



An
Bord
Pleanála

Inspector's Report 29N.249201

Development	Reconstruct, alter and reuse existing building, construct new 4 storey building, provide 27 apartments, a café/bistro and on site car parking.
Location	116, 118 and 120 Upper Drumcondra Road, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3173/17
Applicants	Gerry Buckley
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Gerry Buckley
Observers	All Hallows Area (Residents) Association
Date of Site Inspection	13/12 & 18/12 2017
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The appeal site is located at Upper Drumcondra Road, Dublin 9 and comprises three properties 116, 118 and 120 which are located to the east of the road, opposite the Skylon Hotel and c 70m south of the junction with Homefarm Road with Drumcondra Rd. Drumcondra train station (Sligo line) is located c 1.3km to the southwest.
- 1.2. The subject site adjoins a pub premises to the south. The Ivy House standing at street edge has a beer garden to the rear. Property to the north is located both at street edge, i.e. the pair immediately adjoining; and with front gardens, further north. The premises immediately adjoining to the north is a two storey brick building, part of a pair at street edge, with commercial use at ground floor, extended to the rear with an external metal access stairway accessing the front of south facing apartments.
- 1.3. The subject site comprises three large properties 116, 118 and 120, all formerly residential properties, but now largely in commercial use. No 116 may still have a residential element and has a bounded garden, which extends behind the public house and immediately adjoins the beer garden. Nos 116 and 118 are a semi-detached pair. No. 120 shares back to back garden sheds with no. 118 and the gardens are now interlinked. The buildings on site are of more recent origin than those to either side, replacing a terrace at street edge shown on historic OS mapping.
- 1.4. To the east there is a three storey duplex style development with terraces/balconies on the western elevation, partly screened from the subject site by trees. The blocks are located c 10m from the boundary.
- 1.5. A narrow separation, the width of a pedestrian gate, exists between no. 116 and the adjoining pub. A similar gap separates nos. 118 and 120. The gap at the northern end of the site is smaller, but the building on that site is setback from the common boundary with room for both the external metal stairway previously mentioned and a pedestrian access, along the side of the building.
- 1.6. The site is roughly rectangular in shape with the long axis extending back (east) from the road. An additional portion extends southwards to the rear of the pub premises.

The buildings on the subject site are set back from the road with the area to the front now used for parking. The land to the rear is maintained as gardens. The site is flat and there are no trees of particular amenity value or other features of note visible within the site.

1.7. The stated area of the site is given as 1,917 m².

2.0 Proposed Development

2.1. The proposed development is described as the reconstruction, alteration and reuse of existing buildings; construction of new 4 storey buildings forward of and to the rear of the existing; provision of 27 apartments (13 x 1 bed, 10 x 2 bed and 4 x 3 bed – total 1,891 m²) a café/bistro (132m²) and ancillary spaces (78m²), together with surface car parking.

2.2. The existing buildings are to have their roofs and second floor attic space removed and replaced with two new floors of residential accommodation, four floors in total.

2.3. The café/bistro is to occupy the front of the new building at ground floor, with 6 No. 1bed apartments and terraces above.

2.4. The existing converted buildings have 1 No. 1 bed, 6 No. x 2 bed and 3 No. x 3 bed apartments, ancillary secure bicycle parking, waste management area and storage area.

2.5. The new building to the rear of the site accommodates 6 No. x 1 bed apartments 4 No. x 2 bed apartments and 1 No. x 3 bed apartments.

2.6. All apartments are accessed via stairs and lift. All have private open space. Private open space is provided on west, south and north facing balconies and terraces.

2.7. A paved courtyard to the front of the rearmost building provides for 16 parked vehicles which access through a new archway at the southern end of the road frontage. A children's play area is to be provided at the southern end of the site, to the rear of the pub premises.

2.8. The proposed external finish is selected brick to the front with selected brick and render to the rear. Glazed areas are to have aluminium framing.

2.9. The height is shown as 12.883m for the front building and 12.098m for the rear building.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.2. The planning authority decided to refuse permission for 2 reasons:

- 1 Having regard to the siting, scale, mass and height of the proposal and the proximity of the development to adjoining property, it is considered that the proposed development constitutes overdevelopment of the site, would result in an unacceptable level of overlooking, would have an excessively overbearing effect on adjoining property and would result in an unacceptable low level of residential amenity for adjoining residents and future occupants. The proposed development fails to integrate or be compatible with the design and scale of the adjoining buildings and as a result would seriously injure the visual amenities of the streetscape and would have an adverse impact on the character of Upper Drumcondra Road. The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.
- 2 Having regard to the unit mix, provision of storage space, and the quality of the communal open space, it is considered that the proposal would provide a poor standard of accommodation and would result in a low level of residential amenity for future occupants. The proposed development and by the precedent it would set for other development, be contrary to the Ministerial Guidelines – Sustainable Urban Housing, Design Standards for New Apartments – Guidelines for Planning Authorities, 2015, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

