the CDP addresses back land development.

### **National planning guidelines**

Sustainable Residential Development in Urban Areas Guidelines

### **Assessment**

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

- (i) Land use,
- (ii) Amenity,
- (iii) Development standards,



(iv) Infrastructure, and

(v) AA.

**(i) Land use**

1.1 The site was originally used as a rope works. While it is presently vacant, this site was last used as a builder's provider's yard. This use was accommodated in a substantial single storey building sited towards the centre of the elongated site and in attached ancillary buildings sited forward of this one. It also entailed the open storage of materials within the site. Access was through a pair of gates and across a paved area that adjoins South Lotts Road. Signage in connection with this last use of the site is still insitu on the main building, on one of the gates, and on the exposed northern side elevation to the detached dwelling house that adjoins the entrance to the site. It provides evidence to the effect that this last use ceased in the recent past.

1.2 The CDP shows the site as zoned Z1, sustainable residential neighbourhoods. Gordon Street to the north is zoned Z2, residential neighbourhoods (conservation areas), while the redeveloped site to the south, which includes the ten storey Gasometer Apartments, is also zoned Z1.

1.3 Under RL3420, the use of a site as a builder's providers was held to be a retail use. Under Z1, retail uses are only permissible if they take the form of a shop (local). (No shops are cited under those uses "open for consideration"). A builder's providers does not come within the CDP's definition of such a shop and so it is a non-conforming use.

1.4 The proposal would entail the redevelopment of the site to provide a residential after use. Under Z1, residential use is permissible. Thus, this proposal would provide an opportunity for a non-conforming use to be replaced by one that would be permissible. In the absence of such replacement, the previous use could, presumably, resume, as there is no evidence before me to suggest that it was either unauthorised or that it has been abandoned.

1.5 Appellants (b) draw attention to the site's zoning, which differs from that of Gordon Street. They thus contend that the site should be regarded as a transitional zone area and they cite the Board's decision on PL29N.245898 as an example of a case wherein such an area was recognised as pertaining to a Z1 and Z2 interface.

1.6 Section 15.9 of the CDP addresses transitional zone areas. It is evident from this Section that such areas entail zonings of environmentally less sensitive and more sensitive areas. In the case of the appeal site, it is the subject of a residential zoning, as is the adjoining zoning to the north and so I consider that, in terms of

land use, they are on a par with respect to their sensitivity. The case cited by the appellants (b) referred to the proposed introduction of multi-storey student accommodation into a context of traditional housing and questions of abrupt changes in scale predominated. While these factors are not replicated in the present case, I will discuss the question of relative scale under the second heading of my assessment.

1.6 Appellants (b) state that the Z2 zoning of Gordon Street means that conservation of the dwelling houses on this Street is linked to ensuring their on-going sustainability. In this respect, they interpret the planning authority's approach to domestic extensions to these dwelling houses as being one that accepts the priority of ensuring that households can enjoy more space. To the west of the site, strips of what appears to have been the former rope works have been incorporated into the rear yards of adjoining dwelling houses on Gordon Street and the appellants suggest that the continuation of this pattern of development would be in the interests of sustainability and hence conservation.

1.7 I am not persuaded that the said link between sustainability and conservation is tenable. Thus, while existing households may understandably seek additional space, I do not consider that in the absence of such space, there would be any difficulty in the dwelling houses remaining in residential use, given the popularity of the South Lotts area as a place to live.

1.8 Appellants (b) draw attention to the site's position as a back land one. The applicant contests this description of the site, insofar as it is directly accessible off South Lotts Road. Under Section 17.9.5 of the CDP, back land development is defined as "development of land that lies to the rear of an existing property or building line." During my site visit, I observed that the site fronts onto South Lotts Road by means of the paved area that adjoins this Road and the pair of entrance gates that are situated towards its eastern extremity. I also observed that it lies behind a terrace of dwelling houses along its entire northern boundary and again along the western end of its southern boundary. Given these factors, I consider that it is fairly described as a back land site.

1.9 I conclude that the proposal would provide an opportunity for a non-conforming use to be replaced by a permissible one, albeit on a back land site wherein the relationships that would emerge with pre-existing adjacent dwelling houses need to be assessed.

