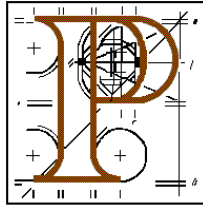


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29N.246724

Development: Demolition of existing structures on site and construction of 2 no. 3-storey blocks comprising 4 no. houses and all associated site works at No. 219 Richmond Road and No's. 2-4 Convent Road, Fairview, Dublin 3.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 2540/16
Applicant: LDC Developments
Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): LDC Developments
Type of Appeal: First party
Observers: (i) William & Mary Burns
(ii) Linda O'Dwyer and others
Date of Site Inspection: 13th August 2016

Inspector: Donal Donnelly

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located at the northern corner of Richmond Road and Convent Avenue in Fairview approximately 1.9km north-east of Dublin city centre. Richmond Road connects Fairview to the south-east of the site to Drumcondra to the north-west. The road is aligned with mostly houses and apartments, as well as some commercial developments. There are a number of side streets off the northern side of Richmond Road, including Convent Avenue, which provides access to St. Vincent's Hospital.
- 1.2 The site is rectangular shaped with frontages of 12.5m and 45m onto Richmond Road to the south-east and Convent Avenue to the south-east respectively. The stated area of the site is 573 sq.m. There are a number of low rise buildings/ sheds on site and the surface is concreted. It appears that the site was in commercial use and is now disused.
- 1.3 The site is fenced off and there are vehicular access gates onto Convent Avenue. The level of the site is slightly above the footpath on Richmond Road and there is no footpath along the Convent Avenue frontage. A 3-storey terrace of period dwellings adjoins the appeal site on Richmond Road to the north-west and to the rear on Convent Avenue are 2-storey semi-detached dwellings. On the opposite corner is a 2-storey dwelling with open space to the rear below street level. There is a 4-storey apartment development opposite the site on Richmond Road.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development comprises of the following main elements:
- Demolition of existing structures on site;
 - Construction of 2 no. 3-storey blocks comprising of the following:
 - 1 no. 4-bed townhouse with floor area of 130 sq.m.;
 - 3 no. 3-bed townhouses with floor areas of 141.4 sq.m., 116 sq.m. and 111 sq.m.;
 - Provision of individual walled gardens at ground level and/ or private roof gardens;

- Provision of 1 no. vehicular access off Richmond Road and 3 no. accesses off Convent Avenue to 2 no. car parking spaces each (8 no. in total).
- Reinstatement of original public footpath;
- All associated works to facilitate the proposed development.

3.0 PLANNING HISTORY

Appeal site

Dublin City Council Reg. Ref: 3219/16

3.1 LDC Developments Ltd. was issued notification of decision to refuse permission on 22nd August 2016 for development on this site consisting of:

- Demolition of existing structures;
- Construction of 3 no. dwellings, comprising 1 no. 2-storey, 2-bedroom detached dwelling and 2 no. 3-storey semi-detached dwellings (1 no. 3-bed and 1 no. 4-bed);
- 3 no. new vehicular entrances on Convent Avenue with on-site car parking for each dwelling;
- Private amenity space comprising, for House 1: garden at ground level, screened terrace and balcony at 2nd floor level, and rooftop terrace; for House 2: garden at ground level and screened terrace at 2nd floor level and for House 3: garden at ground level;
- Reinstatement of original public footpath;
- SuDs drainage and all associated works necessary to facilitate the development.

3.2 The single reason for refusal stated that *“the proposed development, by reason of its layout and its proximity to Richmond Road and general deficiency in terms of quality useable private open space provision, would represent the overdevelopment of the site which would be visually obtrusive in the streetscape and would seriously injure the amenities of future occupants. The proposed development would seriously injure the amenities of property in the vicinity and the visual amenities of the area and would, therefore, be*

contrary to the proper planning and sustainable development of the area.”

- 3.3 The total floor area of this development is 423 sq.m. and the total number of bedspaces is 14 (excluding studies). The scale and bulk of this development is broadly the same as that which is now under appeal save for a roof element and the 2-storey height of Block B.

