



An
Bord
Pleanála

Inspector's Report PL 29S 248834.

Development	Demolition of two sheds, construction of five houses eight parking spaces and a new vehicular entrance.
Location	Rear of 'The Laurels', No 54 Inchicore Road, Dublin 8.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	2708/17.
Applicant	U. R. Payroll Sorted Ltd.
Type of Application	Permission.
Decision	Grant Permission
Type of Appeal	Third Party Against Grant.
Appellant	Kagyusamey Dzong, Dublin Buddhist Centre.
Date of Site Inspection	23 rd October, 2017
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 1,409 square metres and is located in Kilmainham on the north side of the railway line and Con Colbert Road and to the west of Kilmainham Gaol. It is formed from lands at the rear of No. 54 Inchicore Road ("The Laurels") and 59 Inchicore Road which have entrances onto the south on Inchicore Road to the south. Two storey terraced houses are located on the opposite side of Inchicore Road. Nineteenth century two storey over garden level terraced houses at Nos. 40 to No 52 Inchicore Road (Spencer Terrace) are to the east side of the site.
- 1.2. Sheds and a detached garage, the total stated floor area of which is eighty-four square metres are located on the site and timber fencing is located at the rear of No 54 Inchicore Road which is subdivided into dwelling units but may not have been fully occupied at the time of inspection. No 59 Inchicore Road is occupied by the Dublin Buddhist Centre the property of the Appellant Party. Coniferous trees and hedgerow are located along the inside of the front curtilage boundaries of both properties and, apart from a gap close to the front boundary hedgerow is also along the front party boundary. The original entrance gate piers for both No 54 and 59 are intact along with the front boundary brick walling which is topped by granite capping and cast iron railings which are in good condition. A telegraph pole is located at the edge of the footpath beside one of the gate piers.
- 1.3. The carriageway has been narrowed on Inchicore Road providing for a single lane one-way system with a two-way cycle route on the north side of the carriageway adjacent to the footpath and intermittent parallel parking on the spaces on the north side where the kerb and footpath are setback behind a line of mature trees. Continuous parallel parking facilities are on the south side of the carriageway.
- 1.4. The auto track analysis submitted with the application for the proposed widened driveway, entrance and circulation space indicates an encroachment over the front party boundary to the adjoining property at No 59 Inchicore Road to facilitate a refuse vehicle (or similar) movements in and out of the site in forward gear.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 13th April, 2017 indicates proposals for site clearance including demolition of the two sheds to the rear and to the side No 54 (The Laurels) on the site and for construction of a residential development of eight dwellings comprising two no two bed duplex units, a three-bed detached two storey unit and five terraced three bed units. The terraced units are shown located at the northern end of the site, facing southwards with the detached unit midway along the site adjacent to the east boundary and the two duplex units at the east side of the entrance facing towards the public road. Private open space is provided at the at the rear of the terraced dwellings and at sides of the duplex units which also have shared space and at the side of the detached dwelling.
- 2.2. For the proposed development, the total stated floor area is 1,049 square metres, plot ratio is 0.74 and site coverage is 29.3 percent. The proposed access to the development is via the existing entrance with is to be widened to accommodate two-way traffic and provision is also made for eight off street car spaces.
- 2.3. The proposed drainage arrangements include provision for SUDs measure to include p permeable paving materials and attenuation with a storage tank below ground inside the entrance to the sit with a hydro brake system to control flow to a rate of 2l/s

3.0 Planning Authority Decision

3.1. Decision

By order dated, 7th June, 2017, the planning authority decided to grant permission for the development subject to conditions which include the following requirements by condition:

Condition No 8. Prior consultation with Iarnrod Eireann Infrastructure to ascertain requirements which are to be adhered to in the development.

Condition No 9. (a) Omission of House No 6 and incorporating of the rear garden area into the private open space provision for House Nos. 7 and 8.

Condition No 9. (b) Omission of a glass block west gable end proposed for House No 1.

Condition No 9. (c) A minimum floor to ceiling height of 2.7 metres for House No 7.

Condition No 9. (d) House Nos 1 and 2 to be setback to the building line of House No 3.

