



An  
Bord  
Pleanála

## Inspector's Report 29N.248566

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<b>Development</b>	Demolish existing structures on site and construct 23 apartments
<b>Location</b>	Shemalier Road, Church Road, East Wall, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2413/17.
<b>Applicants</b>	Ide Mulcahy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Ide Mulcahy
<b>Observer</b>	Peter McCarthy Carol Morrison & others
<b>Date of Site Inspection</b>	29/8/2017
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

- 1.1. The site is located at East Wall, Dublin 3. The site is located on Shemalier Road with frontage also onto Church Road. The block of land bounded by Shemalier Road and Church Road is a rectangular with a north-east south-west orientation. It comprises mainly two storey residential properties on individual sites set behind front gardens, with individual accesses to the street. A single two storey apartment development adjoins the subject, which is located at the northern end of the block. Also adjoining the site on its north eastern side is a former Church now a kitchen manufacturer's and a single storey Georgian dwelling currently for sale.
- 1.2. The site extends as a narrow access way between the apartment block and the kitchen manufacturer's on Church Road. On Shemalier Road the site is wide and is deeper than the sites of the adjoining dwellings. The dwelling it adjoins, which is to the south-west, has a wide side garden separating it from the subject site. The subject site extends to the corner of the block and is occupied by an industrial building(s) set back from the road by a similar distance to the houses, comprising three A roof single storey portions. On the opposite side of Shemalier Road there are similar two storey terraced houses. Shemalier Road turns the corner to join Church Road. The site occupies the north eastern corner of the road. On the opposite side of the northern section of Shemalier Road, the flank of a recently constructed Lidl store, which is slightly higher than the subject site and roadway, is secured by fencing.
- 1.3. The site is given as 0.15ha / 1500m<sup>2</sup>.

## 2.0 Proposed Development

- 2.1. The proposed development is the demolition of existing structures on site and construction of 23 apartments.
- 2.2. The apartments vary in size from 57.7m<sup>2</sup> to 107.8m<sup>2</sup> in two buildings ranging in height from 3 storeys to 5 storeys. Gross floor area 2300m<sup>2</sup>.
- 2.3. Building A at Shemalier Road will consist of 8 x 2 bed duplex units, 6 x 2 bed apartments and 4 x 3 bed apartments. A roof garden and communal amenity space will be located on the third floor. There will be 7 own door duplex units and an entrance lobby for the upper floor units set back to the same building line as the

existing two storey residential properties on the road with car parking to the front. Balcony amenity space faces Shemalier Road.

2.4. Building B at Church Road will consist of 4 x 1 bed apartments and 1 x 2 bed apartment. At ground level with vehicular entrance from Church Road there will be 23 car parking spaces, exiting to Shemalier Road.

2.5. Private amenity space will be provided by balconies and terraces.

2.6. The breakdown of units is

4 x 1 bed – 57-58m<sup>2</sup>

7 x 2 bed 78-84m<sup>2</sup>

4 x 3 bed – 108m<sup>2</sup>

8 x 2 bed duplex – 88m<sup>2</sup> (one 84m<sup>2</sup>)

The 1 beds comprise 17.4%, 2 bed 65% and 3 bed 17.4%.

Drainage and Water Planning Report CST Group Chartered Consulting Engineers –  
There is a 375mm diameter combined sewer running along the existing Church Street roadway to which the existing development discharged;

There is a surface water sewer of unspecified size in the roadway of Church Road. This pipe connects to a 1300x880mm surface water trunk sewer which runs within a wayleave in open ground adjacent to Shemalier Court apartments and 63 Shemalier Road. Immediately adjacent to the south east elevation of the existing building on the site there is a 375mm dia surface water sewer.

There is a 160mm diameter public watermain adjacent to the site on Church Road and a 110 diameter public watermain adjacent to the site on the Shemalier Road boundary, connection to be made to the 160mm main.