Dublin City Council Reg. Ref: 5709/06 (PL29N.221578)

- 3.4 The Board upheld to Council's decision to refuse permission for the construction of a 2 to 5 storey building comprising 2 no. retail units, 14 no. apartments and all associated site development works.
- 3.5 It was stated under the first reason for refusal that “...*the proposed development by reason of its bulk, density, proximity to Richmond Road and general lack of private open space, would represent overdevelopment of the site which would seriously injure the amenities of future occupants and would give rise to significant overlooking and overshadowing of adjoining residential dwellings...*”.
- 3.6 The second reason states that adequate parking has not been provided within the curtilage of the site and this would result in on-street parking and traffic congestion.
- 3.7 A proposal for 13 no. apartments was put forward at appeal stage. This development would have been up to 4 storeys in height and 18.51m above ground level. Ten parking spaces were proposed and the corner retail unit had a floor area of 77 sq.m. Two roof gardens were proposed (94.3 sq.m. and 116.6 sq.m.), as well as balconies to the apartments. The density of this proposal would have been 237 dwellings per hectare.

Dublin City Council Reg. Ref: 4226/08 (PL29N.232653)

- 3.8 The Board overturned the Council's decision and refused permission for the development of a 2 to 5 storey building comprising:
- 1 no. ground floor retail unit (108.4 sq.m.) fronting Richmond Road;
 - 9 no. apartments at ground to 4th floor levels with balconies and roof terraces;
 - 8 no. car parking spaces at ground and basement levels accessed from Convent Avenue.

- 3.9 The Board's first reason for refusal was the same as PL29N.221579 above. Under the second reason, it was stated that *"the proposed car parking arrangements including the use of a car stacking system would lead to queuing of cars and would also lead to reversing movements onto the road in close proximity to the corner with Richmond Road. The proposed development would, therefore, tend to create serious traffic congestion on Convent Avenue and the adjoining narrow street which provides the sole access to Saint Vincent's Hospital."*
- 3.10 The development, as amended at further information stage, would have stepped down from 5-storeys at the southern corner to 2-storeys adjoining No. 6 Convent Avenue. Ten car parking spaces in stacked pairs were also proposed. The density of this development would have been 164 units per hectare.

Nearby sites

Dublin City Council Reg. Ref: 3086/12

- 3.11 Permission was granted for amendments to previously granted Reg. Ref: 2273/10, to reduce the granted development from 7 no. 2-bed 3-storey townhouses with roof terraces to 6 no. 2-bed 3-storey townhouses with roof terraces, and re-alignment of 4 townhouses with roof terraces to run in line with existing two units as constructed, all facing onto Richmond Road with vehicular access at the front from Richmond Road and vehicular access for 1 unit to the rear from Waterfall Avenue and all associated site works and boundary treatments, all at site formerly known as Mount Auburn, 151 Richmond Road and 149 Richmond Road, Dublin 3.

Dublin City Council Reg. Ref: 2443/09 (PL29N.234609)

- 3.12 Permission was sought for the demolition of all existing structures and the construction of a five storey / part four storey / part three storey / part two storey residential development consisting of three blocks over basement car park at a 0.4091ha site at 207, 209 and the rear of 211 Richmond Road, no's. 6-9, 21 and 21A ('Anneville') Convent Avenue and 'Rose Cottage', Convent Avenue, Fairview, Dublin 3.
- 3.13 In total, 77 no. residential units and a crèche were proposed on a site that wraps around the appeal site and adjoining dwellings to the north-west on Richmond Road. The Board granted permission subject to conditions which included a reduction in the number of units.

- 3.14 This proposal followed an earlier refusal on this site for a total of 81 units under Reg. Ref: 4976/08.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- 4.1.1 Under the assessment of the application, it is stated that the principle of the proposed development is acceptable and that the density complies with the standards of the Development Plan.
- 4.1.2 It is considered that the proposed house design is generally attractive and would be in keeping with the area but there are concerns that the building juts forward of no. 213 Richmond Road. The partly blank west façade, the 2.4m high wall to the front and the prominent rooftop element are considered to read as overdevelopment that would be visually obtrusive.
- 4.1.3 In terms of housing standards, the overall floor areas exceed DELG targets; however, it is noted that aggregate living areas and minimum living room spaces and widths do not meet these standards.
- 4.1.4 It is stated that there is potential for overlooking of the rear garden of No. 223 Richmond Road from south-east facing windows and the rooftop terrace, but not to a detrimental extent. House 3 is also considered to overlook the garden of House 4 within the development. It is considered that Block A has been designed to reduce undue overshadowing of No. 213; however, Block A would overshadowing its own private open space and a reduction in the scale of Block B would be required to reduce its impact on No. 213.
- 4.1.5 The Roads and Traffic Planning Division states that the proposal may preclude road widening and environmental improvements at this location, as highlighted in the Development Plan and Richmond Road Action Area Plan. Furthermore, the proposed access onto Richmond Road is not acceptable due to the associated reversing movements and the constricted nature of this road. It is advised that all car parking should be provided from Convent Avenue. The depth of the proposed car parking is also a concern.
- 4.1.6 The viability of House 2 is in question and it is noted that Houses 1, 3 and 4 do not have sufficient rear private open space. It is therefore considered that the proposal results in overdevelopment of the site.

