



An
Bord
Pleanála

Inspector's Report PL29S.248958

Development	Demolish factory building & 2 houses and construct 171 apartments.
Location	Faulkner Industries Factory, Chapelizod Hill Road, Chapelizod, Dublin 20.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2869/17
Applicant(s)	Midgard Construction Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Midgard Construction Ltd.
Observer(s)	Michael & Geraldine Egan
Date of Site Inspection	4 th October 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

The appeal site is located on the W side of Dublin, to the E of Ballyfermot and W of Chapelizod. It is located on the W side of the Chapelizod By-Pass and to the S of Chapelizod Hill Road which links Ballyfermot with Chapelizod via Kylemore Road. The surrounding area is mixed use in character and the lands slope down steeply from W to E towards Chapelizod and the River Liffey, although the site itself is relatively flat.

The elevated site is occupied by a vacant factory building and two 2-storey dwelling houses with long rear gardens. The site boundaries are defined by fences and a variety of mature deciduous and evergreen trees. Vehicular access is off Chapelizod Hill Road which is one-way further to the E under the Chapelizod By-Pass bridge.

The site is mainly bound by existing residential uses. There is a single 2-storey detached house to the immediate W with a 4-storey apartment development beyond on the grounds of Cannon Troy House which is a Protected Structure. The site is bound to the S by a relatively recently constructed estate of 2-storey terraced houses at Covent Lawns, and the boundary between the site and the rear gardens is defined by a row of mature *Leylandii* trees. The SW corner of the site is bound by the Arts Department of Ballyfermot College of Further Education. There is a row of detached single and 2-storey houses to the E along a narrow tree lined laneway which is accessed off Chapelizod Hill Road.

The site is located directly opposite an ETB training centre which is also accessed off Chapelizod Hill Road, there are several schools, colleges, training facilities and open spaces in the vicinity, and Ballyfermot town centre is located to the SW.

Photographs and maps in Appendix 1 describe this relationship in more detail.

2.0 Proposed Development

Permission is being sought for a 3-5 storey apartment development over a single level basement on a 1.05ha site comprising:

- The demolition of the existing factory and two 2-storey semi-detached houses.
- The construction of 171 apartments in two x 3-5-storey over basement blocks (amended to 153 units in 3 blocks by the appeal submission).
- The apartments would contain a mix of 1-bed, 2-bed and 3-bed units.
- The provision of a concierge office, childcare facility and outdoor play area.
- Basement and surface parking for cars, motor cycles and bicycles.
- Ancillary plant room, bin storage areas and ESB sub-station.
- Modifications to the existing vehicular entrance and a new fire access.
- Landscaping, boundary treatment and all associated engineering works (including plant and solar panels at roof level) and site development works.

Accompanying documents:

- Planning Report
- Urban Design Statement
- Shadow Analysis
- Apartment Schedule
- Landscape Report
- Arboricultural Report
- Traffic Report
- Drainage Report
- Flood Risk Assessment
- EIA & AA Screening Reports
- Ecological Impact Statement
- Bat Survey
- Archaeological report
- Community and Social Audit

3.0 Planning Authority Decision

3.1. Decision

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

1. The development due to its siting forward of the established building line, scale and massing in this prominent location on the brow of a hill, within an area characterised by an almost country lane layout to the E (36A -36F Chapelizod Hill Road) and vernacular terrace housing to the S (Convent Lawns), would be detrimental to visual amenities of the area and have an overbearing aspect on adjacent dwelling which would seriously injure the amenities of properties in the vicinity.
2. The proposed development represents overdevelopment of this suburban site at with a density of some 162 units per hectare which is contrary to the Department of Housing, Planning, Community and Local Government, Guidelines on Sustainable Residential Development in Urban Areas, 2009, and the policies of Dublin City Development Plan 2016-2022, and thereby, is contrary to the proper planning and sustainable development of this area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

This report recommended that permission be refused for the above reasons.

3.2.2. Other Technical Reports

Traffic: FI requested in relation to the internal road layout, pedestrian access to the crèche, access for refuse vehicles, and clarification of red line boundary.

Drainage: No objection subject to conditions.

Waste Management: No objection subject to conditions.

Environmental Health: No objection subject to conditions.

City Archaeologist: No objection subject to conditions related to site tests & assessment.

3.3. Third Party Observations

Submission received from neighbouring residents to the E who raised concerns on relation to excessive height & overbearance; overlooking & overshadowing; overdevelopment; impact on the character of the area; visually obtrusion; loss of mature trees; and inadequate road width & capacity.

4.0 Planning History

Appeal site:

Reg. Ref. 2739/07: Permission refused for the demolition of factory and the construction of 161 residential units in four 2-5 storey over basement blocks with crèche and basement car parking. Permission refused for 4 reasons related to:

- Adverse impact on adjacent residential amenities by way of overlooking.
- Unacceptable design, layout and relationship to public and private spaces.
- Insufficient and inadequate provision of private open space.
- Overprovision of 1-bed units which are single aspect with a N orientation.

Reg. Ref. 5644/07: Permission granted for a mixed use development of 117 residential units in three separate 3-5 storey over basement blocks with crèche, retail unit, basement car parking and relocated vehicular access. Condition no.3 required the omission of one intermediary storey from Block B and the omission of one unit at the penthouse floor level of Block A, to ensure adequate sunlight to the central courtyard and the avoidance of overshadowing of adjoining rear gardens to the NE.

Reg. Ref. 2777/12: Permission granted for 20 houses on part of the site.

Reg. Ref. 2803/13: Permission granted for 33 houses on the entire site. Condition no.5 required the removal of a line of Leyland Cypress trees from the S boundary and their replacement by a line of domestic sized semi mature trees, to ensure adequate daylighting and open aspect to rear windows and private gardens. Condition no.7 required the protection of all trees identified for retention.

Reg. Ref. 2584/14: Permission granted for modifications to the 33 houses.

None of the above planning permissions have been implemented.

Adjacent site to W:

Reg. Ref: 2509/14: Permission granted the demolition of existing structures and the alteration and extension of the existing 2-storey apartment buildings to form one single 4-storey building containing 74 one bedroom apartments for the elderly on the grounds of Cannon Troy House which is a PS. The total area of the building to be 4,622sq.m. with an overall height of 13.6m. Condition no.2 (a) required that the 2-storey section of the NE block be set back 2m behind the main front elevation.

This permission has been implemented and the works are complete.

5.0 Policy Context

5.1. National Policy

5.1.1. Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016

This document seeks to accelerate housing supply, tackle the housing shortage and address the needs of homeless people and families in emergency accommodation by accelerating the provision of social housing, delivering more housing, utilising vacant homes and improving the rental sector.