Offsets between rising walls and adjacent surface water pipelines have been maintained as existing and total 4 m in each case, ensuring greater than 3m to public sewer in each case. Both pipelines have been laid in 3.1 to 2.5m depth to invert for the 1300x800mm and 375mm diameter sewers respectively. Any required excavation to the existing pipes could be facilitated without adversely impacting foundations for the apartments.

Permeable paving and the routing of runoff from roofs via the permeable paving and through the use of distribution boxes. Permeable paving will be laid to all parking and hard landscape areas. Where required filter drains are less than 5m from new structures or existing boundary walls it will be necessary to provide an impermeable membrane liner to the system to ensure integrity of the structures.

Use of permeable paving will delay the peak runoff typically by 5-10 minutes. Additionally outflow from lined permeable paving systems will be reduced to 30% of peak rainfall intensity. A conservative approach has been taken in calculations in that a time of concentration of 7 minutes and outflow reduction of 50% is applied to the system.

They have considered the limited site size, together with the fact that the new development is on a brownfield site which was not attenuated. It is considered that provision of permeable paving without flow control or via a hydrobrake, due to the very small orifice required, is warranted. The resultant flow will result in a decreased impact on the receiving environment compared to the existing situation.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.2. The planning authority decided to refuse permission for two reasons:

1 Having regard to the scale, height, design & materials to be used and the location of the development in relation to adjoining properties, it is considered that the proposed development would be excessive in scale and form. Furthermore, the design of the scheme as submitted illustrates insufficient regard for the sensitive and prominent nature of the site by reason of visual obstruction and overbearing design. The proposed scheme would also be at variance with the general pattern of development of the area and would be visually obtrusive when viewed from adjoining properties and would seriously injure the visual amenities of the surrounding area. The proposed development would thus be contrary to the proper planning and development of the area.

2 Having regard to the height and scale of the proposed development and to its proximity to adjoining residential properties to the east, it is considered that the

proposed development would give rise to undue overbearing effects and would adversely impact on the existing and future residential amenities of these properties and would seriously injure the amenities, or depreciate the value, of property in the vicinity. The proposed development would thus be contrary to the proper planning and development of the area.

3.3. The decision was in accordance with the planning recommendation.

### 3.4. **Planning Authority Reports**

3.4.1. Planning Reports Z1 zoning,

3.4.2. CDP

QH1

QH3 (i)

QH5

QH6

QH7

QH9

QH13

QH18

QH19

QH20

16.7

16.10

3.4.3. Density plot ratio is 1:53, site coverage 55%; the CDP plot ratio of 1:0.5 to 2, and density of 45% to 60% means that this is acceptable.

3.4.4. No AA screening submitted.

3.4.5. Flood Impact

Refers to the report of the drainage division.

- Planning history – 4433/16 invalid application.

3.5. Other Technical Reports

- 3.6. Engineering Department – Drainage Division, 29/3/2017, further information required.

Due to lack of adequate proposals for storm water management it is not possible to state that satisfactory drainage can be provided for this development. The applicant shall consult with the Drainage Division of Dublin City Council prior to submission of revised plans to ensure all issues related to storm water management are addressed. The drainage drawings submitted are not acceptable. The developer shall submit two revised copies of a detailed site drainage plan to the Drainage Division for written approval. The main points to note in the revised drawings are: a surface water attenuation tank(s) shall be provided to store storm water discharge from the site to 2 litres/second in accordance with the requirements of the Drainage Division as set out in the Greater Dublin Regional Code of Practice for Drainage Works. An appropriate petrol interceptor shall be installed on the internal drain from the car park. Please refer to section 20 of the Greater Dublin Regional Code of Practice for Drainage Works version 6.0.

There is an existing public storm water sewer running through the site. A clear distance of 3 m shall be maintained between sewers and all structures on site. The exact location of this pipeline must be accurately determined onsite. DCC's Drainage records are indicative and must be verified on site. The developer must carry out a comprehensive site survey to establish all drainage services that may be on the site. The developer shall carry out and submit a pre-construction CCTV survey on the public sewers affected by this development. The development shall incorporate additional sustainable Drainage Systems in the management of storm water. The applicant shall investigate the feasibility of installing a green roof on the proposed buildings.

