



An
Bord
Pleanála

Inspector's Report PL29N.249043

Development	Amendments to permitted development PL29N.246250 to provide for an additional 3 no. units.
Location	Sybil Hill Road, Raheny, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2977/17
Applicant(s)	MKN Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	James C. Cahill
Observer(s)	None
Date of Site Inspection	25 th October 2017
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located on Sybil Hill Road in Raheny approximately 5km north-east of Dublin City Centre. Sybil Hill Road forms part of the R808 Regional Route, which extends south to north from the coast at Clontarf Road to Artane.
- 1.2. In the vicinity of the appeal site to the south of its junction with Howth Road (R105), Sybil Hill Road is characterised by community/ institutional and recreational uses. St. Brigid's National School is opposite the site and St. Paul's Secondary School is to the south. Immediately to the south of the site is open space within the curtilage of Sybil Hill House (protected structure). Sacred Heart Residence, a 4-storey modernist complex, sits to the south-west of the site and to the east is The Meadows housing estate. St. Anne's Park is to the south-east.
- 1.3. Three detached dwellings that were on site have now been demolished and construction work on an apartment and housing development is underway. The frame of the apartments has been erected up to the permitted height along the Sybil Hill Road frontage and part of the southern site boundary. Work has yet to commence on the permitted houses on the north-eastern part of the site. The stated site area is 0.53 hectare.

2.0 Proposed Development

- 2.1. Planning permission is sought for amendments to permitted development PL29.246250 to include the provision of 3 no. additional units increasing the total provision to 78 no. units (71 no. apartments and 7 no. houses) and consisting of the following:
 - The provision of 2 no. additional units (1 no. 2-bed and 1 no. 3-bed unit) within the fourth floor of Block A;
 - Provision of balconies/ terraces to serve the proposed units on the western elevation of Block A fronting Sybil Hill Road;
 - Provision of 1 no. additional 2-bed unit and change of use from 3-bed to 2-bed unit at third floor level of Block B, as well as the provision of balconies/ terraces on the south and west elevations to serve these units;

- Minor elevational changes to Blocks A and B and all ancillary and associated site development and landscaping works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to grant permission for the proposed development subject to 11 conditions of a general nature.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission, as outlined in the Planner's Report, reflects the decision of the Planning Authority.
- 3.2.2. Under the assessment of the application, it is stated that the policy in regard to apartment standards is most relevant to this planning application given that the overall scheme has been approved.
- 3.2.3. The proposed apartments are all above the current Development Plan standards for minimum floor areas. All units comply with the storage requirements of the Development Plan and private open space provision is in excess of the minimum. Balconies are of usable size and have a favourable aspect that does not overlook surrounding properties. It is also considered that the proposed scheme was designed to meet the requirements of both private and communal open space standards.
- 3.2.4. The fourth floor extension to Block A will result in the reduction of the communal roof garden from 477 sq.m. to 216 sq.m. However, it is considered appropriate to provide two additional apartments at this location.
- 3.2.5. It is considered that the additional floor area to Block B will have a minimal impact on the residents of The Meadows given that an apartment is already permitted at this level. No undue overlooking will occur as the window at Apartment 78 is directed down onto the public space at Adilaun Court. The separation distances between Block B and No's. 21 & 22 The Meadows will be c. 29m and 31m respectively and Block B will not directly face these properties.

3.2.6. It is not considered necessary to increase the number of car parking spaces to facilitate an additional 3 no. units within the scheme. The proposed development is acceptable to the Roads and Traffic Department and the Waste Regulation Section recommended conditions to be attached to a grant of permission. There was no objection from the Drainage Division.

3.3. **Third Party Observations**

3.3.1. Three observations were received from residents of The Meadows which adjoins the appeal site to the east.

4.0 **Planning History**

Dublin City Council Reg. Ref: 4242/15 (PL29N.246250)

4.1. Permission granted in July 2015 for demolition of 3 no. habitable dwellings and construction of 75 no. dwellings consisting of the following:

- 7 no. 2-storey terraced houses;
- 10 no. 1-bed apartments, 53 no. 2-bed apartments and 5 no. 3-bed apartments, together with balconies and roof gardens on two buildings ranging in height between 3-5 storeys;
- Crèche and associated play space;
- Community/ café and associated garden;
- Basement car park for 105 spaces;
- Boiler house, bin store, bike store and ancillary facilities;
- Closure of 4 no. existing entrances and creation of 2 no. new site entrances.