5.1.2. Sustainable Urban Housing Design Standards for Apartments Guidelines, 2015

These guidelines update the “Sustainable Urban Housing: Design Standards for New Apartments” guidelines (2007), they take precedence over local planning policy and standards, and apply to both public and private schemes. They seek to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types and sizes and to ensure that new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

Section 2 provides planning policy guidance for local authorities

It states that Development Plans, LAPS and SDZ planning schemes should identify areas where apartment schemes may be located along with guidance on scale and extent. It is a specific planning policy requirement (SPPR) there should be no conflict

between Government policy in relation to minimum standards for apartment development and local planning policy and standards. It states that apartments are most appropriately located within urban areas with established higher densities proximate to existing high density locations, public transport, employment and a range of urban amenities (shops, parks, services etc.). Dwelling mix should reflect local housing need (as per a local demographic analysis) with a small amount of variation allowed in the order of 20% to balance certainty and flexibility. It is also a SPPR that Development Plans do not set minimum floorspace standards for additional communal facilities (gyms etc.)

Section 3 and the Appendix contains Apartment Design Standards

Minimum floor areas:

Studio apartment:	40sq.m (SPPR for certain schemes i.e. 50+ Build to Let)
1-bed apartment:	45sq.m
2-bed apartment:	73sq.m
3-bed apartment:	90sq.m

It is a SPPR that the majority of all apartments in a 100+ scheme must exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3-bed units, by a minimum of 10% (studios must be included in the total floor area calculation but should not benefit from the additional space allocation), and the additional 10% may apply to one or more type of unit. Unit types may exceed the minimum standards.

It is a SPPR that this 10% requirement should apply to schemes of 10 up to 99 units, but may be varied to allow for flexibility whilst ensuring that all of the apartments are not built to minimum standards, and that it acceptable to redistribute part of the minimum 10% additional floorspace requirement throughout the scheme, i.e. to all proposed units.

Dual aspect: It is a SPPR that the minimum number of dual aspect apartments shall be 50% although this may be further reduced to an absolute minimum of 33% in certain urban areas; corner units count as dual aspect.

Single aspect: S facing units should be maximised, W or E facing units are acceptable, and N facing units may be considered where overlooking a significant amenity space.

Floor to ceiling heights: Minimum floor to ceiling height must be 2.4m except for ground floor units where it is a SPPR that floor to ceiling heights be a minimum of 2.7m, (3.0m may be considered in multi-storey buildings and 3.5m to 4.0m along busy commercial streets); it is also a SPPR that the 2.7m floor to ceiling height applies to all units (3.0m ground floor standard for multi-storey) in schemes which include less than 50% dual aspect units or any N-facing single aspect units.

Lift and Stair cores: It is a SPPR that that up to 8 apartments per floor per individual stair/lift core may be provided in apartment schemes.

Internal storage: A SPPR for minimum storage areas is set out in the Appendix; it is a SPPR that where allocated ground or basement level storage is provided, it may be used to satisfy up to half of the minimum storage requirement for individual apartment units, but shall not serve to reduce the minimum floor area required.

Private amenity space: It is a SPPR that private amenity space be provided in the form of gardens or patios/terraces for ground floor units and balconies at upper levels; minimum standards are set out in the Appendix; balconies (1.5m minimum depth) shall adjoin and have a functional relationship with the main living areas.

Security considerations: Apartment blocks should overlook the public realm, and entrance points should be well lit and overlooked; and consideration may be given to the provision of a 'privacy strip' (c.1.5m deep) where ground floor apartments are located adjoining the back of a public footpath or some other public area.

The Appendix sets out the required minimum floor areas and standards for studios and 1-3 bed units which have been incorporated in to Section 16.10.1 (Residential Quality Standards-Apartments) of the Dublin City Council Development Plan 2016 to 2021, except for the studios (refer section 5.2 below).

Section 4 deals with communal facilities in apartments

Access & services: must meet the changing needs of occupants over their lifetime.

Communal rooms: may be provided particularly in larger schemes but it is a SPPR that they are not imposed by PAs; and the provision of childcare facilities should have regard to the unit mix and the demographic profile of the area.

Refuse storage: provision should be made for storage and collection.

Communal amenity space: the provision and proper future maintenance of well-designed communal amenity space is critical; space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block.

Children's play: the recreational needs of children must be considered as part of communal amenity space:

- within the private open space associated with individual apartments
- within small play spaces (85-100sq.m) for 1 to 6 year olds (25+ units)
- within play areas (200-400sq.m) for older children & young teenagers (100+units)

Car parking: 1 space per unit generally required (1.5 max in suburban locations)

Bicycle parking: 1 space per unit generally required

Section 5 deals with apartments and the development management process.

5.1.3. **Guidelines on Sustainable Residential Development in Urban Areas, 2009**

Chapter 5 provides advice on appropriate locations for increased densities including brownfield sites, along public transport corridors and inner suburban infill locations, whilst sites in excess of 0.5ha may have the potential to set their own density, subject to environmental and residential amenity considerations.

5.1.4. Design Manual for Urban Roads and Streets,

This manual provides guidance relating to the design of urban roads and streets. It seeks to address street design within urban areas and it sets out an integrated design approach which must be influenced by the type of place in which the street is located, and balance the needs of all users. It also aims to put well designed streets at the heart of sustainable communities which can create connected physical, social and transport networks that promote real alternatives to car journeys, including walking, cycling or public transport.

5.1.5. Architectural Heritage - Guidelines for PAs, 2004

These Guidelines provide a practical guide in relation to Part IV of the Planning Act which deals with the protection of architectural heritage in respect of the Record of Protected Structures and Architectural Conservation Areas as well as development control advice and detailed guidance notes on conservation principles.

5.1.6. The Planning System and Flood Risk Management, 2009

This document provides guidance on the identification, assessment and management of flood risks in areas of potential development and they recommend a precautionary approach in relation to flood risk management.

5.2. Local policy: Dublin City Council Development Plan, 2017-2022

Zoning objective:

The proposed development would be located within an area covered by the “Z1” zoning objective in the Development Plan which seeks to “To protect, provide and improve residential amenities” and the proposed uses are listed as permissible.

Built Heritage:

Protected Structures: Cannon Troy House to the W

Architectural Conservation Areas: Chapelizod ACA to the far E

Residential Density:

Policy SC13 seeks to promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. These densities will include due consideration for the protection of surrounding residents, households and communities.

Section 16.4 states that sustainable densities which promote high quality urban design & open space will be sought in all new development which should respect the existing character, context & urban form of an area, and protect residential amenity; access to public transport capacity will be used to determine appropriate density.

Site development standards (Section 16 & Figure 39):

Height:	16m maximum (Low Rise - Outer City)
Site coverage:	45 - 60%
Plot ratio:	0.5 - 2.0

Car parking standards - Area 3 (Map J & Table 16.1)

- 1.5 spaces per residential unit (max)
- 1 cycle space per residential unit

Residential development standards (Section 16.10.1):

Mix of Residential Units:

1-bedroom units:	25-30% maximum
3+ bedroom units:	15% minimum

Minimum dimensions for 1-bed units:

Floor area:	45sq.m.
Living/dining/kitchen:	23sq.m. & 3.3m wide
Double bedroom:	11.4sq.m. & 2.8m wide
Storage areas:	3sq.m

Minimum dimensions for 2 & 3 bed units:

Floor area:	73sq.m. & 90 sq.m
Living/dining/kitchen:	30sq.m. & 3.6m wide (2-bed)
Living/dining/kitchen:	34sq.m. & 3.8m wide (3-bed)
Single bedroom:	7.1sq.m & 2.1m wide
Double bedroom:	11.4sq.m. & 2.8m wide
Twin bedroom:	13sq.m & 2.8m wide
Storage areas:	6sq.m & 9sq.m

Private & communal open space:

1-bedroom unit:	5sq.m. & 5sq.m.
2-bedroom unit:	7sq.m. & 7sq.m
3-bedroom unit:	9sq.m. & 9sq.m

Public open space: 10% of the site area shall be reserved as public open space.

