



An
Bord
Pleanála

Inspector's Report PL29N.249222

Development	Demolition of existing public house and dwelling and construction of 19 dwellings and 12 apartments.
Location	Botanic Road, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3185/17
Applicant(s)	Glasnevin SPV Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Glasnevin SPV Limited
Observer(s)	Joan Miller; Laura & Tom Redmond and others; OPW; Ray Brennan; Edward O'Loughlin and others; Matthew O'Connor
Date of Site Inspection	3 rd December 2017
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the eastern side of the R108 Botanic Road, in the well-established residential area of Glasnevin, north of Dublin City Centre. The site is located in close proximity to the entrance of the Botanic Gardens to the northwest and Glasnevin Cemetery to the southwest. While the area is predominantly residential there are a number of small neighbourhood scale retail areas within walking distance.
- 1.2. The site, which has a stated area of 0.45ha, comprises the grounds of the Addison Lodge public house / restaurant, and a detached 2 storey dwelling with mansard roof/'dutch barn' design to the rear south-east corner on a separate plot of land. Addison lodge is positioned centrally within the site and is a two storey 5 bay building with a single storey addition to the front and a number of additions to the side and rear which have been added over the years. The building is set back approx. 4m from the footpath edge (approx. 6-8m from the main two storey body of the building). Car parking is laid out on either side of the building. The front boundary treatment comprises a modern low wall with two open vehicular entrances, and hedging behind a section of this wall to the front of the building. The site has extensive tree planting on its other boundaries. There are currently 3 no. access points into the site, two into the car parking areas and a separate vehicular entrance into the dwelling, which is set back approx. 54 metres from the road.
- 1.3. The site is bounded on 3 sides by the rear gardens of semi-detached dwellings on St. Mobhi Road and St. Mobhi Grove and by terraced dwellings on Botanic Road. Addison Place, a minor laneway accessed off the section of Botanic Avenue to the east/rear of the site, runs along part of the north-western boundary of the site and serves a small number of dwellings and the rear gardens/garages associated with the terraced dwellings fronting onto Botanic Road. The boundaries to the site consist of a mixture of stonewalls and block walls with timber fencing, mixed in with significant tree and hedge cover.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:

- Construction of 19 no. dwellings with basement level car parking:
 - 2 no. four-bedroom, three-storey semi-detached;
 - 15 no. four-bedroom, three-storey over basement terraced; and
 - 2 no. three-bedroom, two-storey over basement end-of-terrace.
- Private amenity space to comprise rear gardens, in addition to which 17 no. dwellings will contain a second floor level terrace to the front elevations.
- Construction of a four-storey apartment building consisting of 12 no. apartment units (1 no. one-bedroom and 11 no. two-bedroom) with private terraces / balconies.
- Car parking at basement level comprising 47 no. car parking spaces, accessed via ramp from Botanic Road.
- Provision of communal open space area; bin storage and bicycle parking area; reconfiguration of existing footpath along Botanic Road and provision of 7 no. on-street car parking spaces; reposition existing street lighting; hard and soft landscaping to include tree planting and paving; upgrade to existing boundary treatments; SuDS drainage and all ancillary site works necessary to facilitate the development.

The application is accompanied by a Planning Report; Architectural Report; Shadow, Sunlight and Daylight report; Photomontages; Landscape Design Report; Preliminary Tree Survey and Report; Engineering Report on Drainage and Water Supply Issues; Outline Construction Management Plan; and Ground Investigation Report.

3.0 Planning Authority Decision

3.1. Decision

Refused for three reasons, which are summarised hereunder:

- R1: Design of the proposed development, in particular the profiling and zinc-cladding of the roofs, and the inclusion of a double-height ope coupled with the extensive street frontage of the apartment block, would be seriously out of

character with existing development in the area and would constitute a visually obtrusive and overbearing form of development in the streetscape.