3.3. The decision was in accordance with the planning recommendation.

3.4. Planning Authority Reports

- 3.4.1. Planning Reports - Z1 zoning.
- 3.4.2. Lands to the south are zoned Z4 mixed services.
- 3.4.3. Development Plan Policies objectives –
- 3.4.4. The development is compatible with the zoning.
- 3.4.5. There are concerns that the proposed density may be high.
- 3.4.6. Height – Up to 16m may be considered in this location. The proposal has a maximum height of 12.883m. Given the prevailing local height and context there are concerns regarding the proposed height.
- 3.4.7. Layout – The applicant proposes to reuse the footprint of the existing dwellings and the front gardens to create a mixed use block with a deep floor plan. This block comprises a ground floor restaurant fronting onto Upper Drumcondra Rd with apartments proposed to the rear and also above the restaurant on the upper floors. This block is in effect a back to back design accessed through a central atrium space. A delivery area is proposed adjacent to the existing two storey retail unit to the north of the site. The proposed delivery area is located in front of the bedroom window of the 2 no. bedroom ground floor apartment, located to the rear of the restaurant. Waste storage is proposed to the rear of the front block, adjacent to ground floor apartments. It is unclear whether this relates to the apartments or proposed restaurant.
- 3.4.8. A second block of apartments is located to the rear of the site and is in close proximity to the existing three storey apartment block in All Hollows Green. Car parking is proposed in the central courtyard between the two apartment blocks. The residual space around the rear block of apartments is proposed as landscaped areas and a children's play area.
- 3.4.9. Access to the car park is between the development and The Ivy House, a three storey public house which acts as a landmark along this section of Upper Drumcondra Rd. At first floor level and above, the building projects over the vehicular access towards the Ivy House.

- 3.4.10. The adjoining dwellings along Upper Drumcondra Rd. to the north also have large rear gardens. The impact of the proposed development on the future development potential of these dwellings should be taken into account.
- 3.4.11. Restaurant - The positive contribution of café and restaurant uses and the clusters of such uses to the vitality of the city is recognised. In considering applications for restaurants, the following will be taken into consideration:

The effect of noise, general disturbance, hours of operation and fumes on the amenities of nearby residents; traffic considerations; waste storage facilities; the number/frequency of restaurants and other retail services in the area (where a proposal relates to a Category 1 or 2 shopping street); the need to safeguard the vitality and viability of shopping areas in the city and to maintain a suitable mix of retail uses.

The effect on the amenities of nearby residents – details of the proposed extraction system, air-conditioning and extract plant have not been submitted. Opening hours have not been submitted. There are concerns regarding the block of apartments backing onto the restaurant in terms of noise, odour, location of delivery area and location of waste storage. Further details are required.

- 3.5. Traffic – no objection.
- 3.6. Waste Storage – it is unclear whether the area shown is for the restaurant or apartments. Further details are required.
- 3.6.1. Vitality and viability of shopping areas and number and frequency of restaurants in area – there are already a number of food premises in the immediate vicinity of the site. Third party concerns in relation to vacant units are noted. A restaurant use would further add to the increasing vitality and viability of Drumcondra.
- 3.7. Apartment Standards – Section 16.10.1 of the CDP sets out Residential Quality Standards – Apartments. Units G02, F08 and S16 do not meet the aggregate floor areas for living / dining / kitchen rooms. A dedicated storage room has been provided on the ground floor. Section 16.10.1 states that storage outside apartments can only satisfy half the minimum storage requirement for each apartment. Units G01, G04, F10, F09, S17, S18, S20, S21, T24 and T25 do not provide any designated internal

storage separate to the area for kitchen presses and bedroom furniture and Units G03, G04, G05, F08, F11, F12, F13, S16, T27 and T26 provide limited internal storage which does not meet the 50% minimum storage requirement.

