



An
Bord
Pleanála

Inspector's Report PL29N.248901

Development	Provision of an additional dwelling and associations revisions to the layout on west side of residential development approved under ABP Ref. PL29N.246430 (DCC Ref. 4105/15)
Location	Former Carmelite Convent, Grace Park Road, Drumcondra, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2839/17
Applicant(s)	Grelis Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Grelis Ltd.
Observer(s)	Seán Haughey TD
Date of Site Inspection	9 th October 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on the northside of Dublin city in Drumcondra, approximately 3.5km northeast of the city centre and comprises the former institutional lands of the Carmelite Convent of the Incarnation. It is bounded to the north by Griffith Avenue, to the east by Grace Park Road, to the south by the rear of dwellings along Grace Park Road and to the west by All Hallows College and the rear of dwellings in the Beresford residential estate. Access to the site is only available via a sweeping avenue off Grace Park Road to the southeast, with two alternative pedestrian entrances in the boundary wall.
- 1.2. The vacant Convent buildings are Protected Structures, often referred to as Hampton House, including a detached bungalow to the east of the main building and a Church to the front of the convent. Other features on site include a small burial ground along the high brick wall that separates the site from Grace Park Road and a walled garden immediately to the rear of the three-storey Convent building. The site is currently under construction and the grounds remain quite open with mature trees in several areas including the boundaries of the site.
- 1.3. The development area subject of the appeal generally comprises part of an open field to the west side of the main convent buildings and adjacent to two-storey detached properties in Beresford Lawn. The boundary with the rear of properties along Beresford Lawn is formed by a wall approximately 2.4m high. Ground levels in the vicinity are relatively flat, with only a slight drop moving southwest towards All Hallows College.

2.0 Proposed Development

- 2.1. The proposed development comprises the following amendments to permission granted under ABP Ref. PL29N.246430 (DCC Reg. Ref. 4105/15):
 - Provision of an additional three-storey four-bedroom end-of-terrace dwelling (Type M1) on the southside of previously permitted Block G (current Block M);
 - Alterations to the proposed site layout to primarily provide for revised hard and soft landscaping, including revisions to pedestrian paths, revised internal road layout and revised parking provision, including one less set down space

fronting Block M and two additional car parking spaces to the south of Block M.

- 2.2.** The Application was accompanied by a cover letter, which included a brief Architectural Heritage Assessment/Conservation Method Statement.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse permission for the proposed development for one reason:

R.1 contrary to a condition of the parent permission requiring no further loss in quantity of area of public open space in the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (June 2017) reflects the decision of the Planning Authority and noted the following:

- Drawing No. PL-06-1002 submitted with the application and titled 'Granted Site Layout Plan' is the same as the Site Layout Plan submitted in December 2016 and January 2017, as a compliance response to condition no. 2 of the parent permission. In April 2017, the Planning Authority advised the applicant that the submission was not in compliance with the permission.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- Conservation Section – no response;
- Roads & Traffic Section (Planning Division) – no response.

3.3. Prescribed Bodies

- Irish Water – no response;

- Heritage Council – no response;
- Minister for Arts, Heritage & the Gaeltacht – no response;
- An Taisce – no response.

3.4. Third-Party Submissions

3.4.1. None.

4.0 Planning History

4.1. Subject Site

4.1.1. Since the parent permission was granted in August 2016, the appeal site has been subject of numerous planning applications to Dublin City Council, including the following: -