Aspect/Natural Lighting/Ventilation/Sunlight: living & bed rooms should not be lit solely by roof lights, all habitable rooms must be naturally ventilated and lit.

5.3. Natural Heritage Designations

The following designated areas are located within a 10km radius of the site:

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)
- South Dublin Bay pNHA (Site code: 000210)
- River Liffey pNHA (c.1km to N) (Site code: 000128)

6.0 The Appeal

6.1. Grounds of First Party Appeal

Density precedent:

- The site has a long history of planning permissions for low to high density residential developments.
- Permission was granted for medium to high density developments to the near W of the site (71 units/ha), to the E at Chapelizod Village (120 units/ha) and to the NW at Palmerstown (150 units /ha).

Merits of proposed scheme:

- Original proposal comprised 171 units in two 3-5 storey blocks, various unit types, high proportion of dual aspect & most exceed floorspace standards.
- Revised proposal comprises 153 units in three smaller blocks with a reduced scale, lower density and greater above ground level setbacks from boundaries; along with an increase in public and communal open space, and slight reduction in site overage and plot ratio.
- The revised density (from 164/ha to 145/ha) is similar to the previously permitted scheme (5644/07) and permitted densities in the surrounding area.

Grounds of appeal - Reason no.1:

- **Building line:** There is no clear or consistent building line along Chapelizod Hill Road with a variety of building setbacks and a similar building line along this road and the laneway to the E was permitted under Reg. Ref.5644/07.
- **Scale & massing:** Adjacent buildings occupy large plots and are not “fine grain” as in inner city locations, and there are several institutional buildings nearby; scale & massing is reduced in the revised design which comprises 3 smaller blocks with more breaks between the buildings; separation distances are in excess of 22m and angled windows/screens will prevent overlooking; and blocks will not be visually obtrusive from the wider area.

- **Residential amenities:** Units located c.35-40m from the front of the houses to the E and c.27m from the houses to the S; no balconies along the E elevation of Block B to prevent overlooking/noise and similar separation distances with existing houses have been accepted nearby; no loss of mature trees along and outside of E & S site boundary; and Convent Lawns houses to the S are C.21st and not vernacular.

Grounds of appeal - Reason no.2 (overdevelopment & density):

- Planner's assessment does not take account of the previously permitted apartment densities on the appeal site (Reg. Ref.2803/13) and neighbouring lands (Cannon Troy).
- The site is located within a public transport corridor, c.250m & c.300m of bus stops, and c.750m from a proposed Luas extension, in line with Policy SC13 of the Plan, and the site has excellent connectivity.
- Sufficient community and social services and facilities in the vicinity of the site and a childcare facility will be provided.
- The density is not unique to this type of site; permission was previously granted for 117 units on the site and there are high density schemes nearby.
- The 2016 Census indicates that there will be an increased demand for smaller housing units such as apartments which are high density.

Other PA concerns:

- **Daylighting:** Internal cores and stairwells will be lit by natural light via windows in both the original and revised proposals; no N facing apartments and most are dual aspect; and adequate floor to ceiling heights.
- **Size of units:** All units comply with minimum floor area requirements and c.66% exceed minimum standards by 10%.
- **Engineering:** Existing surface water main located outside the site.
- **Ecology:** Bat survey confirms the absence of roosts in the buildings.
- **Trees:** Removed trees will be replaced by mainly semi-mature native trees.

- **Internal road layout:** Roads FI request noted and concerns addressed in submission including: - a new footpath to the crèche; additional road signage, markings and a stop sign; a c.900mm high wall at the junction of the surface road and the basement ramp; and surface level bin collection area.

Compliance with planning policy:

- Proposal complies with national and regional policy and guidelines.
- Proposal complies with Development Plan policies and standards including the Z1 zoning objective, building height (16m/5-stories), plot ratio & site coverage, density for sites over 0.5ha and close to public transport, room sizes & mix of units, and car parking (1.32/unit proposed).

6.2. Planning Authority Response

General comments:

- Height, scale, design and density were identified as issues early on and the site description and context is adequate and correct.
- The permitted high density scheme (3163/99) is in the centre of Chapelizod and close to the River Liffey and c.55% of the site is public open space.
- Several of the previous grants of permission for the site have withered and a new Development Plan is in place with a greater emphasis on sustainability, the environment, open spaces and trees.
- The amount of useable open space is less than stated in the application, the space would be overshadowed by the proximity of the blocks, and it would be less than 10% of the site area.
- The appeal submission and landscape plan do not take account of the bat mitigation measures contained in the Bat Survey which identified 2 species which use and feed in the site, nor a proposal to retain a group of trees in the SW corner that are regularly used by bats.
- A basement apartment remains in the revised plans.
- The word “Vernacular” was used to describe a local domestic design and not historical importance.

Reason no.1:

- **Building line:** This has always been an issue in this area. FI was requested at the adjacent development at Canon Troy House (2509/14) and one of the blocks was set back by 11.3m from the boundary; the W end at the corner with Kylemore Road is forward of the building line but at a minimum height of 2-storeys. No account taken of the way in which the 3 houses located in between Cannon Troy House and the factory site are set back from the road. Permission was refused in 2004 for a 2-storey house to the side of no.36A to the N (E) of the site because it would break the established building line.
- **Scale & mass:** No other buildings in the vicinity measure, or come close to the height, width and length of the proposed blocks along the E (S) boundary which would be visually obtrusive and overbearing at the neighbouring house. The blocks should be set back at least 11m-12m from the boundary.

Reason no.2: Density

- The site can be defined as falling between and Inner Suburban/Infill location and Outer Suburban /Greenfield site but not as a Brownfield site as it is not located in a City or Town Centre.
- The Guidelines do not specify density standards for Inner Suburban/Infill locations and recommends 35-50/ha for Outer Suburban /Greenfield sites.
- There was a proposal for a Luas line and stop within 500m of the site; the existing Kylemore Luas stop is 2.2km from the site; the Lucan QBC is accessed 550m from the site and the No.40 is 650m away; therefore, the site is not within the specified distances from quality public transport (500m & 1km) as per the Guidelines.
- The proposed and amended densities (162 & 145 units/ha) would be excessive for the location and double the high density of 70units/ha quoted in the Guidelines, and in excess of that permitted under 5644/07 (112 units/ha).
- The proposal would also not meet the required qualitative standards having regard to the sylvan character of the area, and would be unsustainable.