- R2: Proposed development does not provide for adequate separation distances between existing residential development to the north-east and east i.e. Mobhi Grove and Mobhi Road respectively and would, therefore seriously injure the residential amenities of these residential properties by reason of overlooking, disturbance and overbearing impact.
- R3: Proposal fails to meet the standards with regard to the provision of adequate areas of private and communal open space, both in terms of quality and quantity.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- There are serious concerns regarding the design of the development, the quality and quantity of private and communal open space, and the impact of the development on residential amenities adjoining, particularly along Mobhi Grove and Mobhi Road.
- Internal Areas: The applicant has described the majority of the houses as "4-bed' however upon examination of the plans, it is noted that at first floor level the 'lounge/den' could accommodate a bedroom. These units are assessed as 5 bed units. While the internal spaces comply with the document Quality Housing for Sustainable Communities, all these dwellings all have bedrooms at the upper floor level which are lit solely by rooflights. This is not acceptable in terms of residential amenity for future residents of the scheme. As stated in the city development plan, living rooms and bedrooms shall not be lit solely by rooflights.
- Building Height: The proposed development is in compliance with the height standards set in the development plan, however the three storey element of the three-storey over basement dwellings to the rear appears to result in

excessive overshadowing of the internal courtyard as indicated on shadow/sunlight/daylight study documents submitted. In addition, the planning report submitted acknowledges that overshadowing is caused by the development over the proposed courtyard area.

- Design and Scale: There are serious concerns regarding the proposed form and bulk of the development proposed, including the provision of a mansard-style roof on the upper floor of the apartment building. The roof design and profile, coupled with the overall length of the apartment block and the inclusion of a double-width height ope contained within the street façade, is considered to constitute an overly dominant and uncharacteristic element in the existing streetscape. The proposal would result in a development that is totally out of character with the adjoining development and the location/area in general and would prove to be a visually obtrusive development.
- House Type A, B, and C: The terraces provided do not have a functional relationship with the living areas of the dwellings. Having regard to the substantial size of the dwellings (173sqm-222sqm), it is considered that the private open space provided for the majority of House Types A, B and C, at between 50 sq.m. and 70 sq.m., is not adequate.
- House Type D: Rear garden depth of 2.5m between façade and boundary wall of 3.3m. Majority of open space is located to the side of the dwelling. The rear narrow open space is accessed directly from the dining room area while the ground floor bedroom has direct access to the larger private open space to the side. While a sufficient quantity of open space may be proposed here, the quality is poor and not considered acceptable.
- A 2.5 metre separation distance is proposed between houses to the rear (3-bed, two-storey over basement) and the shared party boundary with nos. 1-5 Mobhi Grove. This is not considered adequate.
- House Type E: Substandard private open space.
- The three storey dwellings proposed to the rear of the dwellings along Mobhi Road, particularly nos. 155 and 157 Mobhi Road, would result in excessive overlooking and have an overbearing impact on the rear gardens of these properties.

- Public open space proposed is substandard and is considered to be communal open space for the apartments, and not public open space. A contribution in lieu is required.
- Communal open space (c389sqm, and not 800sqm as described) is of adequate size, but of a poor quality given the level of overshadowing by the apartment blocks.
- All apartments proposed on the 1st and 2nd floors have been provided with less than the minimum quantitative standard of open space required for 1 and 2 bed apartments. A1-1 and A1-2 are also substandard.
- The applicant has not proposed any external play spaces/equipment for children in the scheme. This could be achieved by way of condition.
- A 2m set back for apartments fronting Mobhi Road would be preferable to the 1.5m proposed.
- 7 no. car parking spaces proposed on-street are not required.
- A Flood Risk Assessment has not been submitted with the application. As per DCC's development plan objective, a FRA would be required for this proposed development.

3.2.2. Other Technical Reports

Roads and Traffic Planning Division: No objection subject to conditions.

City Archaeologist: No objection subject to conditions.

Waste Management Division: No objection subject to conditions.

Drainage Division: No objection subject to conditions.

3.3. Third Party Observations

The Planning Authority received a large number of submissions in relation to this application. The issues raised are largely covered in the grounds of appeal and observations to the appeal.

4.0 Planning History

Ref 3493/09/X1: Extension of Duration of Permission GRANTED for a mixed use development (incl 17 no. townhouses and public house & restaurant). Permission extended until 11th December 2020.