Condition No 9. (e) Relocation of balconies to north elevation for House Nos 1-3.

Condition No 9. (f) Provision for one window only at first and second floor level in the west gable end for House Nos 7 and 8 and reordering of the internal layout so that all habitable rooms have windows.

Condition No 9. (g) Omission of cut-out roof balcony on north elevation of House Nos 7 and 8.

Condition No 9. (h) Provision for a pedestrian entrance to the rear garden of Unit Nos 7 and 8 a stone finish at ground level for House Nos 7 and 8 with quoins slate roof and brick upper facades similar to and a brick bond that matches the brick bond at No 52 Inchicore Road.

Condition No 9. (j) Retention of the east gate pier and reinstatement of the west gate pier following the widening of the entrance.

The reason provided is "In the interests of protection of residential amenity.

All the requirements of Condition No 9 are subject to a compliance submission.

Condition No 10: (a) Specific requirements for the kerb reconstruction which provides for continuation with ramping and dropping across the proposed entrance, use of contrasting materials for the road surface at the site entrance, signage and signage providing for a right of way to pedestrians and cyclists at the entrance. A compliance submission s required.

Condition No 10: (b) "Prior to commencement of the development and on appointment of a contractor" preparation of a Construction Management Plan which is subject to a compliance submission.

Condition No 11 is an archaeological monitoring condition inclusive of a requirement for lodgement of a report with the City Archaeologist.

Condition No 14 has a requirement for a compliance submission comprising a landscape scheme prepared by a competent person inclusive of a detailed tree planting scheme and hard landscaping.

Condition No 15 removes exempt development entitlements. Condition No 16 has a requirement for lodgement of a security bond or cash deposit with the planning authority, (to ensure satisfactory completion of the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer describes the site as “*a restricted, backland infill*”, advises that Unit 9 (the detached unit) should be omitted it being noted that private open space provision for it is deficient and insufficient in separation distance from the end of terrace unit, (House Nos 5, and the Duplex units, (House Nos 7 and 8.) Modification to Unit Nos 7 and 8 is recommended due to an inappropriate pastiche design and style which fails to integrate with the adjoining end of terrace unit at No 52 Inchicore Road and the established character of the surrounding area.

3.2.2. Other Technical Reports

The report of the Roads and Traffic Planning Division of 7th June, 2017 notes the auto-track analysis and the letter of consent for refuse vehicles to use the adjoining site for manoeuvres and also includes recommendations for a requirement for agreement with the Division on boundary treatment adjacent to the public footpath. A relevant condition and a condition with a requirement for a construction management plan to be prepared are recommended, should permission be granted.

The report of the Drainage Division indicates no objection subject to conditions of a standard nature.

The report of the Chief Archaeologist indicates no objection subject to inclusion of an archaeological monitoring condition should permission be granted.

3.3. **Prescribed Bodies**

3.4. Iarnrod Eireann Infrastructure A submission was made to the planning authority on 2nd May, 2017 in which reference is made to the provisions in the Railway Safety Act, 2005 on obligations on persons carrying out works on or near railway lines. It is indicated that the railway cutting which dates from the nineteenth century is supported by a gravity masonry retaining wall and that no additional loading on the wall can be accepted. No structure on raft or pad foundation can therefore be positioned within twice the retained height way from the base of the wall which is sixteen metres from the base or eighteen metres from the nearest rail. It is necessary for the houses according to estimations from the application drawings (which are not dimensioned) to be positioned fourteen metres from the boundary with the railway cutting. Details of multiple additional requirements in relation to restrictions to drainage arrangements, boundary treatment, construction machinery, potential vibration and noise levels at the residential units following occupation are also specified.

3.5. **Third Party Observations**

Observations were received from Kagyu Samye Dzong, Dublin Buddhist Centre (the Appellant. And Joseph O'Carroll and Elizabeth Redding, 52 Inchicore Road, Angela Rolfe 45 Inchicore Road which is co-signed by multiple parties. Issues raised include concerns about impact on historic character of the area, entrance arrangements. parking, vehicular and pedestrian safety, private open space provision and noise and disturbance during construction.