4.2. Condition 2 of this permission required the omission of one dwelling house with the resultant space incorporated into the adjoining house at No. 7.

Dublin City Council Reg. Ref: 4245/16 (PL29N.248043)

4.3. Permission granted in June 2017 for revisions to 2 no. houses previously permitted under Reg. Ref: 4242/15 to include ground floor and first floor extensions.

Dublin City Council Reg. Ref: 3383/14 (PL29N.244588)

- 4.4. Permission refused in July 2015 for demolition of 3 no. dwellings and the erection of 79 no. dwellings, a crèche, a community/ café facility, basement parking and 2 no. accesses.
- 4.5. It was stated under the first reason for refusal that *“the proposed development, in the absence of an overall masterplan for the Z15 zoned lands in the area, would materially contravene the Z15 zoning objective and associated policy, as set out in the Dublin City Development Plan 2011 – 2017, as varied, and in such context would result in the piecemeal and un-coordinated development of these lands...”*.
- 4.6. Under the second reason, it was considered that the scale, height and bulk of the development, in particular proposed Block B, would be visually obtrusive and out of character with the established pattern of development and would detract from the character of Sybil Hill House, a protected structure.

Dublin City Council Reg. Ref: 3074/10 (PL29N.238232)

- 4.7. Permission refused in May 2011 for demolition of 3 no. habitable dwellings and construction of 98 no. dwellings, crèche, cafe, etc. and new entrances and all associated site works.
- 4.8. Reasons for refusal related to non-compliance with zoning objective, overdevelopment and adverse impact on protected structure and unsatisfactory levels of residential amenity for future occupants.

5.0 Policy Context

5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The appeal site is zoned *“Z15 – to protect and provide or institutional and community uses.”* Residential is now open for consideration within this zone. It is a requirement under the zoning objective that development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and to standards in Section 16.10 (standards for residential accommodation) in relation to aspect, natural lighting, sunlight, layout and private open space.

5.2. Sustainable Urban Housing: Design Standards for New Apartment: Guidelines for Planning Authorities.

5.2.1. These Guidelines provide recommended minimum standards for floor areas for different types of apartments; storage spaces; sizes for apartment balconies / patios; and room dimensions for certain rooms.

5.3. Natural Heritage Designations

5.3.1. The North Dublin Bay pNHA, the North Dublin Bay SAC and North Bull Island SPA are located approximately 1.6km south-east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal against the Council's decision was submitted by Mr. James Cahill, resident of No. 26 The Meadows. The grounds of appeal and main points raised in this submission are summarised as follows:

- Proposal increases the scale, height and density of Block A, the density and massing of Block B and reduces the amenities available to future residents of the development.
- Current application is an attempt to roll back some of the restrictions brought about by the previous planning decisions. Board previously exercised the view that the scale and massing of Block B was excessive.
- Proposed additional 2 no. units in Block A will radically alter the profile of the block, changing it from predominantly 4-storeys to predominately 5-storeys – this will have an even harsher effect on the streetscape of Sybil Hill Road.
- Additional units in Block A will reduce the size of the proposed communal garden by approximately 50%, thus reducing the amenities for the already approved development.
- Addition of the fifth storey will add further to the impact on houses in The Meadows with regard to loss of light/ sunlight and further overshadowing, overlooking and traffic.