Ref PL29N.235912 (ref 3493/09): Permission GRANTED in 2010 for a mixed use development consisting mainly of 17 no. townhouses and restaurant and public house.

5.0 Policy Context

5.1. National Policy Guidance

- 'Sustainable Urban Housing: Design Standards for New Apartments' (2015)
- 'Sustainable Residential Development in Urban Areas' and associated 'Best Practice Urban Design Manual' (2008)
- 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)

5.2. Dublin City Development Plan 2016-2022

Zoning

The application site is located within land use zoning objective Z1, the objective for which is *'to protect, provide and improve residential amenities.'*

The site directly adjoins a Z2 zoned area, Residential Conservation Area, and is close to the Botanic Gardens (Zoned Z9 – Amenity/Open Space/Green Network).

The site is located within the Zone of Archaeological Constraint for the Recorded Monument DU018-0090 (Dwelling possible), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. Further, the site is located within the Zone of Archaeological Interest in the Dublin City Development Plan 2016-2022.

Chapter 5: Quality Housing

Chapter 16: Development Standards.

Section 16.7.2: In terms of building height, the site is located in the outer city area, where heights of up to 16m residential may be acceptable subject to compliance with all other standards for residential accommodation.

The following policies apply to the site:

QH1: To have regard to the national guidelines relating to residential development..

QH7: Sustainable urban densities, urban design and architecture...

QH8: Sustainable development of vacant or under-utilised infill sites...

QH21: Satisfactory level of residential amenity, in accordance with the standards for residential accommodation...

5.3. **Natural Heritage Designations**

The nearest Natura sites are the South Dublin Bay and River Tolka Estuary SPA (004024), North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), which are approx. 3km from the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed apartment scheme has been redesigned and revised drawings submitted. The scheme now comprises two detached apartment blocks; the mansard roof level has been replaced with a glazed floor set back from the roof edge; and elevational changes to the blocks in terms of finishes are proposed. 7 on-street parking spaces have also been omitted.
- The site is appropriately zoned and is supported by numerous policies of the Dublin City Development Plan 2016-2022.
- The Planning Authority has inaccurately stated the dwelling mix. The mix is as follows: 1 x 1-bed apartment; 11 x 2 bed apartments; 19 x 4 bed dwellings.
- Applicant disagrees with the Planning Authority assessment of some of the units as being 5 bed units.

- The level of private open space for the proposed three and four bedroom dwellings is considered adequate given the infill nature of the site and the substantial area of space provided by way of the internal courtyard.
- Proposal is fully compliant with the guidelines in relation to apartments. The Planning Authority erred in the application of the private open space standards.
- The communal space relates to the proposed apartment units only as there is no requirement for communal open space standard for houses. It is considered that only 82sqm is required for the apartments.
- Childrens' play facilities are only required in relation to apartment schemes in excess of 25 apartment units.
- 47 car parking spaces are proposed in the basement. A revised layout has been submitted omitting the 7 on-street car parking space.
- Site coverage is lower than development plan standards but is considered reasonable in context of housing with gardens being provided.
- The sunlight/daylight study indicates the interior courtyard is in excess of the BRE minimum requirement of 50% two hours of sunlight on the 21st March, and will receive 62.7%. The applicant does not agree with Planning Authority that the courtyard, given the level of overshadowing, will be of poor standard.
- Overall height of the scheme complies with the development plan requirements.

6.2. Planning Authority Response

No further comment.