- Ref. 3467/17 – Notification (September 2017) issued by the Planning Authority to **refuse** amendment to the parent permission to allow for an additional detached house along the southern pedestrian access;
- Ref. 2814/17 – Amendment to the parent permission **granted** (August 2017) to allow for alterations to the bungalow of the former Convent to change this from a two-bedroom unit to a four-bedroom unit;
- Ref. 2813/17 – Amendment to the parent permission **granted** (August 2017) to allow for alterations to the three dwellings within the Hermitage Building of the former Convent;
- Ref. 4411/16 – Amendment conditions 2 and 19 of the parent permission **granted** (April 2017) to allow for alterations to landscaping, boundary treatments and access roads. Note: not relating to conditions to 2(a) and 2(b);
- Ref. 4410/16 – Amendment to the parent permission **granted** (April 2017) to allow for two-storey side extension to semi-detached dwelling at entrance to the development;
- ABP Ref. PL29N.246430 (DCC Ref. 4105/15) – Permission **granted** (August 2016) for the demolition of gate lodge, outbuildings and parts of protected

structure, provision of 95 residential units, part change of use/conversion of protected structure and a new 69-bedroom nursing home with the following condition of note:

C.2. The proposed development shall be amended as follows: -

(a) houses numbers 23, 24, 25 and 26, with their curtilages and the roadway (Road no. 3) and parking areas in front of houses numbers 25 and 26 shall be omitted, and the resultant space [with the exception of the strip of land referred to in condition number 2(b)] shall be incorporated into the public open space for the proposed development;

(b) the private open space of house number 27 shall be increased by the provision of a strip of land, two metres in width, along the side of the house, from the rear of the site to the estate road. This area shall be incorporated into the garden of this house;

(c)

Reason: In the interest of protecting the residential amenities of surrounding properties, of providing durable boundary treatment to rear gardens, and in order to provide an appropriate level of public open space that maintains the open character of these institutional lands to comply with the provisions of the current Dublin City Development Plan.

4.2. Surrounding Sites

4.2.1. There have been numerous recent planning applications for a variety of development uses on neighbouring properties, including the following recently decided by An Bord Pleanála on lands adjoining the southwest corner of the appeal site:

- All Hallows College, Drumcondra – ABP Ref. PL29N.246962 (DCC Ref. 2798/16) – Permission granted (November 2016) for proposed temporary development consisting of a standalone 2 classroom primary school and ancillary works within the curtilage of a Protected Structure.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z15 – Institutional & Community Lands' within the Dublin City Development Plan 2016-2022, with a stated objective "to protect and provide for institutional and community uses". Residential uses are 'open for consideration' on lands zoned 'Z15'. Section 14.8.14 of the Plan outlines that development of lands zoned Z15 must provide 25% of the lands for open space and/or community facilities.
- 5.1.2. The former Carmelite Convent of the Incarnation, including ancillary buildings and curved return to the main house, is a Protected Structure listed under reference 3238 of the Record of Protected Structures (RPS).
- 5.1.3. The most relevant planning policies for the proposed development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Design standards for residential development are set out under Section 16.10 of the Plan and issues for consideration in assessing proposals for new houses are set out in Section 16.10.2.
- 5.1.4. Table 16.1 outlines the maximum car parking requirement for residential units in this part of the city as 1.5 spaces per dwelling.

5.2. National Guidelines

- 5.2.1. The following guidelines are relevant:
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The principal grounds of the first-party appeal can be summarised as follows:

- Proposed open space areas for the overall development amount to over 25%, as required under the Z15 zoning – this also excludes the community facilities proposed, including a church, a crèche and the institutional/community use within the Protected Structure;
- Drawings are provided to show that the proposed scheme would provide for 25.7% of the overall lands as public open space, as well as 952 sq.m of community facilities;
- Proposed development would result in the loss of 250sq.m open space or 0.7% of the total public open space and would not adversely impact on the quantity or quality of open space proposed;
- Proposed dwelling is compliant with planning policy and in keeping with surrounding context.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority responded to state that they had no further comments to make and that they consider the Planning Officer's report to adequately address the proposals.

6.3. Observation

- 6.3.1. An observation was submitted from Seán Haughey TD, which may be summarised as follows:
- Additional house would seriously injure the amenities of residents at 10, 11 and 12 Beresford Lawn, particularly via impacts on light and views;
 - Further development on the overall site, would constitute overdevelopment.