## **(ii) Amenity**

2.1 The north north eastern boundary of the site abuts the rear yards/rear extensions of the terrace of dwelling houses on the southern side of Gordon Street. These dwelling houses are at Nos. 65 – 101 (odd, inclusive). They

comprise 21 dwelling houses (The former property at No. 99 was redeveloped to provide 3 dwelling houses). To the rear, the majority of these dwelling houses have extended either by means of single storey or two storey rear extensions that cover part or all of the original rear yards. First floor extensions tend to replicate the footprint of the ground floor ones beneath, although there are instances of them having smaller footprints and the specification of formal/informal roof terraces/balconies in conjunction with the same. There are also instances of rear dormer window extensions. Thus, for the majority of dwelling houses, the quest for additional internal space has taken precedence over the retention of original rear yards.

2.2 The north eastern corner and the eastern boundary of the site abut No. 24 and Nos. 20 and 24A South Lotts Road, respectfully. The former property is in use as a make-up studio, while the latter properties are in use as a dwelling house and a hairdresser's. (An ESB sub-station adjoins the southern side of No. 24B). These properties would abut the proposed on-site car park. Appellants (a) draw attention to a ground floor living room window that would have been adversely impacted upon by the stair core housing to the proposed first floor apartment above the entrance. However, at the appeal stage, this element has been stepped back at first floor level, thereby effectively alleviating the said impact.

2.3 At the western end of the site, the southern boundary abuts the most easterly 4 part single/part two storey dwelling houses, known as Pidgeon House. These dwelling houses lie to the south south west of the site. They do not maintain any openings that are orientated towards the site. In this respect, the projecting triangular first floor window in each of the western elevations presents a short side to the site, but this is not glazed.

2.4 In the light of the foregoing, I consider that the proposal's impact upon the amenity of the terrace to the north of the site needs to be assessed. During my site visit, I observed that the ten storey Gasometer Apartments, which lies to the south of the site, dominates the immediate area and, due to its size has a range of significant impacts upon the lighting of and outlook from the site and the adjoining residential properties on Gordon Street. Likewise, the presence of the more substantial of the existing buildings on the site, which, although single storey has a parapet height that is similar to the eaves height of the adjacent two storey dwelling houses on Gordon Street, has a more localised range of impacts upon the lighting of and outlook from the said dwelling houses opposite. Clearly, too, if the site was to resume its last use then there would be a range of noise and disturbance impacts resulting from, especially, the attendance of delivery vehicles and the movement of materials by fork lift truck or the like within the area of open storage. These factors then form the baseline to any assessment of the current proposal.

- 2.5 The appellants (b) express concern that the proximity of the proposal to the dwelling houses on Gordon Street would be such that it would be visually intrusive and it would lead to both overshadowing and overlooking, with a consequent loss of privacy. They also express concern that the proposed street alongside rear residential boundaries would lead to noise and disturbance.
- 2.6 The applicant has responded to these concerns by drawing attention to the eyesore that the vacant appeal site presently represents and to the well-considered nature of the design of their proposal, which would thereby not be visually intrusive or the cause of overlooking. They also dismiss the concern over noise and disturbance on the basis that the proposed residential use would be quieter than any resumed use of the site as a builder's providers.
- 2.7 At the application stage, the applicant's submitted a shadow analysis of their proposal, which illustrates that the combined presence of the Gasometer Apartments and the substantial existing building on the site leads to considerable overshadowing of the eastern half of the site, especially, and that this would persist and increase slightly with the construction of the proposed part two/part three storey dwelling houses. This analysis also illustrates that the construction of the proposed part single storey/part two storey dwelling houses in the western half of the site would lead to an increase in the overshadowing of residential properties on Gordon Street from mid-afternoon on.
- 2.8 The submitted plans show the upper floors of the proposal and the original rear elevations of the dwelling houses on Gordon Street (Nos. 65 – 97 (odd, inclusive)) as being separated by between 5.9m and 8.6m. These distances tighten where there are existing first floor rear extensions to between 3 and 4m, i.e. at Nos. 69, 71, 75, 93, and 95. At Nos. 69 and 71 the first floor rear extensions are accompanied by roof terraces, at No. 75 there is a first floor window in the rear elevation on the boundary, and at Nos. 93 and 95 the rear elevations are blank.
- 2.9 There are three rear yards that have not been extended over, i.e. at Nos. 67, 79, and 97. The former two would correspond with proposed part single storey/part two storey dwelling houses, while the latter would correspond with proposed part two storey/part three storey dwelling houses. The first floor roof terraces would be enclosed on their northern sides by a brick wall that would represent a continuation in the ground floor elevation to a height of 4.5m compared to the 6m height of the two storey part. The part two/part three storey dwelling houses would have heights of 6m and 8.7m.
- 2.10 In the light of the foregoing descriptions and exchanges between the parties, I consider that the issues of overlooking, obtrusiveness, and overshadowing need to be considered further.