6.3. Observations

A number of submissions were received. One submission was submitted from Matthew O'Connor from Navan, Co. Meath which supported a revised design which was invalidated by Dublin City Council (revised drawings accompany the submission). Further submissions raising concerns were submitted from residents of

Botanic Road, Mobhi Grove, Mobhi Road, and Botanic Villas. The submissions received are summarised as follows:

Design and Visual Amenity

- One submission supports plans which formed part of a revised scheme that was submitted recently under 3791/27 to Dublin City Council and which was deemed invalid due to the existing appeal. The observer notes that changes were made to the house designs which would overall improve the scheme and should be considered further by the Board.
- Design is out of character with the largely Edwardian/Victorian homes in this area and would negatively impact on the National Botanic Gardens entrance.
- Proposal is incompatible in relation to character, height and density with existing developments in the area. Massing scale and form of the development is inappropriate.
- Concern is raised in relation to height of the building and proximity to Botanic Road. The buildings should be stepped back and a tree lined/landscape frontage should be required.
- Design of dwellings fronting onto Botanic Road should be more in keeping with existing dwellings and should not be of the 'Strain style' houses at the southwest towards the shop which are referenced in the proposed alternative design.
- The scale and articulation of the 4-storey apartment element will have a direct bearing on to the main historic entrance to the Botanic Gardens, which is flanked by original Victorian Gate Lodges; the block is out of proportion with the surrounding streetscapes; the block is out of character with the surrounding area.
- The courtyard approach and the long street frontage of over 80m of tall ironwork fencing on to the pavement edge is very much at odds with the 10 to 14 m front gardens of the rest of the street.
- Design of the apartment blocks is too high. The upper fourth level should be removed so that building becomes three storey in height and thereby relates better to existing dwellings in the area.

- If the roof pavilion is to be retained it is suggested that vertical elements be introduced to better reflect the plot width and rhythm of the elements below.
- The double width car park entrance results in a visual void along the streetscape. If it has to be retained, it is suggested that its appearance could be improved by providing a vertical design element between the entrance and the exit.
- The proposal will cause significant traffic congestion in the area.
- The courtyard approach and the long street frontage of over 80m of tall ironwork fencing on to the pavement edge is very much at odds with the 10 to 14 m front gardens of the rest of the street.

Impact on Residential Amenity

- Overbearing and overlooking of existing dwellings on St Mobhi Grove, as demonstrated in the cross section submitted. It is suggested that the dwellings located along this boundary be omitted or stepped back.
- Proposal will overshadow dwellings on Mobhi Road and impact on their light.
- Inadequate separation distances to boundary with Mobhi Road.
- Much of the boundary as per the tree file report is stated as being dangerous and unsuitable for retention. This will exacerbate overlooking.
- Treatment of this boundary has not been clarified and no permission has been sought or given to build on this boundary.
- Proposal to increase height of boundary wall to rear of no. 155 Botanic Road is not considered appropriate given the likely instability of the existing wall.

Cemetery Drain

- Exact location and condition of the cemetery drain needs to be established. As it is proposed to construct basements it is in the developer's interests to clarify location and issues with this drain which has caused flooding in the past. within the site and at its boundaries with other properties needs to be established.

Boundary issues

- Old rubble stone walls are located on east and north of the site. Where site backs onto the laneway, sections of it are in poor condition. The ownership of the lane is not known and it has not been taken in charge. Drawing no 308 shows the site boundary in red and a narrow strip of land between this land the notional line of the lane. The Board may wish to impose conditions to address any issues. Oversailing and joint ownership should be addressed by way of condition.
- The boundary wall with house no. 155 comprises a mix of natural stone and breeze blocks. It is proposed to place wood panelling on top of the wall. The raising of the height of the wall is to be welcomed, however the wall is not very stable. It is requested that the Board impose a condition to ensure the wall is stabilised and finished in permanent and attractive materials.
- Conditions should be imposed to ensure shared areas are maintained and regularly cleaned.

Width of the laneway behind Botanic Road

- This laneway between the site and the rear of the Botanic Road dwellings is very narrow but provides access to a number of garages and parking spaces within private properties. There are no parking spaces to the front of these dwellings. There should be no oversailing of this laneway. If the wall has to be rebuilt it is requested that it be set back by 300mm in the interests of public safety and to avoid traffic and parking congestion.

Housing mix

- The majority of houses could be used as 5/6 bed houses. It is requested that more 3/4 bed houses be provided.

Traffic

- Proposed development will increase traffic in the area.
- Level of parking is insufficient.

6.4. Further Responses

None.