4.1.7 It is considered that the 2.4m boundary treatment onto Richmond Road would be visually intrusive in the streetscene and detrimental to the visual amenities of the area.

4.2 Planning Authority Decision

4.2.1 Dublin City Council issued notification of decision to refuse permission for the proposed development for five reasons.

4.2.2 Under the first reason it is stated that the proposed development represents overdevelopment that would be visually obtrusive in the streetscape and would seriously injure the amenities of future occupants due to a general deficiency in usable private open space provision, and of adjoining residents due to overlooking and overshadowing.

4.2.3 The second reason reiterates that the proposal results in inadequate rear private open space and would therefore be contrary to Section 17.9.1 (A3) of the Development Plan.

4.2.4 The third reason states that the proposed development fails to meet minimum living room and aggregate living area sizes, and under the fourth reason it is considered that the proposal may preclude the future widening of Richmond Road.

4.2.5 It is considered under the final reason that the proposed car parking and access arrangements would result in reversing movements and overhanging of the footpath on Richmond Road that would result in a traffic hazard.

5.0 GROUNDS OF APPEAL

5.1 A first party appeal has been lodged on behalf of the applicant against the Council's decision. The Board is asked to consider an amended proposal submitted with the appeal which includes the following:

- Number of bedrooms in House 1 reduced from 4 no. to 3 no. and private open space increased from 36 sq.m. to 47 sq.m.
- Number of bedspaces within House 2 reduced from 6 no. to 4 no.

- 5.2 The appellant is also willing to accept a condition that omits the top floor of House 4, thereby reducing the number of bedrooms from 3 no. to 2 no.
- 5.3 The grounds of appeal and main points put forward in the appeal submission can be summarised as follows:
- Provision of 4 no. dwellings at this site makes efficient use of serviced land with a design composed to minimise impact on amenities of adjacent dwellings.
 - Proposal is in line with national policy to promote increased densities in proximity to the city centre.
 - Subject site is zoned for residential development subject to the need to protect and/ or improve the amenities of residential conservation areas.
 - Proposal is supported by Development Policy SC28 which seeks *“to promote quality in architecture and urban design so that the citizens of Dublin can enjoy the highest quality built environment. This relates not only to the creation of new landmarks where appropriate, but more excellence in the ordinary.”*
 - Proposed development provides housing choice within an established urban area.
 - Proposed development has been designed to provide its occupants with a high standard of residential amenity in the context of an established urban setting.
 - Proposed development exceeds the minimum standards set out in the Guidelines in terms of room areas, overall area, room widths and storage spaces.
 - All habitable rooms are provided with natural light and other spaces including hallways and bathrooms are also afforded natural light. Kitchens are dual aspect and bathrooms exceed the minimum floor area standard.
 - Amended proposal is marginally below the private open space areas normally required by the Council; however, floor areas significantly exceed the minimum and the site is located close to the city centre. Amended proposal also exceeds minimum standards in the Draft Development Plan for the outer city (10 sq.m. per bedspace). Reduced private open space provision

was accepted at no's. 149 & 151 Richmond Road (Reg. Ref: 3086/12)

- Proposed development, in terms of built form and scale is consistent with the emerging character and gentrification of the area, representing efficient use of zoned and serviced land close to the inner city district.
- Proposed dwellings have been designed to respect the modest form and scale of adjoining dwellings and will be finished to a high architectural standard.
- Plot ratio and site coverage are below the indicative range for Z1 outer city sites.
- Overlooking would be passive in nature and would not result in unacceptable dis-amenity to the residents of No. 223. Omission of top floor of House 4 would address any concerns as regards to perceived loss of sunlight or outlook from No. 213.
- There is potential for the provision of public open space at nearby sites that have the potential for residential development.
- Given the pattern of development in the area, including building lines, recently approved dwellings and protected structures on Richmond Road, the Development Plan road scheme for Richmond Road is impracticable.
- 6 no. dwellings with entrances onto Richmond Road were granted under Reg. Ref: 3086/12.
- Amendment of House 4 to a 2-bed unit would reduce car parking requirement to 1 no. space.
- 1 no. entrance onto Richmond Road is considered to be a reasonable design response for a 12.5m frontage.