- With respect to overlooking, the design of the proposed dwelling houses would ensure that there are no habitable room windows at upper floor levels that would face north and that first floor storeys would project forward and thus overhang, by 0.7m, the ground floor habitable windows that would face north. However, the submitted site sections and elevations (drawing no. PP.13) illustrate that the relationships that would ensue between the proposed ground floor habitable room windows, which would serve the bedrooms denoted as no. 2, and existing first floor habitable room windows, roof terraces/balconies, and rear dormer window extensions would be only marginally relieved by this overhang. Thus, lines of sight would persist that would lead to overlooking and a loss of neighbour privacy across the northern boundary to the site. While the proposal would entail landscaping both forward of the said bedroom windows and beside this boundary, I am not confident that the opportunity exists to mitigate sufficiently by landscaping the said lines of sight, without exacerbating the other issues discussed below. I, therefore, consider that the proposed dwelling houses are in need of redesign work to overcome this issue.
- With respect to obtrusiveness, I consider that the proposed third storeys to the type A dwelling houses would be unduly overbearing and that, notwithstanding the backdrop of the Gasometer Apartments, their proximity to the rear elevations of the dwelling houses at Nos. 89 – 97 (odd, inclusive) would lead to an excessive sense of enclosure from the outlooks to habitable room windows and rear yards. I, therefore, consider that these storeys should be omitted and the dwelling houses re-specified as dwelling houses type A1.
- With respect to the latter, I recognise that the aforementioned variation in the height of the part single storey/part two storey dwelling houses would marginally relieve the extent of overshadowing. The siting of the two entirely open rear yards would benefit accordingly. However, overall, additional overshadowing would ensue.

2.11 I conclude that the proposal would entail the siting of dwelling houses in close proximity to existing dwelling houses on Gordon Street. The relationships that would ensue between the proposed windows to the bedrooms denoted as no. 2 and the matrix of upper floor habitable openings and spaces in the rear elevations of adjacent dwelling houses on Gordon Street would lead to overlooking and a loss of privacy to neighbours across the northern boundary of the site. The third storeys to the dwelling houses denoted as type A would be unduly obtrusive. The proposal would lead to an increase in the overshadowing of existing dwelling houses adjacent to the western half of the site, especially. While I recognise that these impacts would be offset by the

replacement of a retail use of the site, with attendant noise and disturbance impacts, in favour of a residential one that would accord with its Z1 zoning, I do not consider that they would be offset sufficiently and so the proposal as submitted would be incompatible with the maintenance of the residential amenities of adjacent dwelling houses on Gordon Street. Insofar as neighbour privacy would be adversely affected, this impact would be felt by future residents of the proposal, too.

**(iii) Development standards**

3.1 The proposal would entail the provision of 10 residential units on a site of 0.15 hectares. This level of provision would represent a density of 66.66 residential units per hectare. Under the Sustainable Residential Development in Urban Areas Guidelines, sites that are within 0.5 km of a bus stop or 1 km of a DART station should have a minimum net density of 50 residential units per hectare. The appeal site would meet these public transport parameters and so its density would be appropriate, in principle, under these Guidelines.

3.2 Under the CDP, plot ratio and site coverage factors for development on Z1 sites are set out, i.e. 0.5 – 2.0 and 45 – 60%. The proposal would exhibit a plot ratio of 0.8 and a site coverage of 60% and so it would comply with these factors.

3.3 The proposed dwelling houses would provide a mix of types and sizes of accommodation as follows:

- Type A1: unit 1: three-bed with floorspace of 102 sq m,
- Type A: units 2 – 4: four-bed with floorspace of c. 132 sq m,
- Type B: units 5 – 8: three-bed with floorspace of 106 sq m, and
- Type C: units 9: three-bed with floorspace of 114 sq m.

The proposed apartment, as revised, would have two bedrooms and a floorspace of 88.6 sq m.

3.4 Under Table 5.1 of the Quality Housing for Sustainable Communities Best Practice Guidelines, dwelling houses of type A1, A, and B and the apartment would have insufficient aggregate living space for their bedroom spaces. This would be relieved somewhat by the siting of first floor roof terraces/balcony directly off living rooms. Dwelling houses types A1 and A would have a significant shortfall of internal storage space.

3.5 The appellants (b) draw attention to the absence of public and communal open space from the proposal and they critique the court yards to each of the proposed dwelling houses on the basis that they would be overshadowed. The

applicant has responded by stating that the proposed dwelling houses would be in a similar position to the existing dwelling houses on Gordon Street with respect to the provision of public and communal open space. They also state that the court yards would adjoin ground floor bedrooms, whereas the first floor roof terraces would adjoin living rooms.