Revised scheme should be further revised:

- Provide a 12m set back from the building line for Blocks A & B, omit c.33 units and rearrange or setback c.11 units.
- **Block A:** omit units (03, 06, 14, 17, 23 & 24), rearrange or set back units (01, 02, 15, 16, 30 & 31) and relocate concierge office
- **Block B:** omit units (36, 37, 66, 67, & 92), rearrange & set back units (38, 39, 68, 69 & 93)
- **Open space:** additional space along the N boundary should be incorporated in to the landscape design to provide for the retention of several trees (T73, T74, T71, T72, T76 & T69), additional trees and a bio-diverse area for bats.
- **Block B:** omit several more apartments (71, 72, 73, 82, 83, 84, 96 & 97).
- **Block C:** omit units (100, 101, 102, 115, 116, 117, 124, 125, 126, 137, 138, 139, 144 & 145) to reduce scale and mass, provide for wildlife, increase open space and retain an existing group of trees & hedgerow in the SW corner.
- Remove the line of c. 17-18 Leyland Cypress trees from along the S boundary with Convent Lawns.
- The end result of the above amendments should comply with all residential development standards including unit mix ratio.
- Part V social housing requirements apply.

6.3. First Party response to PA submission

The First Party response did not raise any new material issues however the main points are summarised below.

- The PA refused permission and suggested that the site could only accommodate 35-50 units/ha however the response submission states that a density of 107 units/ha could be acceptable.

- Recent research indicates that there is a massive pent-up demand for apartments in Dublin, c.25,000 units are required annually between 2018 and 20140 just to address this shortfall.
- The accessible site is suitable for high density units and the PA has assessed the proposal as a low density greenfield site outside the M50.
- There is no continuous building line along Chapelizod Hill Road, Cannon Troy apartments were used as a reference, any further set back would represent a waste of zoned & serviced lands and provide a weaker edge with insufficient passive surveillance of the public road.
- Although the road slopes down the site itself is flat which is important in relation to the formation of the blocks and their locations.
- The final design reflected the concerns raised by the PA at the pre-app.
- The site is suburban and not rural, it is within 6km of the city centre, adjoins apartments and educational uses, it is within walking distance of shops and services, and would not be visible from Chapelizod of the Phoenix Park.
- The scheme would comply with the key design criteria (2009 Guidelines) in relation to context, connections, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy/amenity, parking and design.
- The scheme would provide a minimum of 11% public open space, the central POS is 0.11ha and the communal OS to the rear extends to 0.27ha., which accords with Development Plan requirements (refer to Drg. No. PL002B).
- There are no bat roosts on the site although bats may forage on the site, and there are ample habitats along the River Liffey and in the Phoenix Park.
- The basement unit complies with all standards, it is accessed from ground level due to the site levels and it will receive adequate daylight/sunlight.
- Variety of building types and designs in the surrounding area.
- The revised scheme took account of the PA's concerns in relation to design, layout and density, and further omission of units would be unnecessary owing to the high quality of the scheme and removed trees will be replaced.

6.4. **Observations**

One letter of observation received from Michael and Geraldine Egan who live in the neighbouring house to the W at no. 38 Chapelizod Hill Road, they support the redevelopment of the former factory site but not the proposed development:

- Excessive scale, height and density.
- Overlooking, loss of privacy and overshadowing.
- Inappropriate design and breach of established building line.
- Disruption during construction and no Construction Management Plan.
- Inadequate boundary treatment details and no consultation with neighbour.
- Traffic generation and hazard, impacts on one-way section of Chapelizod Hill Road and the junction with Kylemore Road.
- Insufficient details of external finishes and landscape design.
- Appeal submission contains a complete re-design of the proposed development which prohibits further third party engagement in the process.
- Both design proposals are focused on internal design issues and not the relationship with neighbouring houses.

6.5. **Prescribed Bodies**

Appeal circulated to Department of Arts, Heritage, Regional & Gaeltacht Affairs, An Taisce, Failte Ireland, An Chomhairle Ealaion, Heritage Council and Irish Water with no responses received.

6.6. **Further Responses**

None received.

7.0 Assessment

The main issues arising in this case are:

- Principle of development & density
- Design, layout and visual amenity
- Residential amenity
- Ecology, wildlife & trees
- Other issues

7.1. Principle of development and density

Principle of development

The proposed development would be located within an area zoned Z1 in the Dublin City Development Plan, 2016-2021 which seeks “To protect, provide and improve residential amenities.” The proposed development would comprise the demolition of an existing factory building and two houses and the construction of an apartment development with a childcare facility and concierge office. The proposed uses would be compatible with the zoning objective for this area subject to compliance with Development Plan other policies and standards in relation to residential amenity, the environment and movement.

Density:

The 2009 Guidelines recommend higher densities on Brownfield sites close to proposed or planned public transport corridors within city and town centres (but with no minimum or maximum densities specified), a minimum density of 50 units/ha along public transport corridors, and a density of 35 to 50 units/ha on Outer Suburban/Greenfield sites on the edge of the built up area.

The proposed apartment development would occupy a c.1.05ha brownfield site that is located within an established inner suburban area. The Guidelines do not recommend a specific density for such sites, however the proposed development would be located in close proximity to existing and proposed public transport corridors and a minimum density of 50 units/ha would be required.

The proposed 3-5 storey development would contain 171 units with a density of 163 units/ha, this was reduced to 153 in the appeal submission which has a density of 145 units/ha, and the amendments suggested by the planning officer would further reduce the number of units to c.120 with a density of c.114 units/ha.

The prevailing pattern of development and residential density in the surrounding area is varied which reflects the change in character between Ballyfermot to the W and Chapelizod to the E, as well as the changing times. The residential areas in Ballyfermot are mainly characterised by suburban 2-storey terraced houses whilst Chapelizod is characterised by a mix of older detached and terraced housing along with more recently constructed high density apartment developments at Knockmaree Hill and the Village Centre.

The nearby site to the W of the appeal site at Cannon Troy House is occupied by a recently completed 4-storey apartment complex of 74 units for senior citizens which was permitted under Reg. Ref: 2509/14, whilst the adjoining site to the E comprises several detached houses on large plots in a wooded setting. With regard to the appeal site, planning permission was previously granted for 117 units in a 3-5 storey apartment building under Reg. Ref: 5644/07, although the height and number of units was reduced by the omission of one floor.

In relation to the surrounding area, the site is located in close proximity to a proposed Luas Stop and several bus routes to the E and W at Chapelizod Village (Route nos. 27, 26, 66 & 67), Kylemore Road (Route nos. 76 & 76A) and Ballyfermot Road (Route nos. 18, 40, 76 & 79). The proposed Kylemore Luas Stop and the existing Chapelizod and Kylemore Road bus stops are within a 5-minute walk of the site whilst the Ballyfermot Road bus stops are located within an 8 to 10-minute walk.

There are several educational institutions in close proximity to the site. These include an Irish pre-school at Convent Lawns, primary and secondary schools along Kylemore Road, two third level colleges at Kylemore Road and Ballyfermot Parade, and an ETB training centre which is located opposite the appeal site.

There is a church, social services, community facilities, and a vibrant range of shops, cafés and district offices located within an 8 to 10-minute walk of the site at Ballyfermot Road. There is also a primary school and several pubs and restaurants within a 5-minute walk at Chapelizod Village. There is a large area of public open

space located to the immediate W of the site on the corner of Kylemore Road and Le Fanu Road, and the River Liffey amenity area is a 5-minute walk to the E with the Phoenix Park a short distance beyond.