6.1 Planning Authority response

- 6.1.1 In response to the first party appeal, the Council states that it has no further comment to make and considers that the Planner's Report on file adequately deals with the proposal.

6.2 Observation

6.2.1 Two observations on the appeal have been received from residents of Convent Avenue. The main points raised in these submissions are summarised as follows:

William & Mary Burns, 1 Convent Avenue & 231 Richmond Road

- The density of the proposed development is three times over the current Development Plan standard for the outer city at 164 (sic) dwellings per hectare, which is on a par with the Customs House Dock development.
- Roof gardens will overlook into the front gardens of existing dwellings on Convent Avenue.
- Applicant has not addressed overshadowing of adjoining properties as raised previously.
- There is no designated disabled parking.
- Convent Avenue is very narrow with double yellow lines on both sides and is the main entrance to St. Vincent's Hospital.
- There is no on-street parking on Convent Avenue and Richmond Road is a clearway Monday – Saturday 7am-10am and 4pm-7pm. Proposed parking on site would create a traffic hazard and reduce the level of residential amenity of current residents and patients/ visitors to the hospital.
- One of the five reasons for refusing Reg. Ref: 5213/06 at Richmond Lodge was that the hospital authorities will not facilitate construction or ancillary traffic on their grounds.
- Proposed development is outside the 500m radius of a QBC or rail.
- Proposed footpath that the parked cars will reverse out onto has no peripheral visibility. Planning application did not contain a safety audit for pedestrian and road users on Convent Avenue.
- Sight line distances for cars exiting Convent Avenue are severely restricted.
- Proposed open space is poor quality and does not provide a suitable children's play area – St. Vincent's Hospital is not a public space. Closest public space is Fairview Park.

- The provision and storage of waste has not been adequately dealt with in the application.
- There is a severe overloading of the sewer along Richmond Road and there will be increased pressure on existing mains drainage in times of flooding. Fresh water pump should be installed to ensure current water pressure is maintained.
- There is no traffic management plan for the construction phase of the development and there should be time restrictions on construction works.
- Conditions should be attached to ensure that each house is used as a single family dwelling and the proposed works are carried out to ensure the continuing stability of adjoining structures.
- Proposed development is incompatible with the zoning objective.
- A condition of planning permission should be that adequate funds are provided by the developer to monitor the impact of the proposed development on Observers' homes, with any damage being rectified.

Linda O'Dwyer & Berni Fleming and Kevin & Marina McKenna, 4 & 5 Convent Avenue and 231 Richmond Road

6.2.2 This submission largely contains similar points to the points raised above. In addition, the Board is asked to note the reasons for refusal attached to Reg. Refs: 5213/06 and 4226/08. It is also highlighted that an additional application for development on the appeal site was lodged in June 2016 (Reg. Ref: 3219/16).

7.0 POLICY CONTEXT

7.1 Development Plan

7.1.1 Within the Dublin City Council Development Plan, 2011-2017, the appeal site is zoned Z1, where the objective is *“to protect, provide and improve residential amenity.”*

7.1.2 Section 17.9 contains standards for residential accommodation. It is stated that all infill housing should:

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.
- Comply with the appropriate minimum habitable room sizes.
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

7.1.3 There is a Road Scheme and Bridges Objective pertaining to Richmond Road.

7.2 Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities

7.2.1 Infill residential development is recognised in these Guidelines for its potential to accommodate increased residential densities. It is stated that *“in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.”*

7.2.2 It is also noted that *“the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.”*

8.0 ASSESSMENT

8.1 Planning permission is sought for the construction of 4 no. 3-storey street fronting dwellings at a vacant site located at the corner of Richmond Road and Convent Avenue in Fairview. Convent Avenue provides the only access to St. Vincent’s Hospital and Richmond Road connects Fairview to Drumcondra. There is a mix of apartments and dwelling houses in the surrounding area, together with commercial and community uses.