- 3.6 Under CDP standards, private open space in inner city locations should be provided on the basis of 5 – 8 sq m per bedspace. If this standard is applied to the proposed dwelling houses, then in the case of type A the combined area of court yard and roof terrace would at 27.6 sq m be towards the lower end of this range for five/six bedspace residential units. This would be relieved if the third storey were to be omitted as discussed under my second heading. The remaining dwelling houses would comfortably comply with these standards.
- 3.7 The proposed court yards would be poorly lit, due to their enclosed siting and the proximity of The Pidgeon House and a row of ancillary buildings to the south. Consequently, their amenity value would be limited. Given their siting off bedrooms their utility value would likewise be limited.
- 3.8 The proposal would represent in principle an appropriate density of development. Internally, whereas the provision of space would generally be good, dwelling houses of type A and A1 would have insufficient storage space. The proposed court yards would, due to their siting, be of limited amenity/utility value. I, therefore, conclude that the proposal would fall short of several quantitative and qualitative development standards.

#### **(iv) Infrastructure**

- 4.1 The proposal would entail the provision of a car park at the eastern end of the site adjacent to the entrance from South Lotts Road. This car park and entrance is shown on submitted drawing no. F013-005 (revision A). It would provide 9 spaces and the entrance way would extend across a paved area to South Lotts Road, where adequate sightlines would be available in either direction.
- 4.2 A space within the proposed car park would be reserved for use as a communal bin storage area. The space itself approximates in area to a car parking space. Its adequacy for the said use has not been demonstrated by the applicant.
- 4.3 Each of the dwelling houses would be provided with two bicycle stands that would be sited in positions adjacent to the footpath along the northern boundary of the site. The application is silent on whether this footpath would be lit. I consider that some form of low level lighting would be appropriate.
- 4.4 The Appellants (a) originally objected to the line of the proposed connection to the public sewer across the paved area in front of the properties at Nos. 24 and

24B South Lotts Road. The applicant has agreed a revision in the route of this connection with the City Council's Drainage Section and so this objection has been overcome.

4.5 The appellants (b) draw attention to the line of a sewer that passes through the site alongside its northern boundary. They request that this line be protected. The applicant has agreed to this.

4.6 I conclude that the infrastructure aspects of the proposal would, subject to some clarification of details with respect to bin storage facilities and lighting, be satisfactory.

#### **(v) AA**

5.1 The current proposal is for the redevelopment of a site, which is connected to existing mains services. This site does not lie within a Natura 2000 site and I am not aware of any source/pathway/receptor route between it and the nearest such sites in Dublin Bay. Accordingly, I do not consider that the use in question would have any significant effects upon the Conservation Objectives of the said sites.

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

#### **Conclusion**

I conclude that, whereas the proposal would represent an opportunity to remove a non-conforming use from the site and fulfil the zoning objective for the same by the provision of new housing in an area where such housing is needed, the proposal as submitted would pay insufficient attention to safeguarding the residential amenity of adjacent dwelling houses to the north. I consider that the site has the potential to provide housing that would ensure the maintenance of such amenity. However, any redesign of the existing proposal to achieve this objective would, in my view, go beyond clearly identifiable amendments that would be amenable to condition. Thus, while the overbearing aspect of the proposal could be relieved by the omission of the third storeys from the type A dwelling houses, the issues of overshadowing and overlooking would remain.

#### **Recommendation**

In the light of my conclusion, I recommend that the proposed demolition of existing storage and other incidental buildings and the construction of a residential development with a total of 10 residential units consisting of 3 three storey four-bed



dwelling and 6 two storey three-bed dwellings in a single terrace with court yards at ground level and 1 two-bed apartment at first floor level fronting South Lotts Road all with balconies/roof gardens at first floor level with central car parking area and ancillary site works all on site of 0.15 hectares at 20B – 22 South Lotts Road, Ringsend, Dublin 4, be refused.

### **Reasons and considerations**

Due to its height, design, and proximity to adjoining residential properties to the north of the site, the proposal would lead to overlooking and a consequent loss of neighbour privacy, it would be overbearing and thus, when viewed from the said properties, it would be visually obtrusive and it would lead to a heightened sense of enclosure at the same, and it would cause an increase in the overshadowing of these properties. The proposal would therefore be seriously injurious to the amenities of properties in the vicinity of the site. Conversely, the said loss of neighbour privacy would militate against the establishment of a satisfactory standard of amenity to future occupiers of the proposed residential units. The proposal would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison

Inspector

10<sup>th</sup> June 2016