7.0 Assessment

- 7.1. The applicant as part of the first party appeal has submitted revised drawings, primarily in relation to the apartment element of the development. I will assess the amended drawings in conjunction with the original drawings submitted where appropriate. I note that no revisions are proposed in relation to the terraced housing within the scheme and therefore the original planning application drawings in this regard will be assessed. I note a discrepancy on the revised site layout plan which indicates the houses on plots 18 and 19 have been amended, however this is not stated anywhere in the grounds of appeal and no elevation drawings have been submitted to show changes. The revisions submitted are summarised as follows:
- Apartment Development: Two detached apartment blocks are proposed in place of one block previously proposed, with a glazed flat roof fourth floor proposed in place of the mansard roof.
 - Elevational changes to the apartment blocks in terms of opes and finishes.
 - 7 on-street car parking spaces which were proposed have been omitted.
- 7.2. There is a current permission on this site, ref PL29N.235912, for a mixed-use development comprising 17 dwellings in two rectangular east-west blocks from Botanic Road to the rear of the site and also a separate building comprising a restaurant and bar. The blocks addressing the street were narrower in sections and were set back further from the street by condition.
- 7.3. The subject site is located in a highly accessible area, in close proximity to Dublin City Centre, served by high quality public transport links, and is a prime site capable of accommodating a high density quality sustainable residential development. Botanic Road is an Edwardian/Victorian area of distinct historic quality with the Botanic gardens, which is a landmark Victorian tourist attraction, in close proximity. The proposed development should reflect the high quality design of the area in the design approach taken for this site.
- 7.4. The subject site is located within zoning objective Z1, the objective for which is '*to protect, provide and improve residential amenities*'. The site directly adjoins a Z2 zoned areas – Residential Conservation Area and is close to the Botanic Gardens

(Zoned Z9 – Amenity/Open Space/Green Network). I consider the residential use proposed to be acceptable in principle within the zoning objective for the area.

7.5. The primary issues for assessment include:

- Visual Amenity: Design of Apartments and Design of Dwellings
- Residential Amenity: Dwellings and Apartment Blocks
- Private Open Space
- Communal Open Space and Public Open Space
- Traffic, Access and Parking
- Light and Overshadowing
- Appropriate Assessment

Visual Amenity and Design of Apartments

7.6. The scheme is laid out in a rectangular form around a central courtyard. Three sides of the courtyard are bounded by the proposed dwellings. The other side of the courtyard adjoins Botanic Road and comprises two apartment blocks (as per the revised drawings received on 20th Sept 2017 as part of the appeal submission). The apartment blocks comprise four floors, with the fourth floor recessed from the front and side elevations. The previous length of the apartment block was approx. 52.4m, however, the northern most block is now approx. 27m wide (11.5m deep at its widest point) and the southern most block is approx. 22m wide (10.3m deep at its widest point). The overall height of the apartment buildings is 12.2m. A central pedestrian access, 3.5m wide, is provided between the blocks from the street into the courtyard area. A basement level is proposed for car parking. An access into the lower ground level of each house is proposed from the basement car park, in addition to an entry door into the house from the ground level. There is one vehicular access route into the basement from Botanic Road and one pedestrian access point via stairs to the basement. There is in addition a stair and lift access point from both the basement and ground level for each of the apartment blocks.

7.7. The observers have raised issues in relation to massing, form, height and scale of the overall development, specifically the apartment element. It is considered to be out of character given its location adjoining a Residential Conservation Area

comprising Victorian dwellings of predominantly two storey scale. Concerns in relation to height of the apartment building and proximity to Botanic Road have been raised. It is suggested that the upper level of the apartments should be omitted and the buildings should be stepped back further from Botanic Road.