4.0 **Planning History**

P. A. Reg. Ref: 1855/05: Permission was granted for demolition of the garage and rear extensions at No 54 Inchicore Road and for change of use from Guesthouse to four apartment units, a three storey extension to the side with three apartments and a four storey extension to the rear with fourteen apartments, nineteen underground and two surface car parking spaces and widening of the existing entrance. (Details are not available.)

P. A. Reg. Ref: 3841/01: Permission was granted for alterations to the existing guesthouse at NO 54 Inchicore Road and for a two storey and a single storey extension providing for fourteen apartments and eighteen under car spaces.

There is a record of prior applications for residential apartment developments entailing alterations to the existing house which was in use as a guesthouse and construction of extensions for which permission was refused according to the planning officer's report. (P. A. Reg. Refs: 2185/00, 3244/00, 3117/97, 0102/97 and 0718/91 refer.)

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is subject to the zoning objective: *Z1: To protect, provide and improve residential amenities.*

Development Management Standards for Residential development are set out Chapter 16. Section 16.10.2 provides for private open space standards. Standards for corner site/side garden development are set out in section 16.10.9

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Alison Lopez of the Kagyu Samye Dzong, Dublin Buddhist Centre, Kilmainham Well House, 58 Inchicore Road on 4th July, 2017 in which it is requested that permission be refused. It is stated that the requirements of Condition NO 9 (a) – (j) are acknowledged but that the concerns of the appellant indicated in the observation submitted at application stage have not been fully addressed. According to the appeal:

- Use of space outside the area of the site by services vehicles is unacceptable and it is not possible to bring service vehicles into the site. The auto-track analysis shows that a vehicle over sails the footpath and encroaches into the forecourt of the Buddhist centre. (Drawing 192-271-011.) The Appellant does

not consent to, and will not encroachment onto the forecourt of the property at No 56 Inchicore Road to facilitate refuse vehicles.

- The planning officer failed to take the observations of Iarnrod Eireann Infrastructure. These observations have a major bearing on the viability of the proposed project and have been ignored in the assessment by the planning officer and the requirements of Condition No 8 are inadequate. The five terraced units must be fourteen metres from the boundary wall so that no additional loading applies to the existing retaining wall for the railway cutting. If applied, a separation distance from the boundary of fourteen units cannot be fitted into the site.
- The proposed widening of the existing entrance would have negative impact. The existing entrances at Nos 54 and 56 is 2.7 and they are flanked by two metres high gate piers and a rendered plinth wall with granite capping and 19th century railings. The intervention providing for an eleven metres opening is out of scale and character with the historic streetscape context and makes a mockery of the entrance at No 56. Trees will restrict visibility for vehicles exiting the entrance and they will be under threat. The trees on Inchicore Road a feature of the historic neighbourhood.

A two way 9.5 metres wide access road off with two lanes off a one-way carriage way is unwarranted and dangerous and there will be increased safety risk to other road users. There is no mitigation for the negative impact on adjoining properties. The Laurels is in eight apartments with up to sixteen occupants and no fence divides the development site from the house. The gardens and parking for the house will be affected. Increased parking congestion on Inchicore Road will occur.

A precedent would be set for subdivision and selling off the gardens and lands of the main house which affects the integrity of the area. A modest proposal may be acceptable. The garden and parking will be affected.

Nos 54 and 56 are part of the historic area near to Kilmainham and the development would have a negative impact on the area. The dwellings (at the front (Nos 7 ad 8) attached to No 52 Inchicore Road are pastiche in design an

inappropriately diminish the authenticity of the existing terrace of dwellings.
Condition No 9 (1) does not mitigate the fundamentally poor design quality.

6.2. Applicant Response

6.2.1. A submission was received from the applicant's agent on 4th July, 2017. Attached is a sketch drawing of the five proposed terraced dwellings. According to the submission the applicant objects to Condition Nos (9 (a) for the omission of House No 6 on grounds that the proposed dwelling is appropriate and that there is precedent for it as No 52 Inchicore Road was built later than the rest of the houses on Spencer Terrace and Condition No.9 (d) for adjustments to the staggered building line for House Nos 1-5 and would bring the development closer to the railway cutting.