6.2. Applicant Response

6.2.1. The applicant's agent responded to the third party appeal with the following comments:

- Proposed amendments do not alter the permitted scheme such that it would resemble previously refused schemes – there is minimal increase in scale and floor area to Block B at third floor.
- There has been a change in height policy since the adoption of the 2016 Dublin City Development Plan from the 2011 plan under which the parent permission was granted.
- Proposed plot ratio of 1.32 is well within the indicative range (0.5-2.5) for Z15 zoned lands. There will be no change to the 32% site coverage.
- Small increase in the permitted density is in line with national and local policy to provide increased densities in suitable locations where there is adequate existing infrastructure.
- Site is located at a rail hub where heights of up to 24m are possible. Permitted heights for Block A (16.1m) and Block B (12.6m) will remain unchanged.
- Materials were approved within compliance submission – same materials are proposed to be used in accordance with the permitted scheme.
- Proposed amendments do not have any significant impact on surrounding amenities over that permitted – closest corner of permitted third floor would remain over 29m from that of the dwellings to the north-east.
- Proposal would include 1 no. dual aspect apartment and 3 no. triple aspect apartments.
- There is a total requirement for 550 sq.m. of communal open space and that permitted is 3,548 sq.m. – proposal will result a minor reduction to 3,325 sq.m.
- All proposed units meet or exceed the minimum requirement for private open space.

- There was a requirement for 1.5 car parking spaces per dwelling within the 2011-2017 Development Plan for this area and this has now reduced to 1 per dwelling in the current Development Plan. The requirement for the scheme under the current plan would be 78 spaces and 105 spaces are being provided. It is not proposed to increase the level of car parking.
- 150 no. bicycle parking spaces are in excess of the requirement of 78 no. spaces for the scheme.

6.3. Planning Authority Response

6.3.1. No response.

7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Compliance with apartment standards
- Visual impact and impact on residential amenity; and
- Appropriate Assessment.

7.2. Development Principle

7.2.1. The appeal site is zoned “Z15 – *to protect and provide for institutional and community uses.*” Residential is open for consideration within this zone; however, I consider that the principle of residential development is established under the parent permission in this case. The proposal is for an additional 3 no. apartment units to a permitted 75 unit scheme (71 no. apartments and 7 no. houses) that would be acceptable subject to assessment under other relevant development plan criteria, including the standards for residential accommodation set out in Section 16.10.

7.3. Compliance with apartment standards

- 7.3.1. Section 16.10.1 of the Development Plan includes standards for apartments to be complied with for new developments (floor area, internal space configuration, aspect, natural lighting, ventilation, sunlight penetration, private open space, etc.)
- 7.3.2. Permission is sought for the provision of 2 no. additional apartment units (1 no. 2-bed and 1 no. 3-bed unit) within the fourth floor of Block A, and 1 no. additional 2-bed apartment and change of use from 3-bed to 2-bed unit at third floor level of Block B.
- 7.3.3. In terms of floor area, the proposed 3-bed unit will be 120 sq.m. and the 2-bed units will be between 81.1 and 94.1 sq.m. This is well in excess of the minimum Development Plan requirement of 73 and 90 sq.m. respectively for 2 and 3-bed units.
- 7.3.4. Internally, the proposed units are designed and configured such that rooms and circulation space make for a reasonable layout. All proposed units are either double or triple aspect, and floor to ceiling heights will be 2.7m, thus achieving good levels of natural lighting and ventilation. Storage spaces and balconies also exceed the minimum requirement.
- 7.3.5. The 2 no. additional apartments at fourth floor level in Block A will be situated at the location of a permitted roof garden. This will see a reduction in communal open space at this level from 477 sq.m. to 216 sq.m. The total permitted communal open space for the scheme, including ground level areas, amounts to 3,548 sq.m. and this will be reduced by approximately 6.3% to 3,325 sq.m.
- 7.3.6. It would normally be a requirement for Z15 zoned lands that 25% open space is provided within redevelopment proposals. However, a contribution in lieu of open space was accepted by the Board for the parent permission (PL29N.246250) having regard to the proximity of the site to St. Anne's Park.
- 7.3.7. I would have some concern that the proposed development will see the loss of public open space when a reduced provision of such space was already accepted within the parent permission. Furthermore, the proposal will see the loss of higher quality communal open space with good aspect that would have been appropriate in terms of size for residents of scheme to use at certain times of the day/ year. The bulk of

the remaining open space at ground level will be largely overshadowed and would appear to lack areas for communal engagement.

