



An
Bord
Pleanála

Inspector's Report PL06D.248977

Development

Demolition of a single storey gate lodge, new vehicular and pedestrian entrances and construction of 2 no. 3 storey 3 bedroom houses with internal garages and 1 no. 3 storey 4 bedroom house and associated site works.

Location

Sherrington Lodge, Dublin Road, Shankhill, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D17A/0454

Applicant(s)

JCON Construction Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

JCON Construction Limited

Observer(s)

No observers

Date of Site Inspection

24/10/2017

Inspector

Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located in an established residential area in close proximity to Shankhill Village which is located c. 600 metres to the north. The site has an area of 0.063 hectares and currently accommodates a vacant single storey gate lodge with an area of c. 57 sq. metres. The site is bound by c. 2 metre high stone wall along the eastern boundary. There is an existing vehicular access with concrete splayed walls located to the immediate west of the gate lodge.
- 1.2. The eastern boundary of the site directly abuts the Dublin Road. To the west of the site, is the Olcovar residential development. This is a large residential complex which accommodates 4 no. apartment blocks extending to 4 storeys in height and residential dwellings. The vehicular access to this development runs along the western boundary of the site.
- 1.3. Opposite the site, on the eastern side of the Dublin Road, is the access to the Castle Farm Estate. This is a traditional suburban estate comprising semi-detached and detached 2 storey dwellings.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing gate lodge and the construction of a 3 storey block with a maximum height of 8.945 metres to accommodate 2 no. 3 storey, 3 bedroom houses and 1 no. three storey, 4 bedroom house. The 3 bed units have an area of c. 143 sq. metres and the 4 bed unit has an area of 146 sq. metres. The design of the dwellings is contemporary with materials comprising select timber and metal cladding with plaster finish.
- 2.2. Each dwelling is served by 2 no. car parking spaces, 4 of which are provided in a dedicated car parking area to the west of the site. House 1 and 2 are also served by a car port. Each dwelling has a dedicated area of private open space. The gardens for the 3 bed units are c. 64 and 67 sq. metres respectively and the 4-bedroom house has a garden of 115 sq. metres.
- 2.3. The development also provides for a revised vehicular entrance with new entrance piers and wall to be provided. The existing stone boundary wall is to be largely retained and rebuilt where necessary using the existing stone.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 Refuse permission for 1 no. reason:

“The proposed development design and layout is considered to constitute a generic design response and a poor design solution, which fails to give due cognisance to the prominent context of the subject site. In particular, the development design fails to address the Dublin Road and its junction with Castlefarm, in an engaging and interesting manner and also responds poorly to the adjoining Olcovar development. The proposed development would therefore be seriously injurious to streetscape amenities and the amenities of the area and would not comply with Policy UD1 of the 2016-2022 Dun Laoghaire Rathdown County Development Plan, which requires that the design of new developments gives proper consideration to site context. The proposed development would, therefore be contrary to the proper planning and sustainable development of this area.”

3.2. Planning Authority Reports

3.2.1. Planning Report (12.07.2017)

- The subject site is considered underutilised and represents an opportunity to achieve a higher density of dwelling types. The principle of development acceptable.
- The site is considered very prominent, particularly when viewed from the south. In this context, a site specific design approach is required.
- The development is generic, lacks distinctiveness and fails to address the street and public realm in an interesting manner. It is considered that the design also presents poorly to the Olcovar development.
- Concerns also raised regarding the scale and bulk of the proposal and its proximity to the east and west boundaries and that it would appear cramped and incongruous at this location.

3.2.2. Other Technical Reports

Parks and Landscape Services (29.06.2017)

Recommends Further Information in relation to:

- Design rationale regarding green infrastructure, play, recreation, connectivity etc.
- Comprehensive tree report and arboricultural method statement.
- Landscape design rationale to include details of hard and soft landscaping and SuDS proposals.

If permission granted, recommends a number of conditions including special contribution in lieu of open space provision, design rationale and landscape proposals, engagement of Arboricultural Consultant and tree bond.

Transportation Planning (19.05.2017)

No objection subject to conditions.

Conservation Officer (08.06.2017)

No objection.

3.3. Prescribed Bodies

- No reports received.

3.4. Third Party Observations

- No observations received.

4.0 Planning History

4.1 There have been three previous planning applications of relevance pertaining to the subject site which are summarised below:

Planning Authority Reference: D16A/0973

Permission refused in February 2017 for the demolition of the gate lodge and construction of 2 no. detached, 4 bedroom houses.

