



An
Bord
Pleanála

Inspector's Report PL29N.247268

Development	Demolition of existing structures on site and the construction of three no. houses and all associated site works at 219 Richmond Road, 2 & 4 Convent Road, Fairview, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3219/16
Applicant(s)	LDC Developments Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Appellant(s)	LDC Developments Ltd
Observer(s)	None
Date of Site Inspection	16/12/2016
Inspector	Lorraine Dockery

1.0 Site Location and Description

1.1 The following is an extract from the Inspector's Report on PL29N.246724, which gives a comprehensive assessment of the subject site and surrounding area:

'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.

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.

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'.

1.2 It is noted that at the time of my site visit, the site had been cleared and construction works were on-going.

2.0 Proposed Development

2.1. The proposed development, as described in the submitted public notices, comprises the

- (i) demolition of existing structures and
- (ii) construction of 3 no. dwellings, comprising 1 no. two-storey, two-bedroom detached dwelling and 2 no. three storey, semi-detached dwellings (1 no. three bedroom and 1 no. four bedroom)
- (iii) 3 no. vehicular entrances onto Convent Avenue with on-site car parking for each dwelling
- (iv) Private amenity space for each dwelling
- (v) Reinstatement of original public footpath
- (vi) SuDS drainage
- (vii) All associated site works

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for 1 reason as follows:

1. 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.

3.2. **Planning Authority Reports**

The report of the area planner reflects the decision of the planning authority

3.3. **Other Technical Reports**

Engineering Department: No objections, subject to condition

Roads and Traffic Planning Division: No objections, subject to conditions

4.0 **Planning History**

4.1. There is quite a protracted history on this site, details of which have been comprehensively outlined in the Inspector's Report of PL29N.246724. The following is the most recent and most relevant

4.2. 2540/16 (PL29N.246724)

Permission GRANTED on appeal for demolition of existing structures and construction of 4 houses and associated site works on this site

5.0 **Development Plan**

5.1. The Dublin City Development Plan 2016-2022 is the operative County Development Plan for the area.

Zoning

'Z1'- which seeks to 'to protect, provide and improve residential amenities'.

'Residential' is a permissible use under this zoning objective.

There is a designated 'Road Scheme and Bridges' objective in the operative City Development Plan for Richmond Road

Chapter 5 Quality Housing

6.0 The Appeal

6.1. Grounds of Appeal

6.2. The grounds of the first party appeal can be summarised as follows:

- Subject site zoned for residential development
- In compliance with Development Plan policy
- Acknowledges that areas of private open space are marginally below areas normally required- however argues that provision of private open space should not be assessed in isolation from the overall standard of accommodation- floor areas of proposed units significantly exceed minimum standards- provide a high level of amenity to future occupants- close to city centre and meets requirements for inner city sites- exceeds limits as set out in Dublin City Development Plan 2016 for outer city areas
- Design to provide an unconventional yet high standard of residential amenity in an established urban setting
- Designed to enhance the streetscapes while safeguarding residential amenity of adjoining residents
- Form and scale are consistent with the emerging character and gentrification of the area representing an efficient use of zoned and serviced lands close to inner city

6.3. Planning Authority Response

None

6.4. Other Party Responses

None

6.5. **Observations**

None

7.0 **Assessment**

7.1 I have examined all the documentation before me, including the reports of the Planning Authority, the appeal submission and have visited the site and its environs. I note that there is a very recent decision from An Bord Pleanála pertaining to this site and I refer the Bord to same (PL29N.246724).

7.2 In my mind, the main issues relating to this appeal are:

- Principle of proposed development
- Design and Layout of proposed development/Impacts on amenity
- Appropriate Assessment

7.3 **Principle of Proposed Development**

7.4 The subject site is zoned 'Objective Z1' within the operative City Development Plan, which seeks to protect, provide and improve residential amenities'. 'Residential' is a permissible use under this zoning objective

7.5 I note that there is an extant permission on the site for a similar type development to that proposed, permitted by An Bord Pleanála in September 2016 under Reg. Ref. PL29N.246724. Therefore, it may be argued that a precedent has been set for development of the nature proposed on the site and that it has been established that the proposed use is acceptable in principle.