- 3.8. In total 10 apartments in the front block and 11 in the rear block are dual aspect. Those located in the front block are considered to have a poor aspect and outlook as they effectively a back to back block separated by an atrium, with restaurant use proposed to the front section at ground level.
- 3.9. Bedroom No 1 of unit G01 overlooks the delivery yard and the terrace of unit G02 is located adjacent to the entrance of the waste room.
- 3.10. The bedrooms of the apartments to the rear section of the front block have windows which open onto an internal atrium circulation space.
- 3.11. The applicant has not submitted a sunlight and daylight study for the development.
- 3.12. The development fails to comply with the minimum development standards contained in Section 16.10.1 of the CDP and the Sustainable Urban Housing, Design Standards for New Apartments – Guidelines for Planning Authorities, DoECLG 2015 and furthermore have a poor outlook and aspect.
 - 3.12.1. Trees, landscaping and boundary treatment – a landscaping plan has not been submitted and boundary treatment should be clearer. Tree survey would be required.
 - 3.12.2. Public and communal open space – 16.10.3 of the CDP requires that 10% of the site area be reserved as public open space. None is proposed.
 - 3.12.3. The layout indicates 2 gated landscape areas in the residual space to the south and east of the rear apartment block. A gated children's area accessed through these gated landscape areas is in the south east corner of site. The landscaped areas are too proximate to the terraces of ground floor apartments of rear apartment block to provide usable communal open space. the children's play area is hidden from view from the majority of the apartments and is poorly overlooked. The development does not provide adequate qualitative communal open space.
 - 3.12.4. Access, Car Parking and Cycle Parking – 16 car and 32 bicycle spaces are to be provided. The site is located adjacent to a number of bus routes and is well served

by public transport. There are at least a dozen car parking spaces currently in the front of the site. The difference between existing and proposed is minimal.

- 3.12.5. The vehicular access gates should be set back into the site to prevent any queuing onto the public road.
- 3.12.6. The Roads & Traffic Planning Division has no objection.
- 3.12.7. Impact on residential amenities of adjoining sites – opposing terraces and balconies across the courtyard are a minimum of 10.73m apart. The distance between the rear elevation and ground floor terraces of the existing apartment block at All Hollows Green is c 8m. there are concerns re. overlooking of these areas and of the adjoining property to the north No 122.
- 3.12.8. It is considered that the proposed development would cause undue overlooking and would have an overbearing impact on adjoining property.
- 3.12.9. Impact on the character of the area – proposed four storeys adjacent to three storey building, The Ivy House to the south; and two storey buildings to the north. It is considered that a three storey building would be more appropriate. A greater separation distance should be maintained between the development and Ivy House. Brick and timber screens are proposed on the front elevation. The use of timber screens is of concern and not considered an appropriate material for this prominent location. The proportions of the front façade do not reflect the proportions of adjacent properties.

3.13. Other Technical Reports

- 3.14. Roads & Traffic Department Road Planning Division, 1/8/2017 - no objection. The site is located adjacent to a number of bus routes and is well served by public transport. There are at least a dozen car parking spaces, currently in the front of the site. The difference in the number of car trips between existing and proposed will be minimal. Conditions.
- 3.15. Engineering Department – Drainage Division, 18/8/2017, requesting additional information.

Due to lack of adequate proposals for storm water management it is not possible to state that satisfactory drainage can be provided for this development. Satisfactory

drainage information to be submitted and approved. The applicant shall consult with the Drainage Division Dublin City Council prior to the submission of revised plans to ensure all issues related to storm water management are addressed. The drainage drawings submitted are not acceptable. Main points to note in revised drawings are:

The development shall incorporate additional Sustainable Drainage Systems in the management of stormwater. An appropriate petrol interceptor shall be installed. Surface water shall be attenuated to 2 litres/second. Detail calculation shall be provided and appropriate drawing details. Pipe sizes and manhole cover / invert levels shall be provided on the drawing.

b) The developer shall submit an appropriate flood risk impact assessment which identifies and proposed solutions to mitigate the potential risks from all sources including coastal, fluvial, pluvial and groundwater. Reference should be made to the DEHLG/OPW Guidelines on the Planning Process and Flood Risk Management published in November 2009. Flood risks from 30 year and 100 year storms shall be addressed. The developer shall confirm in writing to the Drainage Division that the development has been designed such that the risk of flooding to the development has been reduced as far as is reasonably practicable and that the proposals do not increase the risk of flooding to any nearby /adjacent area over the risk from a greenfield site. The development shall be in accordance with the CDP Volume 7 – Strategic Flood Risk Assessment.

The response from Irish Water to a pre connection enquiry form on sewer capacity in the network for the proposed development shall be submitted to DCC Drainage Division.

3.16. Third Party Observations

Observations on the file have been read and noted.

4.0 Planning History

2384/99 permission granted for 2.4m palisade fence and rough-cast rendered concrete block wall.

3077/98 permission granted for alterations including garage and attic to living accommodation.