7.0 Assessment

7.1. Introduction

- 7.1.1. The principal for the development of residential uses on the subject site has been established under the An Bord Pleanála Ref. PL29N.246430 (the parent permission), in line with the 'Z15 – Institutional & Community Lands' zoning. The proposed

dwelling would comply with the minimum requirements for floor areas, room widths, storage area and private amenity space, as set out in 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities', and required by the Development Plan. The proposed dwelling forming part of a revised Block, would follow the previously permitted design and would generally be in keeping with the existing and proposed character of the area. Consequently, I consider that the key issues in determining the application and the appeal before the Board relates to the impact of the proposals on open space, which formed part of the Planning Authority's the reason for refusal, and other matters considered below.

7.2. Open Space

- 7.2.1. The Planning Authority refused planning permission for the proposed development, as it would be contrary to conditions 2(a) and 2(b) of the parent planning permission, which generally required omission of housing, a road and parking areas on the western side of the site and use of the resultant areas as public and private open space. The reason for the Board attaching this condition outlines, inter alia, the need to provide for an appropriate level of public open space that maintains the open character of these institutional lands to comply with Development Plan provisions. The condition attached addressed the open space provision, however, this assessment must be undertaken regarding the individual merits of the subject proposed development.
- 7.2.2. Within the Inspector's report for the parent permission (PL29N.246430), the Inspector refers the Board to Downey Architecture Drawing No. PL-1004, which indicated the open space zones on site amounting to 25% public open space. Note 1 of the Board's Direction for the parent permission provides further insight into the rationale for attaching conditions 2(a) and 2(b), stating the following:
- In deciding to grant permission in this case, the Board had regard to the Development Plan provisions in relation to Z15 institutional lands, and was not satisfied that the public open space that had been proposed by the applicant was adequate. It considered that, with the omission of 4 houses and associated parking and roadway, and the incorporation of this area into the proposed public open space, as set out in condition 2 (a), an acceptable level

of public open space could be provided to comply with the requirements of the Development Plan. The Board had regard, in this context, to its recent decision under An Bord Pleanála file reference number PL29N.245745, and in particular condition 2 of that permission, for development on other Z15 zoned lands nearby. The Board also considered that this open space should be taken in charge as public open space, upon completion of the development (Condition 19 refers).

- 7.2.3. Omission of the four houses and associated parking and roads would have consolidated the open space into a more manageable and functional area, while also improving the quantity and quality of open space serving the development. The Board are advised that Drawing No. PL-06-1002 titled 'Granted Site Layout Plan', included with the application, is not the 'granted site layout plan' for the parent permission, but would appear to be the applicant's interpretation of the requirements set out under Conditions 2(a) and 2(b) of the parent planning permission.
- 7.2.4. The Development Plan outlines that the development of lands zoned Z15 must ensure that 25% of the lands remain in use as public open space and/or for provision of community facilities. The applicant considers that as a result of the additional house and revised layout proposed in the subject application, the proposed development would provide 25.7% public open space and thereby exceed the 25% open space requirement set out in the Development Plan. This figure was not contested by the Planning Authority or others. The grounds of appeal also highlight that the 25% requirement can be met exclusive of the provision of community facilities in the church, crèche and Protected Structure.
- 7.2.5. The Plan sets out that Z15 lands include institutions in open grounds, such as the subject site, which may have provided ancillary and incidental activities for the local community, such as use of part of the site for recreational purposes or the use of rooms for local meetings. The former Convent was set on open grounds and this has clearly formed the foundation for their redevelopment in the context of the Z15 zoning. In allowing for the transition of such lands to incorporate residential uses, the Plan requires significantly more open space to be maintained than on other development lands. In accordance with provisions set out under 14.8.14 of the Development Plan, the 25% public open space should not be split up, unless site characteristics dictate otherwise, and should comprise mainly of soft landscaping

suitable for recreational and amenity purposes and should contribute to, and create linkages with, the strategic green network. I consider that the proposed public open space, as illustrated in the grounds of appeal, generally conforms to the above characteristics and I accept that the 25% public open space requirement would be met on site, exclusive of the provision of community facilities.