- 7.8. I consider the site suitable for a higher density development comprising apartments. The density of the proposed scheme is 69 units per hectare. I consider the overall height of the apartment buildings at 12.2m, compared to 10m of the neighbouring dwellings to be acceptable. The division of the apartment block into two distinct blocks of 20/22m wide has improved the overall bulk and mass of the development and its impact on the streetscape. The replacement of the mansard roof form with a flat roofed fourth floor, with extensive glazing, is a visual improvement to the scheme and the step back of this floor from the side and front elevations also assists in mitigating the scale of the development. The changes to the elevations of the block also provide greater relief to the design, with three to four vertical breaks within each block, achieved through a proposed variation in the brick type for a mid-section of the block and minor stepping forward of the façade of that section by 300mm. I do not consider the scale of the proposal would be inappropriate for this area, however I am of the view that the design response of the buildings as proposed does not reflect adequately the high quality historic character of the area, is particularly lacking in terms of the detail presented in relation to materials, finishes etc. and I am not satisfied the development as proposed will result in the delivery of a high quality street frontage at this location.
- 7.9. With regard to the building line, 7 on-street parking spaces have been omitted and the apartment blocks are positioned 3.8-4m from the footpath edge. I note the existing single storey element of Addison Lodge is 4m from the footpath edge, with the main 2 storey body of the building being 6-8m from the footpath edge. In addition, I note the dwellings to the south east of the blocks are approx. 5m from the footpath edge (4m from the bay window projections). Given the scale of the blocks at three storeys with a fourth floor set back, and given the departure in design from the surrounding streetscape and context of the residential building line closest to the site, I am of the view that the blocks require a further set back behind the building line of no. 129 Botanic Road, to form a minimum 5m separation between the front elevations and the footpath edge.

Visual Amenity and Design of Dwellings

- 7.10. Two dwellings are proposed to the northwest of the apartment blocks at the corner of the site. These dwellings are listed as house type E and are two semi-detached three storey dwellings, fronting Botanic road. The remainder of the dwellings within the scheme are located around a courtyard setting and are terraced in nature. Three house types, namely A, B and C are terraced dwellings, which are located on the longer arms of the rectangular courtyard, opposing each other. The dwellings are stated to be four bed. Two D type three-bed dwellings are proposed at the northeastern end of the courtyard, forming a closure to the courtyard at this end.
- 7.11. A number of observations consider the design of dwellings backing onto Mobhi Grove and Mobhi Road to be out of character with the area and should be more in keeping with existing dwellings. Design of the scheme is overall considered to be out of character with the largely Edwardian/Victorian homes in this area. In addition it is considered that the proposal would negatively impact on the National Botanic Gardens entrance.

House Type E

- 7.12. These houses comprise a semi-detached pair located fronting onto Botanic Road at the northwest corner of the site, at the boundary with the terrace of dwellings starting at no. 155 Botanic Road, close to the entrance to the Botanic Gardens.
- 7.13. I note the applicant in the grounds of appeal requests the Board to refer to the amended architectural drawings submitted with the this planning appeal and the fundamental amendment is stated to relate to the four storey apartment building. I note however that the revised drawing submitted, drawing no. 17-170-DD-01, which shows the site layout, indicates a different layout and position on site of this semi-detached pair of dwellings. No revised floor plans or elevations have been submitted for these dwellings and no commentary is provided in the accompanying planning appeal report relating to any changes to these houses.
- 7.14. Given this discrepancy and the incompleteness of the submission, I cannot assess the revised layout as it relates to these dwellings. I will therefore assess the drawings submitted as part of the original application.

7.15. The dwellings proposed are three storey four bed dwellings, with mansard roof design. The dwellings by virtue of their design and scale are out of character with the area and would be a visually incongruous addition to the streetscape.

House Type D

7.16. The two dwellings at the eastern end of the rectangular block are labelled house type D. The two dwellings are approx. 2.2m from the rear boundary with Mobhi Grove and have an overall height of 6.9m when measured from the lower level of the gardens of the houses to the rear.

7.17. With regard to the external design of these dwellings, I note that the front elevation is 6.88m high with a flat roof and to the rear the height drops to 5.7m with a mansard roof and interconnecting flat roof sections. These dwellings are 5.2 metre deep. No cross section of these dwellings has been submitted, however I consider the juxtaposition of roof profiles and flat roof connections in the rear design and the overall step down to the rear would result in an incoherent building design at this location, particularly when viewed from Mobhi Grove. In addition, the flat roof design, which abuts the set-back mansard type roof design of the adjoining dwellings when viewed from the inner courtyard, would in my view appear incongruous, particularly given the central blank elevation proposed which provides an access to the basement level separate to these houses. I recommend these two house type D dwellings be omitted from the scheme.