1417/97 permission granted for the conversion of part of existing first floor office suite to residential, and conversion and extension of attic space to create new residential unit.

0411/97 permission refused for attic conversion to flat.

0321/96 permission refused for second floor office extension and attic conversion to offices.

1048/91 permission granted for the change of use from residential to doctors surgery.

5.0 Policy Context

5.1. Development Plan.

The Dublin City Development Plan 2016-2022 is the operative plan. Relevant provisions include:

The site is zoned Z1 - to protect provide and improve residential amenities.

16.10.10 - Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed. Infill housing should: have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings; comply with the appropriate minimum habitable room sizes; and have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

The standards for residential accommodation are divided into standards relating to apartments and houses (16.10.1 and 16.10.2 respectively) and apply to new-build residential schemes. While the minimum standards set within these sections will be sought in relation to refurbishment schemes it is acknowledged that this may not always be possible, particularly in relation to historic buildings, 'living over the shop' projects, tight urban infill developments, and in regeneration areas designated under the Living City Initiative. In such cases the standards may be relaxed subject to the provision of good quality accommodation, and where the proposal secures the effective usage of underutilised accommodation. In such cases it must be satisfactorily demonstrated that the internal design and overall layout is closely aligned to the specific needs of the intended occupiers.

The plan contains specific requirements in relation to student accommodation (16.10.7), i.e. high quality, purpose built, professionally managed units.

5.2. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, DECLG 2015

- 5.3. Guidelines to update the "Sustainable Urban Housing: Design Standards for New Apartments" guidelines, published by the Department in 2007, which specify requirements for internal space standards for different types of apartments to achieve quality outcomes. Complementary policy advice, which should be considered along with these guidelines in assisting planning authorities, designers and communities within the overall planning process published by the Department include: Best practice guidelines "Quality Housing for Sustainable Communities (2007); Sustainable Residential Development Guidelines for Planning Authorities (2009), and Design Manual for Urban Roads and Streets (DMURS),
- 5.4. Where an applicant cannot fully meet all of the requirements of these guidelines, this must be clearly identified and a rationale for any alternative, compensatory design solutions set out. This may arise due to a design constraint associated with the site or location.
- 5.5. In such cases, the planning authority must consider whether the proposed scheme can demonstrate sufficient mitigating design features. For example, on constrained inner urban sites it may not be possible to provide communal amenity space, but it

might be acceptable to provide more private amenity space than would be required and/or more individual apartment living space.

5.6. These guidelines are intended to apply to new apartment developments. While it is an objective to achieve these standards in refurbishment schemes, this will not always be possible, particularly in relation to historic buildings, some urban townscapes and 'over the shop' type conversion projects. Planning authorities will need to weigh up compliance with "new build" intended standards in favour of the strong desirability from a planning perspective of securing effective usage of underutilised accommodation, including upper floors.(5.8).

5.7. The Appendix to the guidelines sets out minimum: floor area requirements, floor dimensions, storage requirements, private amenity space requirements and communal amenity space for various types of apartment.

5.8. **Development Contribution Scheme 2016 - 2020**

5.9. €86.40 per square metre of residential development.

5.10. **Natural Heritage Designations**

5.11. The South Dublin Bay and River Tolka SPA, site code 004024, is the nearest Natura Site located some 2km away.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.2. An appeal against the decision to refuse permission on behalf of the first party has been submitted by Reid Associates Planning Development Consultants, it includes:

- CDP: core strategy is a compact quality green connected city.
- Recognises the need for a relaxation of standards where appropriate to facilitate housing output.

- Streetscape, siting, height and scale, and density – the layout of the existing buildings on the site are such that the existing set back is a disruptive element in the streetscape. The new building line, in line with adjoining will make a positive contribution.
- The existing streetscape has a diverse character. DCU opposite is 5 commercial stories. To south 3 stories & extensive massing, to north 2 stories extended to rear. The established height context supports increased height massing and scale and juxtaposition of height difference. The proposal is only 1.83m over the Ivy Pub.
- Development Plan 24m residential in inner city and 16m in outer city.
- There are no adverse impacts arising from the height.
- There are no grounds to limit height in terms of streetscape. Notwithstanding, the first party proposes to reduce height to the front block by omitting one floor.
- This arrangement provides a roof parapet slightly lower than the roof parapet to the Ivy Pub. The continuation of the atrium and the timber screen to the atrium in the recessed position 8m back from the front building line provides for an articulated modulation of the roof line and provides for core and lift access to the roof and the rear section which can be used as a communal private open space area which has slatted timber screens to prevent overlooking and secure privacy and safety of this roof garden which can provide an additional amenity feature.
- Windows to street are double square in a brick wall in proportion to respect the adjacent; detailed in a contemporary manner.
- Relationship to neighbouring buildings –
 - There are mature trees along rear and side boundaries which avoids impacts on residential properties to the rear. Trees will be protected. There will be supplemental planting with deciduous trees. Window to window separation is in excess of 20m at upper floor levels. In addition, the design of the fenestration and use of translucent glazing and solid vent panels and orientation of windows south rather than east and the incorporation of

vertical timber screens to balconies avoids overlooking of All Hallows and provides privacy to the proposed development.