- 7.3.8. Notwithstanding the above, due regard should be given to the provision of public open space well in excess of normal minimum standards. The minimum communal amenity space for 1-bed, 2-bed and 3-bed apartments is 5, 7 and 9 sq.m. respectively, which would amount to 536 sq.m. (including houses). The proposed communal open space is more than six times this amount and on balance I consider this to be acceptable.
- 7.3.9. It would appear that no specific contribution was applied to the Council's notification of decision to compensate for the loss of public open space. Should the Board be minded to grant permission for the proposed development, I recommended that a condition be attached requiring the developer to pay a special development contribution of €4,000 per additional apartment (updated at the time of payment in accordance with the changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office) to the planning authority in respect of public open space.
- 7.3.10. I would have no objection to any other aspect of the proposed amendment in terms of compliance with standards for car parking, bike parking, dwelling mix, density, etc.

7.4. Visual impact and impact on residential amenity.

- 7.4.1. The third party appellant has concerns regarding the visual impact of the proposed alterations to Block A. It is submitted that the increase in height of the Block A will radically alter its profile and this will have an even harsher effect on the streetscape of Sybil Hill Road. Furthermore, it is considered that the addition of a fifth storey will add further to the impact on houses in The Meadows with regard to loss of light, sunlight and further overshadowing, overlooking and traffic.
- 7.4.2. It is stated in the Development Plan that proposals for taller buildings must respect their context and address the assessment criteria set out in the development standards section. Chapter 16 sets out building heights in Dublin for the inner and outer city and at rail hubs. For the outer city, heights of up to 16m for commercial

and residential development are acceptable and at areas within 500m of a rail station¹, heights of up to 24m are considered appropriate.

- 7.4.3. As pointed out by the appellant, the proposed additional apartments at 4th floor level within Block A will not increase the building height as there are 5 no. units already permitted at this level at a height of 16.1m. In terms of the visual impact of a wider 4th floor level on the surrounding context, I note that there is a large scale 4-storey building on Sybil Hill Road opposite the site. Furthermore, the remaining roof garden will still allow for some degree of step-down to the north of the building.
- 7.4.4. The proposed 66.75 sq.m. extension to the third floor of Block B will be visible from Sybil Hill House (protected structure) to the south. However, it is not envisaged that this will appear significant within the context of the overall development. Essentially, a block which has a total width of 35m, will see the permitted 12m wide third floor extended to a width of c. 15.8m.
- 7.4.5. With respect to the impact of the proposed development on surrounding amenities, I would be satisfied that there will be no significant increase over and above the permitted situation. The proposed apartments and their associated balconies within Block A will be located approximately 25m from the permitted houses to the east. It should also be noted that these apartments will replace a permitted roof garden with surrounding screening that would have had comparable levels of overlooking/overshadowing. There may be some degree of improvement on surrounding residential amenities through reduced noise levels from a smaller area of roof garden.
- 7.4.6. The closest units within The Meadows to the extended apartment in Block B will be at a distance of approximately 29m. No significant increase in overshadowing/ loss of light to these properties will therefore occur.
- 7.4.7. No additional parking is proposed to serve the proposed units; however, it should be noted that the proposed provision of car parking will be in excess of current development plan standards for the permitted and proposed development.

¹ The site is approximately 440m as the crow flies from the nearest rail station and a 700m walk.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

8.0 **Recommendation**

- 8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder.

9.0 **Reasons and Considerations**

Having regard to the zoning objective, and the design, layout and scale of the proposed development, it is considered that, subject to compliance with conditions below, the proposal would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. All conditions of the parent permission Reg. Ref: 4242/15 (PL29N.246250) shall be complied with save as amended by this permission.

Reason: In the interests of orderly development.

3. The developer shall pay the sum of €4,000 (four thousand euro) per additional residential unit (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended in respect of public open space. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of 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 considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Donal Donnelly
Planning Inspector

6th November 2017