The reasons for refusal related to insufficient density and that the development would not meaningfully add to the variety of housing and apartment types in the area. It was also refused on the basis that the houses by virtue of their design, height, bulk and proximity to site boundaries would be visually discordant on the streetscape.

Planning Authority Reference: D15A/0683

Permission granted in April 2016 for the demolition of the gate lodge and construction of a three storey block to accommodate 4 no. apartments and relocation of the site entrance.

Planning Authority Reference: D14A/0163

Permission granted in May 2014 for the demolition of the gate lodge and its replacement with a single storey, 2 bedroomed dwelling.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: *‘To Protect and/or improve residential amenity’*. Relevant policies and objectives include:

Section 8.2.3.4 (vii) Infill: *“New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”*

Section 2.1.3.4 Existing Housing Stock Densification: *“Encourage densification of the existing suburbs in order to help retain population levels - by infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.*

In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”

Policy RES3: Residential Density: *It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable*

protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

Section 8.2.3.1 Quality Residential Design: *It is Council policy to promote high quality design and layout in new residential development. A core aim of land-use planning is to ensure that new residential developments offer a high quality living environment for residents, both in terms of the standard of individual dwelling units and in terms of the overall layout and appearance of schemes.*

5.2. Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

- The Dun Laoghaire Rathdown County Development Plan 2016 promotes the intensification of residential development in existing built up areas. The principle of development on the site has been accepted by the Planning Authority.
- Having regard to the planning history of the site, it is not necessary to present further evidence on issues such as landscaping as this was addressed under the previous applications pertaining to the site.
- The planner's report is unclear as to what specific design or architectural elements of the proposed development are considered unacceptable. The principle concerns, however, appear to relate to the appearance of the building when viewed from the Dublin Road and from communal areas within the Olcovar development to the west.
- With regard to Section 8.1.1.1 of the County Plan (Urban Design Principles), it is contended that such guidance typically applies to newly developing land. The appropriateness of such guidance must be considered having regard to the infill nature of the site and its associated constraints.

- The planner's report suggest that the site is somewhat special. It is, however, considered to constitute a remnant tract of land which accommodates a ruinous structure and makes a negative contribution to the streetscape. In this context, the development would enhance the area.
- Concerns have also been raised regarding the height and scale of the development. Having regard to the planning history of the site, these concerns would appear unjustified. In terms of the eastern boundary, this is set back 3.7 metres from the Dublin Road which is a greater separation distance than that permitted under application reference D15A/0683 of 3.4 metres. The area of the development is also less than that previously permitted. Furthermore, the permitted apartment block has a height of 10.3 metres, whereas, the current proposal has a height of 8.9 metres. The development thus has a scale less than that previously permitted.
- Having regard to the location of the site adjacent to the Olcovar development, it is considered that a contemporary design approach is most appropriate for the subject site. The design is considered acceptable and would enhance the appearance of the Dublin Road at this location.

6.2. Planning Authority Response

- Planning Authority consider the site to be at a prominent and sensitive location. While the site does represent a residential development opportunity, a site specific design is required having regard to the sites context.
- The proposed design is, however, considered a generic infill type design. A more animated front elevation to address the Dublin Road would significantly improve the streetscape amenities at this location. A more acceptable proposal was granted under D15A/0683.
- The design would appear cramped and incongruous on this small prominent site and would fail to address the Junction on the Dublin Road in an interesting manner to the benefit of legibility and streetscape amenities.

6.3. Observations

- No observations received.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design and Visual Impact.
- Appropriate Assessment.

7.2 Design and Visual Impact

7.2.1 The proposed development comprises a small infill site with frontage to the Dublin Road in Shankhill. The site currently accommodates a vacant single storey gate lodge. The condition of the dwelling is poor and it is of limited architectural value. The Planning Authority and Conservation Officer have no objection to its demolition. The site is zoned '*Objective A - To protect and/or improve residential amenity*' under the current Dun Laoghaire Rathdown County Development Plan 2016 and it is considered an appropriate location for an infill residential development. The principle of the development is therefore considered acceptable.

7.2.2 The principle reason for refusal relates to the design of the development. It is considered by the Planning Authority, that due to the particular prominence and sensitivity of the site, that the design of the development is generic and does not represent an appropriate site specific design response. Concerns are raised regarding its visual impact when viewed from the Dublin Road, due to the lack of appropriate animation and also because of the scale and bulk of development proposed.