- Ivy Pub - no windows to gables, therefore no impact.
- Shop to north and extension to rear, window face existing gable to no. 120 which has 3 floors incorporating attic dormer floor. Set back of this floor of 4.5m from the boundary. The relationship of the new development of the gable of the existing property at No. 122 remains relatively unchanged.
- The omission of the third floor in revised plans will mitigate any impact on the gable of the neighbouring property.
- The development does not give rise to any overbearing impact or adverse impact on amenity of that property.
- There is no impact on the Ivy Pub or the retail property to the north.
- The revised plans are submitted for the Board's attention. They submit that the four storey height fits into the height context character of the area and has a negligible impact. However, if the Board so considers, the first parties are willing to accept a condition to reduce the height of the front section by a floor, a reduction of 2 x1 bed, 1 x 2 bed and 1 x3 bed apartments.
- The development provides for a reasonable and respectful infill development scheme, which integrates the existing buildings on the site into the established streetscape context and character.
- Massing and scale and site configuration:
 - As the block plan shows the development is well considered in regard to site configuration in:
 - Remaking the building line to the front to reinforce the streetscape.
 - Providing a series of buildings with intervening light atrium, central courtyard and rear open space so that the building block form creates a series of urban spaces, the street, the street courtyard, the atrium, the inner courtyard and the rear open space, the children's play area and the roof courtyard.

- Each development block retains a narrow depth profile and exhibits a different urban design character.
- Residential amenity:
 - The site is well located close to the Botanic gardens, All Hallows, parks and within walking and cycling distance of the city centre.
 - The atrium is designed as a bio diverse, green conservatory, inspired by the Botanic Gardens. Other examples throughout the city are cited.
 - There are three landscape zones at ground floor which will allow growth to three floors height. A void outside bedroom or living space at upper floor creates a zone of defensible space.
 - The terraces at upper floor allow light and air into the middle of the atrium space as well as at both ends, similar to Royal College of Art in Kensington garden.
 - There is no overlooking of windows. It is a light filled space, over 4m wide.
 - Timber screens are used to act as a visual filter to avoid overlooking, create privacy and enclosure. Design references, where timber screens have been used successfully and stood the test of time, are cited.
 - Apartments F01 and G02 have independent access. Storage is not provided in these apartments but beside them.
- Precedent:
 - Adverse precedent cannot arise as the development is acceptable in principle and the design quality ensures a high standard of amenity in both urban design, streetscape and detailed residential amenity while avoiding impacts on neighbouring properties.
 - The refusal undermines government and council policies and priorities to promote housing, given the current housing crisis and undersupply of housing, particularly student housing in the area.
- Design principles:
 - S 16 of DCC Development Plan is cited.

- A conservative approach to retaining and upgrading existing structures, creating a street building using a light filled atrium for light access and amenity and an inner courtyard for circulation, and use of timber screens and brickwork will create a unique identify.
- Reason 2
 - Development management standards.
 - Revised plans:
 - The revised schedule of accommodation outlines compliance. Various development plan policies show the scope for relaxation of standards in an upgrade.
 - The planner's concerns can readily be addressed by way of minor revisions implemented by means of planning conditions.
 - The revisions omitting the third floor of the front block reduces the total number of apartments to 22, mix: 9 x 1 bed, 9 x 2 bed and 4 x3 bed, a reasonable balance.
 - Proposed height relates to existing height on the road.
 - The level of amenity to the property at 122 Drumcondra Road is already compromised by poor design layout of the development itself. However, the proposed development will not contribute to any diminution of amenity.
 - The third floor roof can now form a roof garden, set back from the main building frontage by 10.04m, screened by vertical screens and avoiding overlooking.
 - The delivery for the restaurant has been relocated to the general vehicular entrance. The vacated delivery area now forms a landscaped courtyard increasing the communal open space provision by 60 sqm and removing the conflict to bedroom G01. This and 158sq m of roof garden contribute an increase of 218 sqm. The children's play area is relocated to the south where there is better passive surveillance and easy access. Children's play space is only required for 25 units, therefore not for the revised proposal. A total of 607 sq m of communal open space is provided; 144 sq

m is the requirement. Total private open space is 389 sq m. The courtyard is a further dual use amenity of 401 sq m.