6.2.2. In response to the appeal it is submitted that:

- Condition No 9 (c) address overlooking from roof gardens at House Nos 1-3 as they will face north, away from the Buddhist Centre.
- There is adequate space to provide for bin storage and cycle storage.
- Little or no trees will be removed.
- Car parking to development plan standards is provided. It is now council's policy to discourage use of the car and encourage cycling and public transport use in the inner city.
- The only requirement of Iarnrod Eireann is a two metres high balustrade fence on the boundary facing the embankment under Condition No 8.

6.2.3. The design response to Spencer Terrace, (for Nos 7 and 8 adjacent to No 52 Inchicore Road) is not pastiche and is sensitive to the historic location. Every effort will be made to ensure the correct use of materials and construction in accordance with the requirements of Condition No. 9. The modern design is reserved for the rear of the site which is out of view from the road. There is precedent as No 52 Inchicore Road was constructed at a later stage to the other houses on Spencer Terrace as an addition and it has different porch and door features.

In concluding remarks, it is submitted that the proposed development is suitable and greatly needed given the proximity to the St James Hospital site.

6.3. Planning Authority Response

6.3.1. There is no submission on file from the planning authority.

6.4. Further Responses

6.4.1. A further submission was received from the Appellant on 27th September, 2017 in which the view that the conditions do not address the concerns of the appellant are re-affirmed and the objections to the proposed development are reiterated. An image from the auto track analysis and a copy of the submission from Iarnrod Eireann Infrastructure is attached. According to the submission:

- The planning authority was insistent that refuse vehicles use the access road for servicing the development and submitted that it is unacceptable for permission to be granted without written consent to the encroachment onto adjoining property of the Appellant for the refuse vehicle turning movements. The Appellant will not give permission.
- The planning authority ignored the requirement for the houses to be located at least fourteen metres from the boundary with the railway cutting required by Iarnrod Eireann Infrastructure. House No 1 is 6.7 metres to eight metres from the boundary and House No 5 is 8.8 to ten metres from the boundary. Moving the terrace southwards accommodate the fourteen metres separation distance brings the terrace closer to Nos 54 and 56 which affects the design, the access road. Condition No 8 does not address the Iarnrod Eireann requirements.
- The size of the proposed entrance and removal of boundary treatment and gate piers is a mockery of the historic character and entrance at No 56 and two mature trees will obstruct vision on exiting to Inchicore Road is 3.5 metres inclusive of the two cycle lanes.
- The proposed development contravenes Section 16.10.9 of the development plan because the site is seventy-five percent of the overall site of No 54 Inchicore Road and seriously compromises, Nos. 54 and 56, are an existing pair of fine semidetached houses with mature ground in the historic area. The proposal is overdevelopment of the grounds and compromises the fine

architectural integrity of these properties and the historic streetscape is radically altered and the requirement for good urban design is contravened by the suburban entrance design and removal of historic railings and trees and insertion of pastiche designed development adjacent to No 52 Inchicore Road. The planning officer view that Nos. 7 and 7 “bookend” the terrace and the requirements of Condition No 9 (f) is an inappropriate architectural response and is contrary to Policy SC 28 for the promotion of quality in architecture and the built environment.

- There are direct negative impacts on the residential amenities of Nos 52 and 54 and the Appellant’s property at No. 56 by reason of overlooking, encroachment the share access and the reduction in the mature gardens and landscaping, additional demand for on street car parking that will arise with the loss of onsite parking for the existing residential units at No 54. There is existing pressure on public on street parking use to the upgraded public realm works and proximity of Kilmainham Gaol and the Courthouse and Royal Hospital Kilmainham, The Memorial Gardens and the Hilton Hotel. The upgrade which excludes bus and HGV access enhanced the street.
- Open space provision and facilities for refuse storage and collection for the existing and proposed developments are substandard. The eight apartments at No 54 generate a requirement for an area of fifty-five to eighty-eight square metres private open space when development plan standards are applied. The proposed development reduces the space available for the existing property to thirty square metres in a rear yard. The three remaining car spaces for No 54 would be substandard, there is no provision for cycle parking for the dwelling and the amount of traffic entering and exiting the proposed development would adversely affect residential amenities at No 54.
- The banning of HGVs benefits Inchicore Road and recent traffic calming and public realm works benefit the area but traffic accelerates towards the western end of the road and cyclists on the two-way cycle path in particular would be affected by traffic exiting the site where vision is obstructed. Refuse vehicles would over sail the footpath and may be obstructed by parked cars. The company number submitted with the application is for Tacoma Properties

