



An
Bord
Pleanála

Inspector's Report PL29N.247732

Development	Demolition of existing single storey print works building and the construction of six no. residential units and all associated ancillary site development works at 19-19A Fairfield Road, Daneswell Road, Glasnevin, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4034/15
Applicant(s)	Fiona Murphy
Type of Application	Permission
Planning Authority Decision	Grant
Appellant(s)	John Connolly and Others
Observer(s)	None
Date of Site Inspection	23 rd March 2017
Inspector	Lorraine Dockery

1.0 Site Location and Description

1.1 The subject site, which has a stated area of 1924 square metres, is a backland site, located to the rear of houses on Danewell Road, Fairfield Road and Botanic Park. The site is triangular in shape, is quite overgrown and currently contains a single storey disused print works building, of stated floor area 1220 square metres. Access to the site is via a narrow laneway, located between two houses, from Fairfield Road. Fairfield Road is a cul-de-sac.

2.0 Proposed Development

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

- (i) demolition of existing single storey print works building and
- (ii) construction of 6 no. residential units, comprising
 - Block A- 2 x four bedroom semi-detached two-storey houses with attic floor area
 - Block B- 3 x four-bedroom semi-detached two storey houses with attic floor area and 1 no. two-bedroom single storey house with attic floor area
- (iii) All associated and ancillary site works
- (iv) Increase width of existing vehicular entrance access from 19A onto Fairfield Road
- (v) 12 no. car parking spaces and 12 no. bicycle bays

2.2 The proposal was amended on foot of a Further Information request from the planning authority. In summary, Units 1 and 2 of Block A are now single storey units with an overall height of 6.5 metres. There are no dormer windows in these units.

Unit 1 has a stated floor area of 80.27 square metres while Unit 2 has a stated floor area of approximately 87 square metres, exclusive of attic. Unit 3 is now also single storey, with maximum height of 6.5 metres, with no dormer windows.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission GRANTED subject to 21 relatively standard conditions

The following conditions are of note:

Condition No. 2

The development shall be revised as follows:

- a. Units No.s 1, 2 and 3 shall have a maximum ridge height of 6m to the front elevation and Unit No. 3 shall have a half hipped gable profile
- b. The first floor front bedroom window of Unit 6 shall have opaque glazing to 1.8m above finished floor level or higher only and the walk in wardrobe for the first floor bedroom shall be omitted from the development and its window shall serve the first floor bedroom; the dimensions of the window opes can be amended accordingly
- c. Rooflights on the rear roof plane of Units 4, 5 and 6 shall have obscure glazing.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings

Reason: In the interests of orderly development and visual amenity

Condition No. 3

No dormer windows shall be provided on Units 1, 2 or 3 and the attic space shall be used for storage purposes only

Reason: In the interests of residential amenity and to clarify the extent of the permission

3.2. Further Information was requested by the planning authority in relation to clarification relating to No. 19 Fairfield Road; amenity issues with regard to PL29N.222100; open space provision; compliance with Development Plan policy in relation to achieving liveable sustainable homes; concerns regarding overlooking by Unit No. 6; flood risk impact assessment; construction traffic management plan; boundary treatments; lighting; impacts on mature trees; establish whether AA is required; submission of a bat study.

3.3. **Planning Authority Reports**

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

3.4. **Other Technical Reports**

Engineering Department: No objections, subject to conditions report dated 08/12/15

Stated in the Planner's report, that a report dated 03/11/16 states that this department has no objections, subject to condition. This report does not appear to be attached to the file.

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

Environmental Health: Conditions attached

City Archaeologist's Report: Proposed development is partially within the Zone of Archaeological Constraint for the Recorded Monument DU018-010 (Holy Well), which is subject to statutory protection under Section 12 of the national Monuments

(Amendment) Act 1994. The site is also located within the Zone of Archaeological Interest in the Dublin City Development Plan 2011. Conditions attached

4.0 **Planning History**

4.1. The following history is of note:

4.2. 6424/06 (PL29N.222100)

Permission GRANTED on appeal for modifications as required to comply with condition 2 attached to ABP decision PL29N.216940, namely the construction of two houses

4.3 1054/06 (PL29N.216940)

Permission GRANTED on appeal for demolition of existing structure and construction of 5 dwellings and associated site works

5.0 **Development Plan and Ministerial Guidelines**

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.

The entrance to the site lies within a 'Zone of Archaeological Interest'.

Chapter 5 Quality Housing

Section 16.10.8 Backland Development

Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, 2008

These Guidelines include detailed advice on the role of urban design and planning for new sustainable neighbourhoods. At a district or neighbourhood scale within larger towns and cities, it is stated that provision should be made for community facilities; efficient use of resources including land, travel and energy; amenity and quality of life issues (open space, personal safety, traffic safety); and conservation of the built and natural environment.