- All apartments satisfy the minimum residential floor areas requirements.
- Sustainable Urban Housing Apartment Standards 2015:
 - The planning process, along with other sources of input costs, must play its full part in ensuring that while appropriate standards of accommodation and services are set from a long term planning and sustainable development perspective, that such standards are also economically viable in terms of the return on residential construction needed to enable supply in the first place, given what people can afford in terms of rents and/or mortgages.
 - The choice between the original plans and the revised plans comes down to a choice as to whether internal storage and development plan management standards is more important than dwelling units in this location where there is a crisis of student housing in the private rental market.
 - The revised plans address the refusal reasons.
- Development Plan Standards:
 - The standards for residential accommodation are divided into standards relating to apartments and houses (16.10.1 and 16.10.2 respectively) and apply to new-build residential schemes. While the minimum standards set within these sections will be sought in relation to refurbishment schemes it is acknowledged that this may not always be possible, particularly in relation to historic buildings, 'living over the shop' projects, tight urban infill developments, and in the city regeneration area designated under the Living City Initiative. In such cases the standards may be relaxed subject to the provision of good quality accommodation, and where the proposal secures the effective usage of underutilised accommodation.
 - These guidelines are intended to apply to new apartment developments. While it is an objective to achieve these standards in refurbishment schemes, this will not always be possible, particularly in relation to historic

buildings, some urban townscapes and ‘over the shop’ type conversion projects. Planning authorities will need to weigh up compliance with “new build” intended standards in favour of the strong desirability from a planning perspective of securing effective usage of underutilised accommodation, including upper floors, (5.8 of guidelines).

- Standards should be relaxed. The subject site is a tight urban infill constrained by the existing building form and neighbouring property. The qualitative standards expressed in the planning report should not apply.
- Storage: the Development Plan requirements should not apply.
- Storage of 27.9 sqm is provided at ground level. In the revisions all apartments, including in the upgraded building, Development Plan standards for storage and separate store area of 27 sqm makes up the minor shortfall is some.
- Proposed Apartment Residential amenity:

it is an aim of Dublin City Council to encourage and foster living at sustainable urban densities through the creation of attractive mixed-use sustainable neighbourhoods. It is critical that new residential development is sufficiently flexible to allow for changing circumstances (e.g. aging, disability, growing family) and sufficiently spacious with all the necessary facilities to provide a level of residential amenity attractive to families with children on a long-term basis.

- The revised plans show the significant residential amenity provided and the quantity of private and communal open space which significantly exceeds standards.
- Reason 2 to be quashed.
- There was pre-planning consultation.
- The issues raised in the refusal could have been adequately addressed by seeking additional information or the imposition of appropriate conditions.

- Annotated photographs of the site are enclosed, together with photographs showing examples of use of timber slatted/perforated brick screens.

6.3. **Planning Authority Response**

6.4. The planning authority have not responded to the grounds of appeal.

6.5. **Observation**

6.6. An observation on the grounds of appeal has been received from All Hallows Area (Residents) Association, which includes:

6.7. Built in 1946 these houses form an integral part of the Drumcondra streetscape. The buildings on either side have roof lines which are similar in height. Although used as offices they do not present a problem regarding traffic. They must be preserved.

6.8. The proposal is a gross overdevelopment of the site.

6.9. Alterations proposed are a gross act of destruction.

6.10. Buildings in front gardens is gross overdevelopment.

6.11. Block to rear is gross overdevelopment.

6.12. Proposed parking for 16 cars is indicative of the cramped space. Parking on local roads is at capacity.

6.13. The scale dwarfs the buildings on either side.

6.14. Cars entering and exiting via the narrow alleyway will pose a risk to pedestrians and cyclists. The development will have a negative impact on the QBC.

6.15. Together with LIDL permitted opposite it will add to dangerous traffic problems where the road is currently at breaking point.

6.16. Being close to Croke Park there are additional traffic and parking problems at weekends etc.

6.17. They concur with the refusal reasons.

7.0 **Assessment**

7.1. The issues which arise in relation to this appeal are: appropriate assessment, streetscape, design, residential amenity of future residents, residential amenity of the area, traffic and parking, drainage proposals, revised drawings, and other issues and the following assessment is dealt with under those headings.

7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. **Streetscape**

7.4. The first reason for refusal in the decision refers to mass and scale. The response from the first party includes a redesign with a reduction in the proposed scale by removing a storey from the front building.