7.2.6. I accept that the Board had previously attached a condition omitting housing and associated parking and roads from the development in order to improve the open space provision, however, I consider that the revised proposals incorporating a new dwelling, to be compliant with Development Plan policy, including the 25% open space requirement, and would, therefore, not strictly contravene the subject parent permission conditions 2(a) and 2(b). Amendments to developments of this scale and nature are quite typical, however, I would note that further loss in quality or quantity of public open space beyond that currently proposed on site would be severely limited, by virtue of the resultant extent of open space for the site (25.7%), as now proposed.

7.2.7. In conclusion, the proposed development would be in compliance with Development Plan provisions regarding open space for these 'Z15' lands and would not contravene a condition of the parent permission, and, therefore, should not be refused for this reason.

7.3. Other Matters

7.3.1. In the area immediate to the subject Block M, a total of 15 car parking spaces, including four spaces along the estate access road. It is not clear if any of these spaces are allocated specifically to the dwellings in Block M or to the neighbouring Block D and the Hermitage Building. The layout submitted would also suggest room for possibly two more spaces on the southside of the rear garden to the proposed additional dwelling. The Development Plan sets out a maximum car parking standard of 1.5 spaces per dwelling in this part of the city, therefore, the five four-bedroom houses in the subject Block would require a maximum of 7.5 spaces. Based on the above and the information available, I would suggest that 8 no. spaces in total would adequately serve as an appropriate provision of parking in the area to the south of Block M. Should the Board be minded to grant permission for the Development, I would suggest that parking spaces is reduced to align with

Development Plan standards, and any excess parking, roads and hardstanding should be incorporated into the open space.

- 7.3.2. To create defensible space between the south elevation of the proposed new dwelling and the open space and any parking area to the south, a condition similar to that set out under condition 2(b) of the parent permission would again be warranted.
- 7.3.3. An observation to the appeal by Seán Haughey TD raised concerns with regards to the impact of an additional house on the amenities of the residents at 9, 10 and 11 Beresford Lawn. The proposed additional dwelling would be located a minimum of 25m to the southeast of the three detached units on Beresford Lawn and would be further from these neighbouring properties than the permitted four dwellings in the subject three-storey Block M. I do not consider that the proposed additional dwelling would have a significant impact on the amenities of neighbouring properties given the 2.4m high boundary wall, separation distances, building heights and orientation, which I consider typical of a suburban context.
- 7.3.4. Considering the scale and nature of the proposed development serving as an amendment to the parent permission and located away from the Convent buildings, I do not consider that the proposed additional house would detract from the character or setting of the Protected Structure on site.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that planning permission should be granted, for the reasons and considerations, as set out below.

10.0 Reasons and Considerations

10.1.1. Having regard to the Z15 – Institutional & Community Lands zoning objectives for the site, the applicable planning history and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development, which seeks to amend a permitted parent permission, would allow for an appropriate provision of open space on site, would not contravene a condition of the parent permission, would not seriously injure the amenities of the area or of property in the vicinity, would not detract from the character or setting of the Protected Structure on site and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 15th August 2016 under appeal reference number PL29N.246430, planning register reference number 4105/15, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The proposed development shall be amended as follows:

(a) 8 no. car parking spaces shall be provided immediately to the south of Block M and any resultant excess roads, turning or parking areas shall be omitted, and these areas shall be incorporated into the adjoining area of public open space;

(b) The private open space for the additional house no. 22, shall be increased by the provision of a strip of land, 2 metres in width, along the side of the house, from the rear of the site to the estate road. This area shall be incorporated into the garden of this house.

Reason: To ensure the adequate provision of car parking in line with the standards of the Dublin City Development Plan and in the interests of the residential amenities of future occupants.

4. 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.

5. The developer shall pay to the planning authority a financial contribution in respect of Metro North Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Colm McLoughlin
Planning Inspector

11th October 2017