8.2 This is the third application that has been appealed on this site in recent times. The Board upheld the Council’s decision to refuse permission in July 2007 (PL29N.221578), for a 2-4 storey building comprising a retail unit and 13 no. apartments for reasons relating to lack of private open space, overdevelopment, overlooking and overshadowing, and inadequate parking. The Board then

overturned the Council decision in July 2009 and refused permission (PL29N.232653), for a ground floor retail unit and 9 no. apartments. The Board had similar concerns with this application and with a proposed car stacking system that would have had the potential to result in queuing on the narrow access street to St. Vincent's Hospital.

8.3 Dublin City Council issued notification of decision to refuse permission for the current application for five reasons relating to (1) overdevelopment, deficiency in quality usable private open space, visual obtrusiveness, overlooking and overshadowing; (2) inadequate provision of rear private open space; (3) failure to meet minimum living room standards and aggregate living area sizes (4) preclusion of future widening of Richmond Road; and (5) potential for hazardous reversing and car park overhanging of Richmond Road.

8.4 It is also noteworthy that the Planning Authority recently issued notification of decision to refuse permission on site (Reg. Ref: 3219/16) for 3 no dwellings with 3 no. vehicular entrances onto Convent Avenue. The scale and bulk of this development is similar to the current proposal apart from the 2-storey height of Block B. There was a single reason for refusal attached to the Council's decision, similar to the first reason attached to the current decision, save for reference to overlooking and overshadowing.

8.5 Having considered the contents of the application, grounds of appeal, planning history and site context, I consider that this appeal should be assessed under the following:

- Development principle;
- Layout, design and impact on the character of the area;
- Density, height and space considerations;
- Impact on residential amenity; and
- Access.

Development principle

8.6 The appeal site is zoned Z1 where it is the objective "*to protect, provide and improve residential amenity.*" The construction of a residential development of 4 no. dwellings would therefore be acceptable in principle subject to an assessment of the impact of the proposed development on the amenities of existing and future

residents and compliance with other relevant Development Plan policies and objectives.

- 8.7 Development standards for infill development in the Development Plan state that proposals on such sites should have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings. Proposals should also comply with the appropriate minimum habitable room sizes and have a safe means of access to and egress from the site, which does not result in the creation of a traffic hazard.
- 8.8 These matters will be assessed in more detail below. However, I consider that the site can satisfy the aims of Development Plan Policy QH6 which seeks *“to promote the development of underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.”*

Layout, design and impact on the character of the area

- 8.9 Policy QH19 of the Development Plan seeks *“to ensure that new housing development close to existing houses reflects the character and scale of the existing houses unless there are exceptional design reasons for doing otherwise.”*
- 8.10 There are a variation of dwelling types and styles in the immediate vicinity comprising semi-detached 1990’s 2-storey suburban style housing along Convent Avenue to the north; 2 and 3 storey street-fronting period buildings adjoining the site to the north-west and on the opposite corner; and contemporary 4 storey apartment blocks opposite on the south-western side of Richmond Road. The predominant use along Richmond Road is residential and there are also commercial uses. There is a staggered and discontinuous building line on both sides and most buildings are 1-4 storeys.
- 8.11 The proposed development will have a contemporary appearance with irregular sloping parapet line, mono-pitches and angled projections. Windows are unevenly distributed and of different shapes and sizes. The development is broken down into two blocks and the main bulk of the façade presents itself to Convent Avenue.
- 8.12 I would be satisfied that the proposed contemporary design is an appropriate solution for its setting that does not replicate or conflict with existing styles. The fenestration pattern provides a degree of interest and helps to break down the bulk of the structure. The Planning Authority had concerns with the partly blank wall on the western front façade. I note that a stair core is located internally

and the wall could be punctuated with slender windows of different patterns and fitted with obscure glazing on a number of floors. I recommend a condition to reflect same in the event of a grant of permission.