Investments which is not the applicant d cars and the auto-track analysis does not show that these problems would not arise.

- The validity of the application is questionable as the status of the applicant and ownership of the existing house is questionable. The is not an Irish registered company. It was registered in the UK but was dissolved in March 2017. The company number used on the application is 532664 which belongs to Tacoma Property Investments Limited and not the applicant.

7.0 Assessment

7.1. The issues raised in the appeal and central to the determination of a decision can be considered below under the following broad sub-categories:

Validity of the application.

Railway Cutting: Requirements of Iarnrod Eireann Infrastructure.

Vehicular and Pedestrian Safety and Convenience.

Impact on Visual amenities and Architectural Characteristics of the Area.

Impact on Residential Amenities.

Appropriate Assessment.

7.2. Validity of application.

7.2.1. The status of the applicant is challenged in the final submission of 27th September from the appellant but not in the initial Appeal. This in turn raises questions as to the validity of the application and, in the event that the applicant has insufficient legal interest, whether the Board would be precluded from giving further consideration to the proposed development.

7.2.2. The validity is challenged primarily on grounds that the name provided for the applicant is not a legal entity. While a comprehensive account of the investigations undertaken by the appellant is provided, documentary evidence to support the claim is not included with the submission. The Appellant therefore questions the validity of the letter of consent provided with the application to allow for encroachment onto the Appellant property at No 56 by service vehicles. It would be advisable, for the

applicant to be provided with an opportunity to demonstrate that the applicant is a legal entity prior to determination of a decision. This can be addressed by way of Section 132 Notification. However, ultimately the dispute over the validity of the application is a matter for resolution through the legal system as it lies outside the direct remit of the An Bord Pleanála.

7.3. Railway Cutting: Requirements of Iarnród Éireann Infrastructure.

- 7.3.1. The northern boundary of the site adjoins the railway cutting which was dated from the nineteenth century. A comprehensive report from Iarnród Éireann Infrastructure in which requirements which it states are essential to ensure that the development does not increase risk to the nineteenth century gravity retaining wall supporting the railway cutting and railway was issued to the planning authority. It is fully agreed with the appellant that Condition No 8 attached to the planning authority decision is inappropriate and lacks sufficient clarity in the case of the current proposal. Furthermore, in the absence of any reconsideration of its requirements by Iarnród Éireann Infrastructure, there is little or no discretion regarding the applicability of the requirements of Iarnród Éireann in its capacity regarding the public infrastructure and facilities under its control as a statutory undertaker.
- 7.3.2. As pointed out in the Appeal, a major alteration to the layout of the proposed development would be essential to accommodate the requirement of Iarnród Éireann for provision for a minimum separation distance between structures and the northern site boundary. Although it is of note that some existing development within the vicinity breaches this requirement, it is not considered appropriate to set aside this requirement without the agreement of Iarnród Éireann Infrastructure. Based on scaling from the application drawings, it is noted that the separation distance between the rear building line of each of the five terraced houses and the boundary with the railway cutting ranges from circa eight to nine metres which is a shortfall of circa five to six metres.
- 7.3.3. Repositioning of the footprint forward of the proposed position for the terraced units would result in a major departure from the development initially proposed in the application and, as contended in the appeal would be feasible, given the site configuration. As a result, the proposed development layout and design would fail to achieve minimum standards for amenity in terms relationship between dwellings,

private and public open space circulation and parking notwithstanding potential issues for integration with the surrounding historic built environment. In addition to the other requirements with restrictions on drainage and planting within fourteen metres of the boundary and boundary treatment adjacent to the railway cutting itself, there are additional requirements in relation to construction methods and noise and vibration in respect of which preparation of a comprehensive construction management plan would be necessary. Given the foregoing, it can be concluded that permission for the proposed development should be refused due to the requirements of Iarnród Éireann Infrastructure with regard to potential risk to the stability of the retaining wall supporting the railway cutting.