In cities and larger towns, appropriate locations for increased densities are identified, including outer suburban/ greenfield sites and public transport corridors.

Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007

These Guidelines are intended to assist with the implementation of initiatives to promote better homes, better neighbourhoods and better urban spaces. In terms of residential units, it is emphasized that the design approach for new dwellings should aim to create visually attractive structures which are suited to the needs of occupants within a reasonable level of cost. The Guidelines detail appropriate space requirements and room sizes for different dwelling types and are intended to satisfy requirements for normal living.

Design Manual for Urban Roads and Streets, 2013

This Manual seeks to provide guidance on how to approach the design of urban streets in a more balanced way and apply to the design of all urban roads and streets with a speed limit of 60 km/h or less. It sets out an integrated approach to promote better street design by slowing traffic speeds and by encouraging careful place making, quality public realm and walking and cycling.

6.0 The Appeal

6.1. Grounds of Appeal

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

- Overshadowing and overbearing
- Negative impacts on existing residential amenity, in particular Botanic Park dwellings
- Overlooking from proposed dormer windows
- Concerns regarding proposed street lighting
- Height, scale, mass and bulk does not respect scale and proportions of surrounding buildings- proximity of adjoining buildings
- Loss of privacy
- Setting of undesirable precedent
- Intensification of development on the lands
- Noise disturbance
- Loss of mature vegetation/landscape screening
- Concerns regarding use of attic space as habitable rooms
- Concerns regarding impacts on existing boundary walls and risk of subsidence
- Security issues
- Width of access road inadequate for vehicular and pedestrian traffic
- Waste
- Unacceptable building hours

6.3. Planning Authority Response

None

6.4. Other Party Responses

A response was received on behalf of the first party which may be summarised as follows:

- Refutes many of the claims made in the appeal submissions
- Meets development plan requirements for backland development
- Road and finished floor levels are as were granted previously by ABP
- Setting of precedence
- Houses are lower than were originally granted by ABP- no dormers to single storey units- no first floor bay windows- distances to boundary walls of properties off Botanic Park have been maintained
- Proposal will not result in overshadowing or overbearing due to height and location on site
- Will not result in overlooking of properties on Botanic Park as only windows facing east are at ground floor level within single storey dwellings
- Condition No. 16 deals with street lighting
- Shadow projection drawings included in submission (Appendix A)
- Scale and proportions of proposal integrate with existing
- Proposal occupies a lesser footprint than that existing
- Access route is in accordance with DMURS- volume of traffic for proposed residential would be less than existing industrial use

- Each house will have its own waste storage bin
- Condition 13 sets out hours of operation for carrying out works
- Development required to meet a housing need in Dublin- proposal will enhance existing built environment

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. 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

7.2 Permission was previously granted on the site by An Bord Pleanála for residential development, similar in nature and scale to that proposed. While cognisant of this fact, I am however assessing the current appeal de novo. The application was amended on foot of a Further Information request by the planning authority. It is this amended application which I am assessing.

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. I note Section 16.10.8 of the operative City Development Plan in relation to backland development, which allows for the

provision of comprehensive backland development where the opportunity exists with applications considered on their own merits. This is considered to be an underutilised backland, serviced site that has the potential to accommodate an appropriate form of development.

7.5 As stated above, permission was previously granted on the site for a similar type development to that proposed, permitted by An Bord Pleanála under Reg. Ref. PL29N.216940 and PL29N.222100. 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 The proposed scheme is similar to that previously permitted by An Bord Pleanála. I note however the significant time interval since the most recent grant of permission on the site, 2006. It is acknowledged that the operative City Development Plan has changed in the interim and numerous Section 28 guidelines are now in place, that were not available when permission was originally permitted on this site. Considering the location of the site close to the city centre, the proposed density of development is low, at approximately 31 units/hectare. However, in this instance I note the many constraints including the irregular shape of the site, its backland location, access constraints and the fact that it is surrounded on all sides by established residential properties. The density proposed is therefore considered acceptable in this instance.

7.9 In terms of layout and design, the proposal is considered acceptable. 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

concur with the appellants that it is an intensification of the current use of the site. However, in this instance I consider that such an intensification is appropriate. I consider it to be an appropriate use of a backfield, brownfield site, which is in close proximity to Dublin city centre; is zoned for residential development and serviced. The nature and scale of the proposal is such that it will integrate well with existing development in the vicinity. Its height, together with the backland nature of the site is such that it will not be unduly visible from the public roadways in the vicinity. The site in its current state adds nothing to the character or amenities of the area. It is hoped that the proposed development would be an attractive addition to the area, providing a high level of amenity.