7.5. The observers also refer to scale and consider that the scale dwarfs the buildings on either side.

7.6. The buildings on either side are a block of two storey terraced houses to the north at street edge and further north the buildings are set back and form a separate building line. To the south is the public house, its importance and the need for retention of its dominance, is referred to in observations to the planning authority.

7.7. The mass and scale of development on the opposite side of Upper Drumcondra Road is more varied. The Sklylon Hotel on the opposite side of Upper Drumcondra Road from the site is a five storey building set back from the road. Further south along the road, the recently constructed five storey street-front building at St Patricks/DCU has created a new landmark in the area.

7.8. The proposal is to form a new street frontage of four storeys in the centre, stepping down to three storeys at either end, in order to harmonise with the adjacent development. I have no particular concern with the scale as proposed, in terms of its impact on the streetscape.

7.9. However I concur with the assessment in the planner's report that the use of timber screens as proposed is not appropriate for this prominent location and I do not consider that the amenity area to be provided with the screen would provide a satisfactory amenity space for residents given its proximity to the busy arterial route in front of the site.

7.10. **Design**

7.11. The proposal appears to be designed around retention of the existing buildings, but it is unclear why retaining the buildings has informed the design. Nor are other constraints on the design detailed. The grounds of appeal references the Development Plan and Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2015, in relation to the relaxation of standards. The flexibility cited by the first party is referred to in the guidelines which also state that difficulties encountered should be set out and the design response explained; similarly, any departure from minimum standards would, per the Development Plan, be acceptable only in exceptional circumstances.

7.12. Difficulties in the achievement of minimum standards would be more likely to require the application of flexibility in the development of a small site or of an existing constrained building. In the subject case the site is large and the redevelopment of the existing buildings as part of a much larger project is not a valid reason for the non-achievement of standards.

7.13. **Residential Amenity of Future Residents**

7.14. Both refusal reasons in the decision refer to the residential amenity of future residents.

7.15. Amenity of the built areas - the front block includes a new building at the street front with an atrium connecting this part of the building to the existing buildings to form a single block. The atrium provides two stairs and a large corridor area at each floor. At each floor above ground floor, a large terrace is proposed within the new building at street edge to serve a one-bedroom apartment at either end of the block.

7.16. The access/atrium is a wide area. Half of the converted building faces into this area and these habitable rooms will be reliant on windows facing only into the atrium and

lit from roof level by light wells, and similarly ventilated. Bedrooms and living areas being thus affected. At ground level the impacted areas are to be used for storage and bicycle parking but apartments at first, second and third floors face into this atrium/void. In my opinion this significantly reduces the amenity of these apartments.

7.17. As pointed out in the planner's report the window to the ground floor bedroom of the two-bedroom apartment opens onto the delivery area; and a large waste storage area is proposed at ground floor below windows and terrace areas of apartments above.

7.18. The planner's report also lists deficiencies in minimum floor areas with reference to the standards set out in section 16.10.1 of the Development Plan; some of which have been addressed in the revised submission.

7.19. Private amenity areas – some of the proposed private amenity areas have limited amenity value. The terraces proposed to serve the apartments at street edge immediately adjoin the street and are subject to noise and other disturbance, including that associated with the proposed ground floor use. Terraces adjoining and above the waste storage are likely to be impacted by odour, and the windows and balconies facing the delivery area are similarly deficient in amenity.

7.20. Communal amenity areas - the site layout provides a defensible space between the front and rear blocks but devotes this area to surface parking, so that it has little amenity value. Communal amenity areas are provided to the east of the rear block and to its south, adjoining the beer garden. These areas mainly provide a buffer to existing adjoining development and are of limited amenity value to the proposed development.

7.21. **Residential Amenity of the area.**

7.22. The first refusal reason refers to the residential amenity of adjoining residents including overlooking and overbearing impact.

7.23. There are adjoining residents to the north of the proposed development and the long rear extension to the premises has what appears to be own door accesses at first floor level and windows facing south towards the subject site.

7.24. There are duplex apartments in blocks to the east set within landscaped grounds.

7.25. The application was not accompanied by any daylight/sunlight study but the layout appears to allow sunlight through the site to the development to the north.

7.26. Obviation methods have been used to avoid overlooking of adjoining residential property.

7.27. In my opinion the proposed development does not impact adversely on the residential amenity of adjoining residents.