7.3.4. Notwithstanding the foregoing, the proposed development is also considered below, having regard to the issues raised in the appeal, on a basis whereby the requirements of Iarnród Éireann and the issue as to the validity of the application are set aside.

7.4. Vehicular and Pedestrian Safety and Convenience.

7.4.1. The access route is generally consistent with standard technical criteria and it is noted that the proposed arrangements are acceptable to Dublin City Council's internal Roads, Traffic and Planning Division. Cycle and pedestrian movement is two-way, the cycle lanes being adjacent to the footpath edge whereas vehicular traffic is one way from east to west. During the inspection, it was noted that road side mature trees may partially obstruct vision on exiting the site. This is a potential cause of concern with regard to the safety of cyclists using the cycle lanes. Furthermore, a telegraph pole immediately adjacent to the west gate pier and its connecting wire would require removal and relocation.

7.4.2. The auto track analysis indicates encroachment onto the adjoining property at No 56 Inchicore Road (the Appellant property) and a route across the front curtilage of No 54 (The Laurels) as being essential to facilitate turning within the site by refuse and other large vehicles so that the site entrance can be exited in forward gear. As previously indicated, the Appellant has confirmed that consent is not forthcoming for the encroachment onto the property at No 56 Inchicore Road and, has questioned the validity of the letter of consent to such encroachment provided with the application. The site of the existing property at No 54 is indicated as being in the

same ownership as the appeal site and a parking layout for it has not been included in the application. There is potential for conflict in future use of the front curtilage for parking and circulation by large vehicles. Furthermore, in the event of future separation of ownership, issues would need to be addressed regarding rights of way across the remaining front curtilage area for the existing dwelling.

7.4.3. In addition, in the event that insufficient provision can be made on site for parking by both the existing and the proposed development in accordance with development plan standards the concerns indicated in the appeal submissions as to potential generation of increased demand for the use of the public pay and display and residents' permit parking facilities on Inchicore Road would be reasonable and the concerns as to traffic hazard and endangerment of public safety due to congestion and obstruction would be understandable.

7.5. Impact on Visual amenities and Architectural Characteristics of the Area.

7.5.1. With the five terraced units in the position proposed within the application which does not take into account There is no objection the terrace of five units (House Nos 1-5) as shown on the application drawings except that the layout does not incorporate the requirements of Iarnród Éireann Infrastructure for the fourteen metre separation distance from the northern boundary with the Railway cutting,

7.5.2. It is noted that in conjunction with modification requirements to facilitate residential development standards several modifications are required under Condition no 9 attached to the planning authority decision. While somewhat ameliorative, the modifications required for Nos. 7 and 8 do not overcome the argument as to pastiche development and negative impact on the integrity and character of No 52 and the other houses within Spencer Terrace to the east side of the entrance. As a result, Nos. 7 and 8 would inappropriately and negatively interrupt the transition between the terrace and the pair of semi-detached houses (Nos 54 and 56) set back behind the road frontage boundary. The proposed insertion adjacent to the gable end of No 52 would be incompatible with the integrity and established character of the existing historic streetscape at this location. However, a simple contemporary and low profile complementary design, possibly limited to one dwelling unit may be acceptable. It would be appropriate for this matter to be addressed through new planning application

7.5.3. Although the modifications to the proposed site frontage are undesirable when considered solely from the perspective of the historic architectural context of Inchicore Road, a reasonable balance between this interest and the sustainable development interest in enabling undeveloped but serviced inner city lands to be developed thus providing for consolidation of the city as envisaged in the development plan police and objectives. The reinstatement of the gate pier at the reconfigured entrance is an appropriate measure, ideally in conjunction with reuse of historic cast iron railings and plinth walls if feasible and use of appropriate materials. It is accepted that a widened entrance distorts the original symmetry of the historic entrances but sensitive design can result in reasonable compromise facilitating modern access and circulation arrangements.