7.6 Having regard to all of the above, I consider the development as proposed to be acceptable in principle and generally in compliance with the zoning objective and policies for the area.

7.7 Design and Layout of Proposed Development/Impacts on amenity

7.8 It is acknowledged that there is an extant permission on the site for a similar type development to that proposed (PL29N.246724). The proposed scheme is similar to that recently assessed and permitted by An Bord Pleanála with the main differences being the relocation of the parking area from the Richmond Road boundary of the site and the subsequent relocation of the private open space to House 1; together with the removal of the proposed gallery at roof level to House 2 and its subsequent reduction in height. There are also some elevational changes proposed to the north-western elevation of Block A.

7.9 The proposed parking has been relocated to address the concerns raised in the previous application regarding the possible future widening of Richmond Road. This has had impacts on the location of the proposed private open space to House 1. The reasons for refusal issued from the planning authority on August 22nd 2016, which was prior to the decision of ABP in September 26th 2016. The concerns of the planning authority in this current application relate primarily to general deficiency in terms of quality useable private open space provision, overdevelopment of the site, proposal considered to be visually obtrusive in the streetscape and serious injury to the amenities of the area.

7.10 The recent decision of An Bord Pleanála accepted that the previous proposal would not be visually obtrusive on the streetscape and that the level of amenity being afforded to future residents would not be inadequate. It is my opinion that this situation does not alter in the current proposal. Floor areas are well in excess of minimum standards and adequate parking is proposed to comply with Development Plan requirements. Development Plan state that 10 square metres of private open space should normally be applied. In inner city areas a standard of 5-8 square metres of private open space per bedspace will normally be applied. While I

acknowledge that the subject site is not located in the inner city, neither can be described as a suburban location. It may be considered a transitional zone as such. Having regard to the level of private open space being provided, I consider this provision to be acceptable and in compliance with current Development Plan standards.

- 7.11 It is noted that as per Condition No. 2 of PL29N.246724, Block B has been reduced to two-storeys in height and the parking spaces onto Richmond Road have been omitted. Five parking spaces are demarcated on the submitted drawings, with the capacity to provide an additional space in the front garden area of Block B if necessary. It is possible to setback the boundary of House 1 by 1.5 metres from Richmond Road without detriment to the proposed scheme. This matter may be dealt with by condition. I also note that there appears to be a window missing on the SE elevation, as shown on Dwg 2016-22-P-202, namely the window at first floor level to bedroom 1 of House 2. This matter may be dealt with by condition. The windows to Bedroom 2 and 4 to House 2 should be permanently obscured in order to avoid any issues of overlooking.
- 7.12 Having examined the proposal before me, I am satisfied that the scheme will provide for a good quality development, providing a relatively high level of amenity for any future occupiers. I do not consider the proposal to represent overdevelopment of the site. I consider it to be an appropriate use of a brownfield site, which is in close proximity to Dublin city centre.
- 7.13 Having regard to all of the above, I am satisfied that the proposed development would generally accord with the provisions of the operative City Development Plan and would be consistent with the proper planning and sustainable development of the area.

7.14 **Appropriate Assessment**

- 7.15 The subject site is located in an established city area on a brownfield site and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or

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.

8.0 Recommendation

8.1. I recommend that planning permission be granted, for the reasons set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022, to the planning history of the site, and to the scale and nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 boundary of House 1 shall be setback at least 1.5 metres from the edge of the site on Richmond Road. This boundary shall be a maximum of 1.8 metres in height

(b) Adequate screening shall be provided around the edges of rooftop terraces to prevent overlooking of adjoining/adjacent properties. Such screening shall be a minimum of 1,500 millimetres high and shall be set back 600 millimetres from the building parapet.

(c) The windows to Bedroom 2 and 4 of House 2 shall be permanently obscured

(d) The elevation facing Convent Avenue shall be revised to accurately reflect what is shown on plan.

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 developer 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 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Lorraine Dockery
Planning Inspector

20th December 2016