Having regard to all of the foregoing, the appeal site, in principle, has the potential to accommodate a medium to high density residential development with a minimum net density of 50 units/ha in accordance with National Guidelines and Development Plan policy. However, the achievement of a high quality residential development at this site in combination with sustainable densities should be subject to other environmental, residential amenity, movement and visual amenity considerations. These issues will be assessed in the following sections of this report.

7.2. Design, layout and visual amenity

The 1.05ha site occupies an elevated position along Chapelizod Hill Road which slopes down from W to E towards Chapelizod Village although the site itself is relatively flat with a slight change in level on the E section. There is a 4-storey apartment development to the W, a row of detached single and 2-storey houses to the E, and terraces of 2-storey houses to the S. Planning permission was previously granted for a variety of developments on the site ranging from 30 x 2-storey houses under Reg. Ref. 2803/13, to 117 apartments in three separate 3-5 storey blocks under Reg. Ref. 5644/07 (one floor and several other units omitted by condition).

Planning permission is now being sought to construct a 3-5 storey over basement apartment development with a childcare facility and concierge office. Permission was originally sought for 171 apartments in two x 3-5-storey blocks and the scheme was amended to 153 units in 3 blocks by way of the appeal submission. The planning officer suggested further revisions which would alter the scale and layout of the blocks. The suggested amendments would increase the set back from the public road, reduce the number of units, increase the public open space, retain more trees and improve biodiversity. These suggestions are noted.

Original proposal:

The proposed development would comprise two separate 3-5 storey over basement blocks in the W and E sections of the site. The proposed blocks would be separated from the site boundaries by a band of linear open space that would be approximately

10m deep to the E, 14m deep to the S and 13m deep the W, with an area of public open space located in the W section in the vicinity of Block A close to the proposed childcare facility. A substantial number of existing trees would be removed from along the site boundaries and from within the site, and a large number of new trees would be planted. Block A would be located in the W section of the site and Block B would be located in the E section. Pedestrian and vehicular access would be off Chapelizod Hill Road to the N via the existing factory entrance and car parking would be mainly provided at basement level, along with storage facilities and one apartment in the NE corner. The proposed buildings would have a contemporary design with a number of upper floor setbacks and projecting balconies, and the external finishes would comprise a mix of brick, stone, cladding panels and glazing.

Block A: would have “C” shaped configuration and it would contain 93 units. The 5-storey N section would be c.52m long and c.15-16m high, and it would be set back between c.1m, 5m and 8m from the site boundary with Chapelizod Hill Road. The 3-storey W section would be c.20m long and 9m high, and it would be set back c.13-14m from the site boundary with the neighbouring 2-storey house at no.38. The 5-storey S section would be c.60m long and c.15m high and it would be set back c.14m from the site boundary with the neighbouring terraced houses.

Block B: would have a linear configuration parallel to the E site boundary and it would contain 78 units. The block would be c.90m long and between c.12m, 15m and 16m high. It would be set back between c.5m and c.6m from the site boundary with Chapelizod Hill Road, between c.13m and 20m from the site boundary with the neighbouring terraced houses to the S, and c.10m from the site boundary with the access road to the neighbouring detached houses to the E.

The Planning Officer raised serious concerns in relation to the overall scale, height and density of the proposed development, its relationship to neighbouring properties and the building line along Chapelizod Hill Road, the quality of the open space and the loss of existing trees and wildlife habitats. Planning permission was refused for two reasons related to the above concerns. The applicant subsequently submitted a revised scheme by way of the appeal submission.

Amended proposal:

The amended development would comprise three separate blocks in the N, W and E sections of the site with a greater variation in height within each block, and the block to the E would be further subdivided into two separate blocks above ground level.

There would be a similar set back from the site boundaries with the residential areas to the W, E and S whilst the setback from the N boundary with Chapelizod Hill Road would be increased. The linear open spaces around the perimeter of the site would be retained at a similar depth and the central area of public open space would be slightly enlarged. All of the blocks would have a rectangular configuration and there would be no significant changes to the contemporary design and external materials. The number of units would be reduced from 171 to 153, there would be no significant change to the childcare facility, concierge office or basement car parking area and the basement apartment unit would be retained.

Block A: would occupy a similar position to the N section of the original Block A and it would contain 34 units. The 3 to 5-storey block would be c.5.5m to c.8m high with a c.10m setback from the W site boundary at 3rd and 4th floor levels. It would be c.40m long and c.18m to 28m deep at ground to 2nd floor level; c.30m long and c.18m to c.25m deep at 3rd floor level; and c.28m long and c.18m deep. It would be set back between c.5m and c.9m from the N site boundary with Chapelizod Hill Road. There would be a c.12m to c.14m separation between Block A and Block C to the S.

Block B: would occupy a similar position to the original Block B and it would contain 65 units. This mainly 5-storey block would comprise two separate sections above ground floor level which would be separated by a c.11.5m green roof located over the central c.3.3m high ground floor section. The entire block would be c.90m long and c.16.5m deep at ground level. The above ground level N section would be c.30m long and c.16m high, it would be set back c.5m from the N site boundary with Chapelizod Road and c.10m from the E site boundary with the access road to the neighbouring detached houses to the E. The above ground level S section would be c.47m long and between c.16m and c.18m high (to take account of the slope towards the S site boundary) and it would be set back between c.13m and c.20m the S site boundary with the neighbouring terraced houses.

Block C: would occupy a similar position to the S section of the original Block A and it would contain 54 units. This 5-storey block would be c.60m long, mainly c.18m wide and between c.16m and c.18m high (to take account of the slope towards the S site boundary), and it would be set back between c.14m from the site boundary with the neighbouring terraced houses to the S.

Discussion:

The contemporary design and the varied use of external materials is considered acceptable in both the original and amended schemes and the two schemes will now be assessed with regard to layout, building line and height.

Layout:

The amended proposal represents a substantial improvement on the original scheme in terms of the overall layout, set back from Chapelizod Hill Road and the separation and subdivision of the two original blocks into three blocks, which effectively read as four blocks above ground level.

Building line:

The building line along Chapelizod Hill Road is not rigid and there is a slight curve in the road as it slopes down from W to E. The established pattern of development along both sides of this road is varied and the existing buildings are set back from the road side boundary by between c.10 and c.20m.

Canon Troy House to the W of the site and the bulk of the recently constructed 4-storey apartment scheme to the E this building are set back c.14m from the roadside boundary, whilst the section to the W on the corner of Kylemore Road and Chapelizod Hill Road is located in closer proximity. The existing 2-storey detached house located in between the Canon Troy House site and the appeal along with the two neighbouring detached houses that form part of the appeal site are set back even further from the roadside boundary. The existing factory building on the appeal site, which is located at an angle to the public road, is set back between c.10m and c.20m from the roadside boundary. No.36A Chapelizod Hill Road to the E of the appeal site is set back over c.20m from the roadside boundary, although it is noted that there is a steep embankment located in-between this house and the public road.