- 8.13 The scale and density of the proposed development is assessed in more detail below; however, I note that the structure is of similar height to the adjoining terrace to the north-west on Richmond Road. I would also be of the opinion that the pointed corner of Block A provides an interesting focal point along Richmond Road. I do not necessarily agree that the proposal would be visually obtrusive in the streetscape or would injure the visual amenities of the area. On the contrary, I consider that the proposed development will enhance the architectural variation in the area and bring activity to a disused prominent corner.
- 8.14 The layout of the proposal is such that Block A will be street fronting onto Convent Avenue and Block B will be set back to be broadly consistent with the building line set by existing dwellings to the north-east on Convent Avenue. The applicant has made the offer at appeal stage to lower the height of Block B by omitting the top floor of House 4, thereby reducing the number of bedrooms from 3 no. to 2 no. I consider that any proposal to reduce the height of Block B should see a repeat of the dual mono-pitch roof profile which, in my view, integrates better with Block A and the adjoining housing on Convent Avenue.
- 8.15 The main concern of the Planning Authority in terms of layout is the proposal to include car parking and private open space as part of the building adjacent Richmond Road. It is considered that this may preclude any future road widening at this location. In this regard, there is a specific objective for a road scheme along Richmond Road contained in the Development Plan.
- 8.16 Map 15 – Road & Environmental Improvements within the Richmond Road Action Area Plan, April 2007 shows indicative road widening proposals, including a stretch to the front of the appeal site and north-west thereof for widening and environmental improvements. I note, however, that the site is not located along a part of Richmond Road identified as a “pinch point” on Map 5 – Road Analysis.
- 8.17 As noted above, a planning application was submitted (Reg. Ref: 3219/16) after submission of the current application for construction of 3 no. dwellings. This proposal is of similar design to the current scheme and includes the same setback and frontage onto Richmond Road. This proposal, however, does not include any

parking onto Richmond Road and the remaining area to the front is not allocated as private open space. The current proposal includes an area of private open space serving House 2 up to the road edge. I would therefore share the Planning Authority's concern that the proposal could preclude future environmental improvements and road widening proposals at this location. Notwithstanding this, if it is the case that car parking and open space can be removed from this area, I would be satisfied with the overall layout and design of the proposed development. Issues of access are addressed in more detail below.

Density, scale and space considerations

- 8.18 Development Plan Policy QH4 seeks *“to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.”* Furthermore, Policy QH18 aims *“to ensure that new houses provide for the needs of family accommodation and provide a satisfactory level of residential amenity. All new houses shall comply with the Residential Quality Standards”.*
- 8.19 The proposal for 4 no. dwellings on a site measuring 573 sq.m. equates to a density of c. 70 dwellings per hectare. This represents a considerable reduction from the previous proposals on site which would have recorded densities of 237 and 164 dwellings per hectare. It should be noted, however, that the site is outside a 500m walking distance from a QBC and 1km of a rail station. Notwithstanding this, I consider that a density of 70 dwellings per hectare is appropriate for this location subject to an assessment of the impact of the proposal on the residential amenities of the area, including future residents of the scheme.
- 8.20 The main issue repeated within the reasons for refusal is quality and quantity of private open space serving the proposed development. It is stated in the Development Plan that 15 sq.m. of private open space per bed space should be provided in suburban locations. Houses 1 & 2 have three double bedrooms (6 bedspaces) and therefore a requirement of 90 sq.m. of private open space. Only 36 sq.m. are proposed for House 1 and 66 sq.m. is proposed for House 2. House 3, with 4 bedspaces, has a requirement of 60 sq.m. and a proposed provision of 44 sq.m., and 33 sq.m. are proposed to serve House 4 (requirement 75 sq.m.).
- 8.21 The applicant has attempted to address these shortfalls within the first party appeal by making some minor reconfigurations to the

number of bedspaces within Houses 1 and 2. This would be achieved by converting a first floor double bedroom into a playroom in House 1 and changing 2 no. double bedrooms into single bedrooms within House 2.

- 8.22 I would have some reservations with a standard based on the number of bedspaces when drawings submitted with an application can simply show a single bed placed in a room capable of accommodating a double bed. However, the Quality Housing Guidelines state that the area of a single bedroom should be at least 7.1 sq.m. and that of a double bedroom at least 11.4 sq.m. I would be satisfied, therefore, that the single bedrooms throughout the proposed development have floor areas of less than 11.4 sq.m. As noted above, the applicant is also willing to reduce the number of bedspaces within House 4 from 5 no. to 3 no. by omitting the top floor.
- 8.23 These revisions would result in a private open space deficit within House 1 of 13 sq.m. (47 sq.m. proposed) and a surplus of 6 sq.m. within House 2 (66 sq.m. proposed). House 3 would have a deficit of 16 sq.m. (44 sq.m. proposed) and House 4 with the omission of the top floor and a provision of 33 sq.m. of private open space, would have a shortfall of 8 sq.m., (it would appear that there is potential for a balcony to the side of this dwelling at first floor level).
- 8.24 The appellant points out that these standards are too onerous for the location of the appeal site. The requirement for an inner city location is 5-8 sq.m. and within the Draft Development Plan a standard of 10 sq.m. per bedspace is proposed for outer city locations. The proposed development, as amended, would comfortably exceed these standards.
- 8.25 In my opinion, due consideration should also be given to the overall floor area of each dwelling vis-a-vis the private open space provision. In this regard, the floor area standard for 3 bed dwellings within the Development Plan is 100 sq.m. and Houses 1, 2 and 3 (as amended) are 129 sq.m., 141.4 sq.m. and 116 sq.m. respectively. House 4 at 87 sq.m. falls within the recommended range of between 80 and 87 sq.m. for a 2 bed dwelling.
- 8.26 Overall, I would have no objection to the proposed provision of private open space in terms of area for a location such as this and having regard to the floor areas of the dwellings. I agree to a certain extent that this is essentially a transitional area between the city and suburbs, and as such, it would be difficult to achieve standards intended for a traditional suburban plot with regular rear gardens. In