The combined foul sewer network is now in the ownership of Irish Water. A pre-connection enquiry form shall be submitted to Irish Water prior to commencement works for the proposed development. Written approval from Irish Water of the proposed foul connection to the combined network for this development shall be submitted to Drainage Division.

The developer shall submit an appropriate Site Specific Flood Risk Assessment.

- 3.7. Roads & Traffic Planning Division Report, 27/4/2017, conditions, including:

A project traffic management plan for all stages of construction traffic shall be agreed in writing with the Planning Authority before demolition and excavation commences. (detail access arrangements for labour, plant and materials and location of plant and machine compounds).

### **3.8. Third Party Observations**

Observations on the file have been read and noted.

## **4.0 Planning History**

0396/16 pre-app consultation, details attached

0200/16 pre-app consultation, details attached.

## **5.0 Policy Context**

### **5.1. Development Plan.**

The Dublin City Development Plan 2016-2022 is the operative plan. Relevant provisions include:

Part of the site is zoned Z2 - to protect and/or improve the amenities of residential conservation areas, the strip extending from Church Road. Most of the site is zoned Z1 - to protect and improve residential amenities.

QH1 To have regard to the DoEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007); 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying Urban Design Manual: A Best Practice Guide (2009)

QH3 (i) To secure the implementation of the Dublin City Council Housing Strategy in accordance with the provision of national legislation. In this regard, 10% of the land zoned for residential uses, or for a mixture of residential and other uses, shall be

reserved for the provision of social and/ or affordable housing in order to promote tenure diversity and a socially inclusive city.

QH5 To promote residential development addressing any shortfall in housing provision through active land management and a coordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.

QH 6 To encourage and foster the creation of attractive mixed use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities which are socially mixed in order to achieve a socially inclusive city.

QH7: 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.

QH8 To promote the sustainable 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.

QH9: To require that larger schemes which will be developed over a considerable period of time are developed in accordance with an agreed phasing programme to ensure that suitable physical, social and community infrastructure is provided in tandem with the residential development and that substantial infrastructure is available to initial occupiers

QH13: To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Residential Quality Standards and with regard to the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government



‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007).

QH18: To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

tQH19: To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable, mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.

16.7 Building Height in a Sustainable City Dublin City Council acknowledges the intrinsic quality of Dublin as a low-rise city and it is policy that it should predominantly remain so.

16.10 Standards for Residential Accommodation The provision and protection of residential amenities is a primary concern of Dublin City Council. This will be achieved through the relevant provisions of the Dublin City Development Plan. As outlined in the ‘Quality Housing’ chapter, it is an aim of Dublin City Council to encourage and foster living at sustainable urban densities through the creation of attractive mixed-use sustainable neighbourhoods. It is critical that new residential development is sufficiently flexible to allow for changing circumstances (e.g. aging, disability, growing family) and sufficiently spacious with all the necessary facilities to provide a level of residential amenity attractive to families with children on a long-term basis.

LAND-USE ZONING OBJECTIVE Z1: To protect, provide and improve residential amenities. The vision for residential development in the city is one where a wide range of accommodation is available and set within sustainable communities where

residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.

LAND-USE ZONING OBJECTIVE Z2: To protect and/or improve the amenities of residential conservation areas. Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

## **5.2. Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009**

The objective of the guidelines is to produce high quality sustainable developments  
Relevant provisions include:

Particular sensitivity is required in relation to the design and location of apartment blocks which are higher than existing adjacent residential development. As a general rule, where taller buildings are acceptable in principle, building heights should generally taper down towards the boundaries of a site within an established residential area. Planning authorities in cities and larger towns should also consider whether a buildings heights strategy, involving public consultation as part of a statutory plan process, would provide clearer guidance for potential developers on where, and in what circumstances, taller residential buildings would be appropriate within their areas.