7.2.3 The subject site is located within an established mature residential area. The vista along the Dublin Road is dominated by the existing Olcovar development. This is a large residential complex located to the immediate west of the subject site. The gables of two large 4 storey apartment blocks are clearly visible to the rear of the development site and constitute a dominant feature in the streetscape. The site itself

is somewhat excluded from view due to the presence of an existing high stone wall and mature vegetation located on the eastern boundary. The site is not located in a conservation area, nor are there any protected structures in the vicinity. The Dublin Road functions primarily as a vehicular thoroughfare connecting to Shankhill Village to the north. Opposite the site, is the Castle Farm development, an enclave of modern suburban housing. It is not considered that the vista from Castle Farm towards the Dublin Road has any particular visual importance or significance. In this context, it is not considered that the subject site has any particular locational, visual or environmental sensitivities.

- 7.2.4 The proposed development has been sited so that the primary front and rear elevations to the dwellings will be most visible to motorists and pedestrians travelling north and south on the Dublin Road. These are the most likely visual receptors of the scheme. The contemporary design of the development is considered appropriate and it assimilates well with the adjacent Olcovar complex.
- 7.2.5 The planning officer notes particular concern regarding the side elevation of the proposed block as it presents to the Dublin Road and viewed from Castle Farm to the east. As noted above, however, this is not considered to be a key view of any particular importance and the vista from this junction is dominated by the existing Olcovar scheme. It is also noted that the side elevation of the development is animated with fenestration. Furthermore, varying materials are proposed including plaster, timber and metal cladding to provide visual interest and break down the massing of this elevation. The development also retains much of the existing boundary wall which will further mitigate potential visual impacts. In this regard, I am satisfied that the development and in particular the eastern elevation will not have a material adverse visual impact on the streetscape.
- 7.2.6 The appropriateness of the proposal must also be considered having regard to the planning history of the site. Under Planning Application Reference D15A/0683, permission has been granted for a 4 storey apartment block. Whilst the block presented a more extensive eastern elevation to the Dublin Road, the general character and materials were similar to that currently proposed. It is considered in this context, that the development is appropriate and in accordance with the proper planning and sustainable development of the area.

7.2.7 With regard to the concerns raised by the Planning Authority regarding the scale and bulk of the development and that it responds poorly to the Olcovar residential development, it is noted, as addressed by the applicant, that the scheme as now proposed is smaller in scale than that previously permitted on the site, the principle of which was clearly accepted by the Planning Authority. The planner's report in respect of this previous application noted that the design, height and layout of the block would not have a significant negative visual impact on Castle Farm, Olcovar or on the Dublin Road. Whilst under the current proposal dwelling no. 3 is located closer to the western boundary than that previously permitted, it is noted that landscaping is proposed along this boundary which will reduce any potential visual impacts. The detail of this landscaping treatment can be addressed by way of condition.

7.2.8 Furthermore, it is noted that the western boundary of the site abuts the vehicular estate road to the Olcovar development. The proposed dwellings are well set back from the existing apartment blocks. In this context, it is not considered to be a particularly sensitive boundary from a visual or amenity perspective. I am satisfied that the development is of an appropriate scale and will not have any adverse impacts on the residential amenities of the Olcovar development.

7.2.9 It is noted that the Parks Department have recommended an additional levy in lieu of public open space. Having regard to the limited scale of the infill development, the proximity to existing public open space amenity areas and the fact that a general section 48 levy is applicable to the development, and additional levy under section 48 (2) (c) is not considered necessary in this instance.

7.3 **Appropriate Assessment**

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

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1 Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, to the pattern of development in the area and to the nature, form, scale and design of the proposed houses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area. The proposed development would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. These shall include that all surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties. Prior to the commencement of development, the applicant shall submit details of proposed

surface water disposal arrangements for the written agreement of the Planning Authority.

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

3. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

(ii) Details of screen planting which shall not include cupressocyparis x leylandii along the eastern and western boundaries.

(iv) Hard landscaping works including specification of surfacing materials.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

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, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.

(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

7. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. The footpath in front of the proposed new vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

Reason: In the interest of pedestrian safety.

10. 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 the 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.

Erika Casey

Senior Planning Inspector

25th October 2017