Under the original proposal, Block A would be set back between c.1m, 5m and 8m from the site boundary with Chapelizod Hill Road and Block B would be set back between c.5m and c.6m. Under the amended proposal, the development would be further set back from the site boundary with Chapelizod Hill Road. Amended Block A would be set back between c.5m and c.9m from the site boundary with no change to the position of Block B. The drawings submitted with the appeal indicate that the amended position of Block A and the retained position of Block B would respect the extrapolated building line along this section of Chapelizod Hill Road in line with the Canon Troy scheme to the W and the neighbouring house to the E. However, it is noted that the building line identified on Drawing no.PL-002 does not contain the correct layout for the Canon Troy House scheme to the W of the site, and that any extrapolated building line would lie to the S of this line.

The proposed development, as amended would project beyond the building line established to the W by the bulk of the existing Cannon Troy House scheme. It is noted that Cannon Troy House is a Protected Structure and that the E section of the existing apartment scheme would align with the front elevation of this building. However, the proposed development would be located c.60 to the E of this building and it would not have an adverse impact on the character, setting or integrity of the Protected Structure. The increased depth of the set-backs proposed under the amended layout would be acceptable in terms of design and layout, the development's relationship with Chapelizod Hill Road would not injure the visual amenities of the area, and the layout would maximise the use of the site.

It should be noted that any attempt to increase the separation distance with the public road by setting the blocks back further into the site would affect the Public Open Space to the S of Block A and it would reduce the separation distance with Block C, both of which would be unacceptable in terms of residential amenity. Furthermore, any attempt to reduce the depths of Block A and Block B by the omission of several units, as suggested by the planning authority, would have a knock on effect for the internal layout of the blocks and possibly result in changes to their external appearance. It could also affect the internal floor areas and dwelling mix to such an extent that the scheme might be rendered incompatible with the Specific Planning Policy Requirements (SPPRs) which are specified in the 2015 Sustainable Urban Housing Guidelines (summarised in section 5.1.2 above).

Height:

Under the amended proposal the overall height of the proposed development would continue to be mainly 5-storey although there would be more of a variation between single, 3 and 5 stories. A setback from 3 to 5-stories has been introduced along the N site boundary with Chapelizod Hill Road at Block A and the central E section has been omitted in its entirety, whilst the central above ground level section of Block B has also been omitted.

The relationship with Chapelizod Hill Road has been improved by the reduction in the height of Block A and the c.10m wide 3-storey section would be located within c.10 of the W site boundary and side elevation of the adjacent 2-storey house at no.38, which is an improvement on the original scheme in terms of visual amenity and the relationship with the neighbouring house.

The site is located within c.90m of the junction of Kylemore Road and the proposed development would occupy an elevated position along Chapelizod Hill Road which slopes steeply down from NW to SE towards Chapelizod Village and the River Liffey, although the site itself is relatively flat. The neighbouring more elevated site to the W on the corner of the two roads is occupied by a recently constructed 4-storey apartment development whilst the adjacent sites to the immediate W and E are occupied by detached 2-storey houses.

The above ground level height of the proposed 5-storey blocks (A and B) would be similar to the height of the existing 4-storey blocks to the W because of the change in levels between the two sites along Chapelizod Hill Road. There would also be a marked visual contrast between the height of Block B and the neighbouring single and 2-storey houses to the E along Chapelizod Hill Road because of the slight change in levels over a relatively short distance. This visual relationship is similar to the one proposed between Block C and the neighbouring 2-storey terraced houses to the S at Convent Lawns which are also located at a slightly lower level than the 5-storey Block C, over a separation distance of c.27m.

The overall height of the proposed development does not take adequate account of the steeply sloping nature of the surrounding area or the heights of the existing buildings in the vicinity. However, this concern could be addressed by the omission

of one floor from all of the 5-storey blocks in order to reduce the overall height of the development and to take account of the neighbouring buildings and the topography of the area, in the interest of visual amenity. This omission would not significantly affect the internal layout or external appearance of the blocks. However, it is noted that several of the 2-bed units in all three blocks are 2-storey and the recommended omission of one floor would result in the loss of some units and the amalgamation of others to provide an adequate standard of accommodation.

Given that the internal layout is similar on most levels and that only the 2-bed units would be affected, it is unlikely that the omission of one floor would significantly affect the dwelling mix so as to render the scheme incompatible with the SPPRs specified in the 2015 Guidelines, particularly in relation to the minimum and maximum standards for 3 and 1 bed units. This issue could be addressed by way of a planning condition which would require the submission of revised floor plans and elevations, which take account of the omitted floor, to the planning authority for written agreement before development commences.

The proposed blocks would be visible from along Main Street and the Phoenix Park to the far E and from along sections of Kylemore Road to the W. It would also be slightly visible from along the River Liffey and Laurence's Road to the near E. However, the visual impact would be significantly reduced by the recommended omission of one floor. It is noted that there are no protected views through the site.

7.3. Residential amenity – proposed development

The proposed and amended developments were accompanied by a schedule of accommodation which addressed the items required under Section 3 of the 2015 Guidelines for Sustainable Urban Housing: Design Standards for New Apartments. The Guidelines contain a number of Specific Planning Policy Requirements (SPPRs) in relation to dwelling mix (some flexibility allowed relative to local circumstances) and unit floor area (including a 10% gross floorspace allocation across selected units), along with dual aspect, floor to ceiling heights, lift and stair cores, internal storage, and private amenity space. The SPPRs (and other guidance) are summarised in section 5.1.2 above and the floor area and dwelling mix standards have been incorporated into the Dublin City Development Plan which are also summarised in section 5.2 above.

Original proposal:

The original proposal would contain 171 units; 31% of the units would be 1-bed which is just over the maximum allowable (30%) and 15% would be 3-bed which is acceptable; all of the units would exceed the minimum floor space requirements; and 70% of the units would be dual aspect and 30% would be single aspect but not N facing. It is noted that in order to achieve the dual aspect for the 2-storey 2-bedroom units in Block A, the living areas are S facing on one floor and the bedrooms are N facing on another floor. A similar “helix” type arrangement is proposed for the 2-storey, 2 bed units in Block B to achieve dual aspect. However, given that like uses are stacked in the same position on each floor (i.e. bedrooms over bedrooms and living areas over living areas) this arrangement is unlikely to affect the amenities of neighbouring future occupants to any significant extent, subject to the installation of adequate sound proofing. The original proposal would also provide for an acceptable level of residential amenity in relation to room sizes, floor to ceiling heights, private amenity space, communal open space and storage. The original proposal would therefore provide for an acceptable level of residential amenity in accordance with National Policy and Development Plan standards.

The proposed blocks would be surrounded by a c.10m to c.14m band of open space which would also contain an emergency vehicular access route in the S and W sections. The main area of public open space would be located in the W section of the site and it would be surrounded to the N, W and S by Block A. There would be a triangular shaped space in the SE section to the S of Block B which would integrate with the perimeter space to provide for an acceptable level of communal open space.

The appeal site is c.1.05ha, 10% or 0.105ha of public open space is required and according to the applicant 0.095ha would be provided which is slightly below the level required for a site of this size and the scale of residential development proposed. This space would also be overshadowed for part of the day by two of the three sections of Block A to the S and W, which could adversely affect the residential amenities of future occupants of the scheme.