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.

### 5.3. **Natural Heritage Designations**

5.4. The South Dublin Bay and River Tolka SPA site code 004024 is the nearest Natura Sites.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.2. A first party appeal against the decision to refuse permission was submitted by Reddy Architecture & Urbanism. It includes:

- They note that the development meets the development plan requirements in terms of principle, density, building height, apartment standards and car parking and access.
- They do not agree with the evaluation on design and scale but they confirm that they would be willing to submit a revised proposal that reduces the overall height onto Church Road and Shemalier Road at their highest point. They would also be willing to submit revised proposals that respond to the planners concerns in relation to the palette of materials and building form, taking into account any reduction in the overall height.
- They have developed their proposals over a considerable period of time and have engaged in pre planning. They would be happy to work with the planners in developing a proposal that addresses their concerns to regenerate this currently underutilised industrial site.

### 6.3. **Planning Authority Response**

6.4. The planning authority have responded to the grounds of appeal referring the Board to the planner's report.

## 6.5. Observations

6.6. An observation has been received from Armstrong Planning Ltd on behalf of Peter McCarthy 63 Shemalier Road, which includes:

- Architects note submitted with the application attempts to justify excessive height, bulk and massing with reference to permission for a seven storey structure on a neighbouring site (6608/06) that site was zoned Z14 and allocated a Strategic Development and Regeneration Area, being suitable for higher-density comprehensive development. The appeal site is zoned Z1 sustainable residential neighbourhood. The previous permission cannot be relied on as precedent.
- Siting the County Development Plan
  - 5.5.6 – apartment living.
  - 16.2.1.1 - Respecting and Enhancing Character and Context
  - 16.2.2.2 – Infill - It is particularly important that proposed development respects and enhances its context and is well integrated with its surroundings
  - Z1 - DCC will seek to ensure that infill development respects and complements the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape.
  - Public open space – an acknowledged shortfall exists in the area. 10% required. Provision at roof level overlooking problem.
- Suggested screening solutions have the potential to increase the apparent height and effective massing.
- There is an existing storm water sewer identified on the Drainage Layout Plan (SCT Group drawing number 119309-5010) that runs from Church Road, through land at No 63 Shemalier Road, along the boundary with the appeal site. This sewer channels a stream flowing from Ballybough to the sea, and comprises an 18<sup>th</sup> century stone-arched culvert and a poured concrete section (c1930's). The footprint of the south-west elevation of the scheme sits approx.

1.75m from the culvert, this is in contravention of the drainage regulations which stipulate that a 2m reservation must be maintained.

- Observer has had discussions with DCC's drainage department regarding this culvert. Serious concerns were raised by the Dept. about any deep excavation, pile driving, soil compaction, concussion or vibrations, as well as construction and construction traffic near to this drain. Heavy ground works such as deep excavations and foundation works performed in soft clay have frequently been known to cause damage to neighbouring buildings and structures. Construction could pose a serious threat of flooding to observer's property and the other properties in the vicinity.
- Scheme should be redesigned to maintain a greater clearance for the culvert to respect the minimum reservation distance in order to reduce the risk of construction - related flood damage. The observer requests as a minimum, pre and post construction surveys of the storm water sewer be carried out to establish its precise location, condition and sensitivity to development. This should include analysis of post-construction damage, observations to determine the nature and extent of damage if any, whether the damage can be attributed to construction activities, and the most appropriate repairs and measures to prevent further damage.
- Drawing inaccuracies – design note states max building height is 15m drawings show parapet height of fifth storey at 18m. Distance to No. 63 Shemalier Rd of 8.2m, with the development sitting 1.8m from the boundary. The first floor plan shows this distance reduced to 8.025m. while the elevation drawing shown no difference in setback at ground and first floor level. This discrepancy could be significant given the proximity to the culvert and should be clarified.
- The development will add traffic and increase pressure for on-street parking; visitor parking should be included in the plans; parking meters could be installed along the road; access should be restricted to Church Rd during construction; the developer should be required to produce a traffic management and safety plan.