7.28. Traffic & Parking

7.29. Traffic & parking are issues of concern to observers, who state that parking on local roads is at capacity, cars entering and exiting via the narrow alleyway will pose a risk to pedestrians and cyclists; the development will have a negative impact on the QBC; together with LIDL (permitted opposite) it will add to dangerous traffic problems where the road is currently at breaking point; Croke Park causes additional traffic and parking problems at weekends; and the proposed parking for 16 cars is indicative of the cramped space.

7.30. As pointed out by the Roads & Traffic Department Road Planning Division, in their report which states that the division has no objection to the proposal, there are existing vehicular accesses to the site and existing parking in the front of the site, such that the difference in the number of car trips between existing and proposed will be minimal. Parking standards for proposed development in this area are maximum rather than minimum standards. The proposed development will not increase demand for on-street parking which is at capacity, rather the increase in density, in an area well served by public transport and close to services and facilities, will reduce the demand for transport by private car. In my opinion the proposed development will not cause traffic or parking congestion or obstruction to other road users, and traffic & parking should not be a reason to refuse permission. The report recommends that vehicular access gates should be set back into the site to prevent any queuing onto the public road.

7.31. Drainage Proposals

7.32. The drainage proposals are currently deficient in relation to the information provided on the management of stormwater, flood risk impact assessment and sewer

connection consent, as outlined in the report of the Engineering Department Drainage Division. Should the Board be minded to grant permission the further information set out in that report should be requested prior to any decision.

7.33. Revised Drawings

7.34. The Board has before it two sets of drawings: the drawings submitted with the application and revised drawings, submitted with the grounds of appeal, in response to some of the issues raised in the planner's report; and which the first party invites the Board to now consider.

7.35. While it might be appropriate to consider the revised proposals in terms of guiding the design of the development towards a conclusion, it would not be appropriate to base a decision on these drawings because they were not available for observer comment or to other parties who may have had an interest in the application process.

7.36. The submission of such revisions would more appropriately take place during the course of the planning application if not at pre-planning stage. The first party states that there was pre-planning consultation. This appears to have involved e-mail correspondence and minimal discussion.

7.37. In the submitted revisions the main alteration to note is the reduction in height of the building at the front of the site by one storey. This involves 4 no. apartments and an overall reduction of 3 no. apartments, with the subdivision of one apartment in the rear block at third floor into two units. The roof is shown altered from profiled metal sheeting to a flat roof which includes an accessible area above the existing buildings and atrium, screened by a timber screen with translucent glazing. The screened area includes a roof garden.

7.38. Additional storage is provided in all units by reducing the size of bedrooms or living room areas.

7.39. The children's play area has been substituted with another amenity area and is now proposed to the rear of the beer garden/smoking area which is behind the public house.

- 7.40. A landscaped area is proposed at the northern end of the road frontage in lieu of the previous delivery area proposal.
- 7.41. In my opinion the revisions do not address fundamental issues of the site layout, which prioritises surface parking over residential amenity. They do not address fundamental issues of building layout where the accommodation to be provided would have substandard residential amenity. The revisions do not address fundamental issues of failure to provide quality residential accommodation on a large opportunity site where the constraints to such provision have not been identified and the case has not been made for deficiencies.
- 7.42. The grounds of appeal refers to demand for student accommodation. The Development Plan contains specific requirements in relation to high quality, purpose built, professionally managed student accommodation. The proposed development is not designed as student accommodation.
- 7.43. **Other Issues**
- 7.44. Landscaping - the planner's report refers to the unavailability of information in relation to existing trees on site, proposed landscaping and boundary treatment and states that a tree survey a landscaping plan and detailed boundary proposals are required.
- 7.45. Bistro/restaurant - the planner's report states that in order to evaluate the effect on the amenities of nearby residents, details related to the proposed bistro/restaurant are required: details of air-conditioning and extract plant, opening hours, location of delivery area and location of waste storage.
- 7.46. **Conclusion**
- 7.47. In my opinion a site this large offers an opportunity to increase density and improve the supply of residential accommodation in an area where demand is high both from the general and student market. However, as proposed, the development fails to propose quality accommodation provided with required residential amenities, and is therefore unacceptable.

8.0 Recommendation

- 8.1. In the light of the above assessment I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

The proposed site and building layout would provide a poor standard of residential accommodation which would result in an unacceptable level of residential amenity for future occupants, would be contrary to the guidelines on Sustainable Urban Housing: Design Standards for New Apartments, to the provisions of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

Planning Inspector

8 January 2018

Appendices

- 1 Photographs
- 2 Extracts from the Dublin City Development Plan 2016-2022
- 3 Extracts from Sustainable Urban Housing: Design Standards for New Apartments, DECLG 2015.
- 4 Extracts from Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities. Department of the Environment, Heritage and Local Government 2007