Amended proposal:

The amended proposal would contain 153 units; 29% of the units would be 1-bed and 15% would be 3-bed which is acceptable in terms of maximum and minimum requirements; all of the units would all exceed the minimum floor space requirements; and 71% of the units would be dual aspect and 29% would be single aspect but not N facing. The same staggered “helix” type layout for the 2-storey, 2-bed units would continue to be provided in the amended blocks. It is noted that these units have been incorrectly annotated in the amended plans which indicate that all of the units on one side of each block would contain only living accommodation, and all of units on the opposite side would only contain bedrooms.

The amended proposal would also provide for an acceptable level of residential amenity in relation to room sizes, floor to ceiling heights, private amenity space, communal space and storage. The amended proposal would therefore provide for an acceptable level of residential amenity in accordance with national policy and Development Plan standards.

The amended layout would be similar to the original layout except for the omission of the W section of Block A and the subdivision of this block into Block A and C, and the provision of a first floor green roof at Block B. The public open space would be enlarged as a result of the subdivision of Block A and the omission of the W section.

According to the applicant 1.11ha of public open space would be provided. This allocation includes smaller incidental sections, particularly to the SE, as well as the space created to the W by the omission of part of Block A. Although the quantitative provisions of the Development Plan would be met the functional area would be slightly below standard or future occupants. However, it is noted that the public and communal open spaces would be more integrated and connected under the amended scheme and the overall level of provision is therefore considered acceptable in terms of residential amenity.

7.4. Residential amenity – neighbouring sites

The proposed development would be bound on three sides by existing residential uses to the W, E and S and the site boundaries are defined by a mix of mature evergreen and deciduous trees which currently provide a dense visual screen around the site. It is noted that the proposed development would result in the loss and replacement of a significant number of trees and that this will affect how the proposed blocks assimilate into their surroundings in the short to medium term.

Relationship to West: No.38 Chapelizod Hill Road

Original proposal:

Under the original proposal the c.60m long, 5-storey W section of Block A would be located parallel to the site boundary with the neighbouring 2-storey detached house at no.38 Chapelizod Hill Road, with a c.13m to c.14m separation distance. The proposed block would contain windows and balconies at all floor levels and the neighbouring site would be significantly overlooked and partly overshadowed (in the early to middle part of the day). Block A would therefore have an adverse impact on the residential amenity of the neighbouring house at no.38.

Amended proposal:

Under the amended proposal Block A would be subdivided into Block A and Block C, and the central c.14m long central section would be omitted. The height of the W section of Block A would be reduced to 3-storey, the length parallel to the W site boundary would be reduced to 27m, and the separation distance between the 5-storey element and the neighbouring house at no.38 would be increased to c.25m.

The 3-storey W facing elevation would contain bedroom windows and two balconies connected to living rooms at each floor level, however, only one of the balconies on each level (unit no.5, 8 and 19) has the potential to overlook the neighbouring site. This concern could be addressed by the relocation of the balconies to the S facing elevation along with an internal reconfiguration of the units. There would be no windows or balconies in the W facing elevations of the amended 3rd and 4th floors.

Although the new Block C would also contain balconies in the W facing elevation, there would be a c.25m diagonal separation from the rear of the neighbouring house

at no.38. This is considered an acceptable distance in terms of protecting the residential amenities of the adjacent property.

Relationship to East: Nos.36A to 36F Chapelizod Hill Road

Original proposal:

Under the original proposal the c.90m long, 5-storey Block B would be located parallel to the site boundary with the adjoining laneway to the E. This laneway provides access to several single and detached houses at nos.36A to 36F Chapelizod Hill Road that front on to the laneway. The site boundaries are defined by a row of mature trees which are located outside the site boundary and would therefore not be affected by the proposed development. The neighbouring houses are located at a slightly lower level than Block B, despite the sharp change in levels along Chapelizod Hill Road, and the separation distance to their front elevations would be between c.35m and c.38m. The proposed block would contain bedroom windows at all floor levels but no balconies, and the neighbouring houses would not be significantly overlooked or experience a loss of privacy. Although they would be slightly overshadowed by in the later part of the day, the impact would be reduced by way of the previously recommended omission of one floor.

Amended proposal:

Under the amended proposal Block B would continue to be 90m long at ground level. The block would be subdivided into two separate sections above ground level and the upper floor levels would be omitted over a separation distance of c.11m which would provide a welcome visual break in the c.90m long block.

Relationship to South: Convent Lawns

Original proposal:

Under the original proposal the c.60m long, 5-storey S section of Block A and the c.24m wide side elevation of Block B would be located parallel to the S site boundary with the neighbouring 2-storey terraced houses at nos. 34 to 52 Convent Lawns. The neighbouring houses are located at a slightly lower level than Blocks A and B and the separation distance to their rear elevations would be between c.25m and c.30m. The S site boundary is defined by a row of mature Leylandii trees which currently provide a high level of screening to the neighbouring houses. This row of trees would

be retained during the construction phase and removed and subsequently replaced during the landscaping phase (refer to section 7.5 below).

Both blocks A and B would contain bedroom windows and balconies to living rooms at all floor levels. The rear gardens of the neighbouring houses would be screened by the existing row of Lelandii trees during the construction phase however they would be overlooked in the short to medium term until such time as the replacement trees are established. Although the overlooking impact would be improved by the previously recommended omission of one floor, having regard to the overall height of the proposed 5-storey (or 4-storey) block relative to the height of the neighbouring 2-storey houses, the projecting balconies should be replaced with internal “winter gardens” along the S facing elevation. This would be preferable to re-arranging the internal layout as the currently proposed orientation seeks to maximise natural light in the living room areas. This concern could be addressed by way of a condition.

The neighbouring houses would not be overshadowed because of the orientation of the proposed blocks to the N of the existing houses.

Amended proposal:

Under the amended proposal the S section of Block A would become Block C with no amendments to the width, height, windows, balconies or separation distances and the aforementioned considerations continue to apply.

7.5. Trees and wildlife

The site boundaries are defined by a variety of mature evergreen and deciduous trees which provide a sense of enclosure within the site along with a dense visual screen around the site and a haven for wildlife, and these trees are located both inside and outside of the site boundaries. There are also several wooded areas within the site which comprise a mix of trees and hedges, and the main entrance off Chapelizod Hill Road is flanked on either side by two mature Cyprus trees.

The applicant’s tree survey indicates that a large number of trees would be removed to accommodate the proposed works and that some (but not all) of the species to be removed are in poor health. This significant loss of trees would have an adverse effect on visual amenities of the area, wildlife and biodiversity in the short to medium

term. However, it is also proposed to retain trees, which should be protected during the construction phase, and to plant replacement trees around the perimeter of the site. Provided that the new trees are semi-mature and well maintained in the early years, over time the proposed development would assimilate into its surroundings and it would not be unduly overbearing or visually obtrusive when viewed from within the neighbouring residential areas and the surrounding area.

The E site boundary is defined by a mix of mature deciduous and evergreen trees whilst the S site boundary is defined by a row of mature Lelandii evergreen trees. The Tree Protection Plan and the Landscape Masterplan indicate that many of the trees located along the E site boundary are located outside of the site and appropriate measures should be put in place to protect the root spread of these trees during the construction phase. These Plans also indicate that the row of Lelandii trees along the S site boundary would be retained and protected during the main construction works and that they will be removed and subsequently replaced with new trees during the landscaping phase. This is considered acceptable in the medium to long term as it would eventually enhance visual amenity and contribute to biodiversity.