7.10 Floor areas are well in excess of minimum standards, as set out in the operative City Development Plan and Section 28 ministerial guidelines. The provision of a contribution in lieu of public open space is acceptable considering the site size and its proximity to areas of existing public open space. Private open space is being provided in the form of rear garden areas and provision is acceptable in this instance. The proposed boundaries between gardens should be comprised of a 2 metre solid blockwork wall, suitably capped and rendered instead of the proposed timber fencing which is considered to be a less durable option. The proposed timber sheeted gate to side of Unit 2 and 3 should be a more durable metal sheeting. These matters can be dealt with by means of condition if the Bord is so disposed.

7.11 I note Conditions No. 2 and 3 in the decision which issued from the planning authority which aims to maintain existing residential amenities. Considering the backland nature of the site and the proximity to established residential properties, these conditions are considered appropriate and I recommend that if the Bord is disposed towards a grant of permission, that similarly worded conditions be attached to any such grant. The protection of existing residential amenities is of paramount importance. The height and location of the proposed dwellings are such that overlooking, overshadowing, privacy impacts or overbearing impacts are considered not to be excessive. I note that Appendix A of the first party response to the appeal included for shadow projections. The information contained therein is considered acceptable, showing that there will not be undue overshadowing of adjoining

properties. Considering the relatively small-scale nature of the development proposed, I consider the proposed access and parking arrangements to be acceptable and I note the report of the Transportation Division of the planning authority in this regard, which has no objections to the proposal, subject to conditions. I have no information before me to believe that the proposed development if permitted would lead to the obstruction of road users or the creation of a traffic hazard. I recommend that the proposed bicycle bays be suitably sheltered, this matter may be dealt with by means of condition. Considering the nature of the development proposed, I do not expect noise levels to be excessive. Any noise generated during construction works will be short-lived in nature. I consider that the condition attached by the planning authority in relation to hours of operation is appropriate and fair to all parties.

7.12 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.

7.13 **Other Issues**

7.14 I note the concerns raised in relation to the use of the proposed attic levels. This matter has been dealt with by means of Condition No. 3 in the decision which issued from the planning authority. Non-compliance with conditions is a matter for the enforcement section of the planning authority.

7.15 I have no information before me to believe that the proposed development if permitted would be prejudicial to public health.

7.16 I note the concerns raised in relation to possible subsidence as a result of the proposed development. No evidence has been submitted by the appellants in support of these claims and I have no information before me to believe that the proposal would result in subsidence issues.

7.17 Issues raised in relation to public lighting have been adequately dealt with by means of Condition No. 16 which issued from the planning authority. Proposed lighting will be directional, thus avoiding overspill into nearby properties.

7.18 A Bat Survey and Assessment Report were submitted to the planning authority as part of the Further Information response. This report concludes that no protected bat species will be negatively impacted upon by the proposed development as the building and locality has a very low activity for foraging bats. No mitigation measures are required. This information is considered acceptable.

7.19 **Appropriate Assessment**

7.20 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 operative City 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 be amended by Further Information received by the planning authority on the 21st day of October 2016, and 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) Units No.s 1, 2 and 3 shall have a maximum ridge height of 6m to the front elevation and Unit No. 3 shall have a half hipped gable profile
 - (b) The first floor front bedroom window of Unit 6 shall have opaque glazing to 1.8m above finished floor level or higher only and the walk in wardrobe for the first floor bedroom shall be omitted from the development and its window shall serve the first floor bedroom; the dimensions of the window opes can be amended accordingly

(c) Rooflights on the rear roof plane of Units 4, 5 and 6 shall have obscure glazing.

(d) All proposed boundaries between gardens shall be comprised of a 2 metre solid blockwork wall, suitably capped and rendered

(e) The proposed timber sheeted gate to side of Unit 2 and 3 shall be a more durable metal sheeting.

(f) A durable shelter shall be provided over the proposed bicycle bays

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. No dormer windows shall be provided on Units 1, 2 or 3 and the attic space shall be used for storage purposes only

Reason: In the interests of residential amenity and to clarify the extent of the permission

4. 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.

5. All boundary walls shall be suitably capped and rendered

Reason: In the interests of visual amenity

6. Access and parking arrangements including public lighting shall comply with the detailed standards of the planning authority for such works.

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

7. (i) All residential units shall be used as single residential units

(ii) At least one car parking space shall be permanently assigned to each residential unit and shall be solely reserved for this purpose

Reason: In the interests of clarity

8. 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.

9. 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.

10. 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.

11. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the

Department of the Environment, Heritage and Local Government in July, 2006. This shall include details of wastes to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

12. 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.

13. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

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

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

15. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

16. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

17. The applicant shall comply with all requirements of the planning authority in relation to landscaping, planting, works to existing trees overhanging the site and boundary treatments. The subject landscaping scheme shall be carried within the first planting season following substantial completion of each phase of the external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

18. The applicants shall comply with all requirements of the planning authority of relation to archaeology, conservation and heritage.

Reason: In the interests of preserving or preserving by record archaeological material to be damaged or destroyed in the course of the development

19. 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.

20. 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

29th March 2017