6.7. An observation has been received from Carol Morrison 68 Shemalier Road, Angela Davis 64 Shemalier Road and Edward Laycock 62 Shemalier Road, which includes:

- East wall consists entirely of land which has been reclaimed from the sea. It is a low level urban village comprising one and two storey residential accommodation.
- The site is zoned Z1 but adjacent to Z2.
- The development is totally out of character with the surrounding streetscape. It would be detrimental to the residential amenity of the area and injurious to the residential conservation on Church Rd.
- The development plan states that it is important to avoid abrupt transitions in scale and use zones.
- CHC4 policy that development in conservation areas should not constitute a visually obtrusive or dominant form. It would be visually obtrusive on the conservation areas of Church Road.
- Overlooking and overshadowing of houses on Church Road and Shemalier Road.
- Substandard accommodation.
- Additional traffic on Shemalier Road will impact on quiet residential area.
- Insufficient information on management of the property.
- They note that the developer has offered to engage in some form of mitigation with Dublin City Council. They would be concerned that an attempt to redesign this poorly designed development would result in a hodge podge.

## 7.0 **Assessment**

7.1. The issues which arise in relation to this appeal are: appropriate assessment, zoning, drainage, scale and form, residential amenity, and re-design and the following assessment is dealt with under those headings.

## 7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

## 7.3. **Zoning**

- 7.4. Most of the site is zoned Z1 - to protect and improve residential amenities. Part of the site is zoned Z2 - to protect and/or improve the amenities of residential conservation areas. This is not referred to in the planner's report and appears to be an error in the zoning map since the access strip extending from Church Road has the Z2 zoning, whereas the adjoining former Church building has a Z1 zoning. It is more likely that this zoning was intended to apply to the former Church building, and it is reasonable to consider the sensitivity of the former Church building as an important issue in the design of the proposed development.

## 7.5. **Drainage**

- 7.6. The Engineering Department – Drainage Division report states that there is an existing public storm water sewer running through the site.
- 7.7. The observer who lives in the adjoining property at 63 Shemalier Road, refers to this existing storm water sewer that runs along the boundary with the appeal site. This sewer channels a stream flowing from Ballybough to the sea, and comprises an 18<sup>th</sup> century stone-arched culvert and a poured concrete section (c1930's). The footprint of the south-west elevation of the scheme sits approx. 1.75m from the culvert. Observer has had discussions with DCC's drainage department regarding this culvert and the Dept. had serious concerns by about any deep excavation, pile driving, soil compaction, concussion or vibrations, as well as construction and construction traffic near to this drain.
- 7.8. The observer is concerned that heavy ground works such as deep excavations and foundation works performed in soft clay have frequently been known to cause damage to neighbouring buildings and structures and that the construction could

pose a serious threat of flooding to observer's property and the other properties in the vicinity.

- 7.9. Drainage Layout Plan, CST Group drawing number 119309-501, which has been provided as part of the application drawings, gives a layout of the proposed services. It shows a surface water sewer 1240 x 1200 as a straight line running close to the site boundary, but it does not reflect the width of the sewer, distances to the boundary, depth etc and is not a survey drawing. The CST Group report on the file, citing Dublin City Council records, refers to this sewer as 1300 x 880mm. The drawing Drainage Long Sections Foul and Surface Water, CST Group drawing number 119309-502, shows only services to be provided within the site and their connection to existing services.
- 7.10. No existing site layout or site survey was provided as part of the application.
- 7.11. Dublin City Council's Drainage Division state that the exact location of this pipeline must be accurately determined onsite. Their drainage records are indicative and must be verified on site. They require the developer to carry out a comprehensive site survey to establish all drainage services that may be on the site and to carry out and submit a pre-construction CCTV survey on the public sewers affected by this development.
- 7.12. They also require that the development incorporate additional sustainable drainage systems in the management of storm water and that the feasibility of installing a green roof on the proposed buildings be investigated.
- 7.13. They require that a surface water attenuation tank be provided to store storm water discharge from the site to 2 litres/second.
- 7.14. Written approval from Irish Water of the proposed foul connection to the combined network for this development must be submitted to the Drainage Division.
- 7.15. They also point out the need for a Site Specific Flood Risk Assessment.
- 7.16. All these requirements are preliminary steps, and the information is required to inform the design of the proposed development. In my opinion the lack of information on drainage issues and evidence that such information informed the design in this sensitive location is a reason for refusal.