my opinion, the proposed development represents an imaginative solution for a confined site.

- 8.27 In terms of the quality of private open space provision, certain gardens within the proposed development will be in shadow for parts of the day or will front onto the public road. In my opinion, there are appropriate treatments that can be incorporated into new builds to adequately screen open spaces from public view. Furthermore, there is an established pattern of open space to the front of dwellings on Convent Road. All dwellings have two separate private open spaces and I consider this to be satisfactory.
- 8.28 In general, I would be of the view that the proposed development can be adequately served by private open space subject to the amendments proposed by the applicant at appeal stage. Should the Board be minded to grant permission for the proposed development, I recommend that the front boundary of the private garden serving House 2 is set back from the road edge by a distance of 1.5m. to allow for widening/ environmental improvements along Richmond Road. This would bring the private open space provision for this dwelling marginally below the current Development Plan standard for a suburban location.
- 8.29 Reference is made within a reason for refusal to the failure of certain dwellings to meet minimum standards in terms of room width and aggregate living areas. It would appear that the aggregate living areas within the amended proposal are now in excess of minimum standards and I would be satisfied that no living areas are excessively narrow.

Impact on residential amenity

- 8.30 As suggested above, I would be of the opinion that the proposed development is suitably sized having regard to the dimensions of the site and that adequate space will be provided inside and outside of the dwelling to achieve a comfortable standard of living for future residents. However, the external impacts of the development on surrounding residential amenities should also be assessed to determine if overdevelopment will occur. It is stated under the first reason for refusal that the proposal would represent an overdevelopment of the site and would give rise to overlooking and overshadowing of adjoining residential dwellings.
- 8.31 With respect to potential impacts from overlooking, the Planning Authority considers that No. 223 Richmond Road will be directly overlooked to the detriment of the residential amenities of that property. It is acknowledged that screening can be provided to

overcome any overlooking from the rooftop terraces in the direction of this property; however, the concern relates to the three floors of windows (bedrooms and living space) facing south-eastwards within Block A within 8m of No. 223.

- 8.32 The amenity space to the rear of No. 223 Richmond Road sits below the level of the road. This space is located approximately 12m behind the southern corner of the south-eastern elevation of proposed Block A. Any overlooking from windows located above ground level within 12m of this corner would be between opposing windows within No. 223. A 22m separation distance is recommended in Guidelines and the Development Plan between opposing first floor windows. However, this standard applies to situations where the area between is occupied by garden space. Strict adherence to the 22m separation standard would in effect sterilise one side of a street from above-ground level residential development if a similar development was constructed on the opposite side.
- 8.33 There is potential for overlooking of the amenity space to the rear of No. 223 from above-ground level windows at a distance further than 12m back from the southern corner of the south-eastern elevation of Block A. I would be of the view, however, that significant overlooking would only occur from the staggered row of windows at 2nd floor level having regard to the level of the amenity space to the rear of No. 223 below ground level and to the presence of a street-fronting boundary wall well above the surface level of the amenity space. That leaves 2 no. top floor windows serving Bedrooms 2 and 3 within House 3 that could give rise to significant overlooking. In my opinion, these windows could be fitted with obscure glass.
- 8.34 I also note that there appears to be a window missing from the south-east elevation Drawing No: 2016-22-P-102. There is a kitchen/ dining window, living room window and bedroom window over 3 levels at this location and only 2 no. windows are shown on the elevation drawing. I would have concerns that the inclusion of this window will affect the fenestration composition on the façade facing onto Convent Avenue. This room is also served by a window facing north-east, which would have the potential for overlooking the amenity space to the front of House 4. I would be satisfied, however, with the 9.5m separation distance, the intervening parking area and the screening around the front garden of House 4. I propose that the front living room window of House 3 is omitted and that an additional slender window fitted with obscure glass is installed within the side wall to the living room of House 3.