7.5.4. High quality and compatible hard and soft landscaping is also ameliorative in providing for assimilation of entrance arrangements for development on existing properties in historic areas. There is lack of clarity in the application as to proposals for tree retention within the proposals for landscaping. It is not clarified as to whether there are trees of special merit or interests although none are subject to statutory protection or specific objectives within the development plan or whether trees are of interest and significance in general. Given the requirements for vehicular circulation and on- site parking in addition to the proposed construction of the dwelling units, the statement within the response to the appeal that little or no tree loss would occur is not accepted.

7.6. Impact on Residential Amenities.

7.6.1. There would be insufficient provision for private open space to serve the existing house at No 54, the internal accommodation within which is subdivided in to multiple dwelling units, possibly eight as contended in the appeal. Further clarification is required in this regard both in respect of details of the internal accommodation within the house, along with details for arrangements for car and cycle parking, waste storage and private open space. The subdivision of the site is such that a small area of utility space only is available at the rear of the house. Furthermore, as previously stated, there is a lack of clarity with regard to the intended uses for the existing front curtilage in connection with both the existing and proposed development regarding circulation space, car and cycle parking, waste storage and private and communal open space.

7.6.2. On review of the proposed site layout as shown in the application drawings, the outlook from the terraced units is dominated by the car parking, the north boundary and rear elevation of No 54 and the north boundary wall of House No 6 and the separation distances are deficient. The outlook from house No 5 is direct to the garden boundary wall enclosing a small area of private opens space at House No 6, (a single storey unit) within approximately 2.5 metres distance resulting in substandard amenity potential for both houses. Overall the distribution and amenity potential of both private and the communal open space provision with the proposed layout is restrictive. These deficiencies would result in poor amenity potential for the future occupants and for the amenity and privacy of residential accommodation within the existing house at No 54.

7.7. Appropriate Assessment

7.7.1. Having regard to the inner-city location of the site which is serviced land, to the existing development on the site and in the vicinity and, to the nature and scale of the proposed development which is to be connected to the public storm-water and foul drainage systems serving the area and incorporating appropriate SUDS arrangements no appropriate assessment issues arise. The proposed development would not 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. It may be advisable to provide the applicant with an opportunity by way of Section 131 notification to address the issues as to the legal entity of the applicant and to address the requirements set out in the report of Iarnrod Eireann. However, it is recommended that the appeal be upheld and that permission be refused on the basis of the reasons and considerations set out below:

9.0 Reasons and Considerations

1. The proposed development which provides for residential development within fourteen metres of the northern site boundary, could lead to serious danger to human health of the environment because the site location is in an area where it is necessary to limit the risk of serious danger to human health or to

the environment because it is adjacent to the cutting for a national railway line which is supported by a nineteenth century, masonry gravity retaining wall of unknown design to which no additional loading should be applied.

2. Having regard to the site location within an area subject to the zoning objective *Z1: To protect, provide and improve residential amenities* according to the Dublin City Development Plan, 2016-2022, it is considered that the proposed development would constitute substandard overdevelopment and would be seriously injurious to the residential amenities of adjoining property and the future occupants by reason of substandard layout and insufficient quality and quantity of private and communal open space provision, to serve the proposed development and the residential units within the existing house, and, lack of provision for privacy due to the degree of reciprocal overlooking potential between properties. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.
3. There is insufficient provision for adequate turning space for service and other larger vehicles and insufficient car parking spaces to serve the existing and proposed development within the site curtilage. As a result, the proposed development would lead to obstruction of other road users, congestion and would endanger public safety by reason of traffic hazard due reverse turning movements at the entrance onto a narrow street narrow with two-way cycle lanes at the site entrance where vision would be restricted by mature kerbside trees and increased demand for use of on street parking facilities. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
25th October, 2017