### **7.17. Scale and Form**

- 7.18. Both refusal reasons in the planning authority's decision refer to scale; that it is excessive and that the height and scale would have an undue overbearing effect adversely impacting on the existing and future residential amenities.
- 7.19. The current Dublin City Development Plan states the planning authority's intention to favourably consider higher density proposals for development of underutilised infill sites provided they respect the design of the surrounding development and the character of the area.
- 7.20. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009 refers to the need for particular sensitivity in relation to the design and location of apartment blocks which are higher than existing adjacent residential development; as a general rule, where taller buildings are acceptable in principle, building heights should generally taper down towards the boundaries of a site within an established residential area.
- 7.21. The proposed development is from three to five stories in height. From the elevation drawings numbered P16-033S-RAU-XX-XX-DR-A-32002 and P16-033S-RAU-XX-XX-DR-A-32001 it can be seen that the proposed development is somewhat excessive in scale with regard to the neighbouring properties and the area in general.
- 7.22. The planner's report takes issue with the palette of materials, which includes brick, steel, aluminium louvres, glazing, rainskin metal roof boxes and a galvanised steel pergola and which is considered extensive. I agree with this assessment.
- 7.23. In my opinion the scale and form of the development is a reason for refusal.

### **7.24. Residential Amenity**

- 7.25. The impact on residential amenity is referred to in the planning authority's decision. The planner's report refers to the shadow drawing, which purports to show that the shadow cast would not overshadow the properties on the opposite side of the road, omitting information in relation to the time of day or time of year to which the analysis refers.

7.26. The planner's report considers that the 3 storey height which is that nearest the existing dwellings to the south is acceptable but that scale and form of the four and five storey elements would have an undue overbearing impact on residential properties. I agree with this assessment.

7.27. In my opinion the scale and form of the development is a reason for refusal.

#### 7.28. **Re-design**

7.29. The first party in the grounds of appeal offers to re-design the development and is prepared to engage in further discussions with the planning authority in this regard. They point out that the design has been arrived at over a considerable amount of time, and that they have engaged in discussions. The accounts on file of the pre planning meetings indicate that advice has been given regarding overdevelopment of the site.

7.30. The mechanism for further discussion is available to the first party in relation to any future proposal.

7.31. From the information available on this file there is no obvious reduction in scale or alteration to the design which can be suggested to the Board. The issues raised by the drainage division need to be resolved as a preliminary step to any redesign. The application documents do not include a site layout survey as would be expected. Such a survey should have provided details of the surface water sewer.

### 8.0 **Recommendation**

8.1. In the light of the above assessment I recommend that planning permission be refused for the following reasons and considerations.

## 9.0 Reasons and Considerations

- 1 The design of the proposed development on this sensitive site was not sufficiently informed by the existence of a large surface water sewer immediately adjoining the proposed building, the need to attenuate surface water within the site and flood risk: therefore the proposed development would be contrary to the proper planning and sustainable development of the area.
- 2 The proposed development would, having regard to the height and scale, and the use of materials, have an unduly overbearing relationship with adjoining properties and would seriously injure the visual amenities of the area.

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Planning Inspector

14 September 2017

### Appendices

- 1 Photographs
- 2 Extracts from the Dublin City Development Plan 2016-2022
- 3 Extract from Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009