- 8.35 There are north-east facing windows serving Bedrooms 1 and 3 within House 1 that have the potential to overlook the private garden serving House 4. These windows are located as close as 9m from the boundary between the gardens of House 1 and 4. If the Board is minded to grant permission for the proposed development, I recommend that these windows are fitted with obscure glazing.
- 8.36 In terms of overshadowing, I would agree that the proposed development has been designed to minimise the impacts of overshadowing on No. 213 Richmond Road to the north-west. The building footprint is setback from the space immediately to the rear of this property. It also appears that there is no amenity space to the rear of the dwellings to the north-east on Convent Avenue. As noted, a reduction in scale of House 4 would also lessen the impacts of overshadowing on No. 213. All dwellings within the development have at least one outdoor space that would receive adequate amounts of sunshine.
- 8.37 Finally, it is noteworthy that the reason for refusal attached to the concurrent planning application (Reg. Ref: 3219/16) did not refer to issues of overlooking and overshadowing.

Access

- 8.38 It is proposed to provide each dwelling with 2 no. car parking spaces. The 2 no. spaces serving House 1 would be accessed directly off Richmond Road. This is considered by the Planning Authority to preclude any future proposals for widening this road.
- 8.39 In my opinion the car parking spaces onto Richmond Road should be omitted. The maximum car parking standard is 1.5 spaces per dwelling at this location. This may require some reconfiguring of the accesses onto Convent Avenue so that House 4 is served by a single space.
- 8.40 It should be noted that 3 no. accesses for parking onto Convent Avenue were proposed under Reg. Ref: 3219/16.

Conclusion

- 8.41 In conclusion, I consider that the proposed development is of an appropriate scale and type of use for this vacant site. I am satisfied that a contemporary design represents the best approach for this location and the provision of 4 no. dwellings is a suitable density that makes the most economic use of the site. Finally, the development will provide a good standard of amenity for future residents without impacting on the amenities of adjoining residents.

Appropriate Assessment

- 8.42 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise

9.0 CONCLUSIONS AND RECOMMENDATION

- 9.1 It is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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, as amended by the further plans and particulars submitted to An Bord Pleanála on the 13th June 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 The proposed development shall be amended as follows:
- (a) Slender windows shall be installed on the north-western elevation to the front to provide light to the stairwell;

- (b) Block B shall be reduced in height to 2-storeys. The dual mono-pitched roof profile shall be retained.
- (c) The car parking spaces onto Richmond Road shall be omitted. The proposed development shall be served by 6 no. parking spaces accessed off Convent Avenue.
- (d) The boundary to the front of Houses 1 and 2 shall be set back at least 1.5m from the edge of the site on Richmond Road.
- (e) Adequate screening shall be provided around the edges of rooftop terraces to prevent overlooking of adjoining/ adjacent properties.
- (f) The 2 no. south-east facing top floor windows serving Bedrooms 2 and 3 within House 3 shall be fitted with obscure glass.
- (g) The living room window of House 3 facing onto Convent Avenue shall be omitted and an additional slender window fitted and permanently maintained with obscure glass shall be installed in the side (north-eastern) wall of the living room.
- (h) The north-east facing windows serving Bedrooms 1 and 3 within House 1 shall be fitted and permanently maintained with obscure glass.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

- 3 Prior to the commencement of development, the applicant shall submit details and samples of all proposed external finishes for the written agreement of the Planning Authority.

Reason: In the interest of visual amenity.

- 4 The proposed access arrangements including junctions, boundary treatments, sight distances, surfacing and drainage shall comply with the detailed standards of the Planning Authority for such road works.

Reason: In the interests of amenity and of traffic safety.

- 5 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

- 6 Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 7 All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

- 8 The naming/ numbering of the proposed development shall be agreed in writing with the planning authority prior to its occupation.

Reason: In the interest of orderly street numbering.

- 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

- 10 The developer shall pay the sum of €4,000 per unit (€16,000 in total) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of public open space. This contribution shall be paid prior to the commencement of the

development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

- 11 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.

Donal Donnelly
Planning Inspector
Date: 16th September 2016