The applicant's Bat Survey indicated the presence of foraging bats in the wooded SE section of the site, although it is noted that no suitable roost or maternity habitats were identified. It is unlikely that bats would continue to visit the site in the short to medium term because of the scale of the works and the associated level of human disturbance and artificial lighting. The site is located in close proximity to the River Liffey Valley and the Phoenix Parks, both of which would provide suitable habitats for roosting and foraging bats. However, the implementation of the mitigation measures contained in the Bat Survey should be required by way of a planning condition.

7.6. Conclusions

Having regard to all of the foregoing, I am satisfied that the 1.05ha site could accommodate a medium to high density residential development because of its accessible location relative to public transport and a range of services, subject to environmental and residential amenity considerations.

The proposed and amended 5-storey development does not take adequate account of the elevated and prominent location of the site, the steeply sloping nature of the

surrounding area and the prevailing pattern of development in the area. However, these concerns could be addressed by way of the omission of one floor from the 5-storey blocks without any significant impact on dwelling mix of internal floor areas.

The original proposal would have contained 171 units with a density of 163/ha, the amended proposal would contain 153 units with a density of 145/ha and the suggested omission of one floor from all three blocks would reduce the number of units c.123 with a density of c.117/ha.

There is no rigid or continuous building line along Chapelizod Hill Road although all of the existing buildings are well set back from both sides of the road to varying depths. The amended proposal, which provides for a greater set back, would be acceptable in terms of visual amenity and the blocks would be located a substantial distance from the Protected Structure to the W at Canon Troy House.

The proposed and amended development would provide for a good standard of residential amenity for future occupants in relation to dwelling mix, floor area and open space in accordance with National policy and Development Plan standards. The basement unit would also provide for an acceptable level of accommodation.

The development as originally proposed would have an adverse impact on the residential amenities of neighbouring properties, however the amended scheme would have less impact, subject to compliance with the recommended conditions in relation to the omission of one floor and the relocation of balconies.

Subject to the implementation of the amended proposal and the application of the recommended conditions, the proposed development would provide for a high quality, sustainable and integrated residential development at an appropriate density for the surrounding area.

7.7. Other issues

Appropriate assessment: Having regard to the long established built up character of the area and the separation distance with the nearest European site, the proposed development would not affect any SACs or SPAs in the wider area.

Archaeology: The site should be subjected to pre-testing.

Environmental Impact Assessment: The site area and the scale of proposed development falls below the minimum standard for which the submission of an EIS would be required, and the site is not located in close proximity to any sensitive environmental, landscape or heritage areas.

Environmental services: The arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the planning authority.

Financial contributions: Compliance with the Council's S.48 Scheme is required.

Flood risk: The proposal would not be located within flood zone or an area liable to flooding and the proposal would not give rise to any additional flood risk, subject to compliance with the requirements of Irish Water and the planning authority.

Movement & access: The applicant has addressed the concerns raised by the Roads and Traffic Division in the appeal submission. The development would not give rise to an unacceptable level of traffic generation or congestion along the surrounding road network. The vehicular access arrangements off Chapelizod Hill Road are considered acceptable and they would not give rise to a traffic hazard or endanger the safety of other road users. Adequate car and bicycle parking has been provided in line with the 2016 Sustainable Urban Housing Guidelines and the site is located in close proximity to several Dublin Bus routes and a proposed Luas stop. The development, as amended would be served by internal pedestrian pathways.

Other elements: The proposed childcare facility, concierge office, bin storage arrangements, ESB substation and solar panels are considered to be acceptable.

Social & affordable housing: Part V requirements apply.

Waste management: The applicant has addressed the concerns raised by the Roads and Traffic, and Waste Management Divisions in relation to refuse collection.

8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the:

- Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016
- Sustainable Urban Housing Design Standards for Apartments - Guidelines for Planning Authorities, 2015
- Design Manual for Urban Roads and Streets, DTTAS, 2013,
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Town and Villages), 2009
- The Planning System and Flood Risk Management, 2009,
- Architectural Heritage - Guidelines for Planning Authorities, 2004, and
- Dublin City Development Plan 2016 to 2021,

and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development, as amended by way of the appeal submission would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the appeal submission that was received by the Board on the 31st day of July 2017, 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. For the avoidance of doubt the development shall be constructed in accordance with plans and particulars that were received by the Board on the 31st day of July 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

3. The development shall be amended as follows:

- (a) One floor shall be omitted in its entirety from Block A, Block B and Block C, and the internal layout of the 2-storey 2-bedroom apartment units located in each of these blocks that will be affected by this omission shall be reconfigured accordingly.

- (b) The projecting balconies on the W facing 3-storey side elevation of Block A shall be omitted and relocated to the rear S facing elevation for apartment nos. 05, 08 and 09, and the internal layout of these apartment units shall be reconfigured accordingly.

- (c) The projecting balconies on the S facing rear elevation of Block B and the S facing rear elevation of Block C shall be omitted and replaced with internal “winter gardens” which should not project beyond the side and rear elevations of Block B and Block C respectively.

The developer shall submit revised drawings, to include floor plans and elevations, to the planning authority for written agreement before development commences.

Reason: In the interests of orderly development, residential and visual amenity, and in the interest of clarity.

- 4. Details, including samples of the materials, colours and textures of all the external finishes to the proposed extensions shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

- 5. The developer shall comply with the following requirements in relation to the childcare facility:

- (a) Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.

- (b) The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity and to ensure that

childcare facilities are provided in association with residential units.

6. The development shall comply with the following tree protection requirements:

(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

7. The development shall comply with the following environmental requirements:

(a) The tree planting and landscaping schemes for the public and communal open spaces shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(b) The mitigation measures contained in the applicants Bat Assessment report shall be implemented in full.

Reason: In the interest of residential and visual amenity and to protect wildlife and biodiversity.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site.

In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,
and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist in the site.

9. The developer shall comply with the following road requirements:
 - (a) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.
 - (b) Prior to commencement of development the applicant shall agree details of the materials proposed in public places with the Council's Roads Maintenance Division.

- (c) The car parking spaces shall be permanently allocated to the residential units within the development and shall not be sold, rented or otherwise sub-let or leased to other parties.
- (d) Cycle parking shall be secure, conveniently located and well lit.
- (e) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (f) The developer shall be obliged to comply with the requirements set out in the Dublin City Council Code of Practice for such works.

Reason: In the interest of traffic safety and orderly development.

10. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

11. The management of waste during the construction and operational phases of the development, shall comply with the requirements of the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

12. An asbestos survey shall be carried out on the factory building to be demolished. Any asbestos containing materials (ACM) identified shall be removed by a licenced waste contractor.

Reason: In the interest of public health and to ensure a proper standard of development.

13. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

14. The site works, building works and deliveries of materials, plant or machinery required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of

the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

17. 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. The application of any indexation required by this

condition 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.

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.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Karla Mc Bride
Planning Inspector

18th October 2017