House Types A, B and C

7.18. These dwellings are three storey over basement, with the third floor recessed at the courtyard elevation to accommodate a terrace. The third floor element is described in the architectural report as a mansard style inclined wall/roof section. On the rear elevation the roof comprises an angled slope, is flat on top, and on the front elevation it is designed more as a vertical wall, where it serves a terrace. Section C-C highlights the roof design. There are no other mansard roof style dwellings within the immediate area, except for the 'barn style' dwelling on the site, which it is proposed to demolish, and which is uncharacteristic of the area. From the rear elevation the mansard type roof dominates the design and is not recessed in the same manner as on the front elevation. The surrounding houses, where third floor accommodation exists, takes the form of dormer inserts within the traditional pitched

roof plane. This development introduces a style of dwelling which is not of a modern idiom and is particularly uncharacteristic of this traditional Edwardian/Victorian area. The design of the dwellings is visually incongruous and obtrusive when viewed from the surrounding backland area. In addition, the design is inconsistent with the design of the apartment blocks which have been amended as part of the grounds of appeal to omit the mansard roof element.

Residential Amenity and Proposed Dwellings

- 7.19. Issues have been raised in the submission in relation to overbearing and overlooking of existing dwellings on St Mobhi Grove by proposed house type D as well as from other houses and apartments within the scheme. It is suggested that the type D dwellings located along this boundary be omitted or stepped back. It is considered that the proposal will overshadow dwellings on Mobhi Road and impact on their light and the separation distances to the boundary with Mobhi Road are overall inadequate. Much of the boundary with Mobhi Road, as per the tree file report, is stated as being dangerous and unsuitable for retention. This will exacerbate overlooking. Obscure glass has been proposed in other parts of the scheme but has not been proposed relating to the houses along this terrace.
- 7.20. The grounds of appeal raise issues with the assessment by the planning authority of the four bed dwellings as five bed dwellings given the internal design and layout provides for an additional den/lounge at second floor level which has dimensions cable of being used as a bedroom. The applicant furthermore states that the private open space areas proposed are in compliance with development plan standards and they do not consider the terraced areas should be included in the private open space calculations. It is considered that the private open space provided for at ground level is adequate given the infill nature of the site and the provision of additional open space by way of the central internal courtyard to the front of the dwellings.
- 7.21. I have considered the design of all the dwellings with regard to the residential amenity of future residents, as well as impact on residential amenity of neighbouring properties. In particular, reference has been made to the DoEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)

House Type D

- 7.22. The document Quality Housing for Sustainable Communities (2007) states that floor plans should provide for the comfort, convenience and safety of the occupants in their use of the dwelling and window locations should facilitate supervision of children at play in private external space and also allow natural surveillance of the immediate surroundings of the dwelling.
- 7.23. I have examined the internal layout of the type D dwellings and note the majority of the usable open space is to the side of each dwelling with the only window onto this space serving a bedroom. The private open space is detached from any supervision from the main functioning rooms of the house, ie the kitchen and living rooms. These dwellings are substandard in terms of their layout and access to amenity. I further note that the kitchen/dining window for each house is approx. 2.2m from the boundary adjoining Mobhi Grove, which is proposed will be increased to 3.3m in height. I have concerns in relation to the amount of natural light penetrating these northeastern facing rooms given the proximity to this high boundary and in addition the poor outlook for the future residents of these dwellings.
- 7.24. Given the level difference of the site with Mobhi Grove, these dwellings would by virtue of their proximity to the boundary as well as their design, be overly dominant and visually obtrusive on the dwellings within Mobhi Grove and their private amenity space. The first floor bedroom window to bedroom 3 to the rear of each house type D is stated on the floor plans to be designed as a high level window. On the elevations I note that an elongated escape window is proposed adjoining bedroom 2 with a side window from bedroom 3 appearing to facilitate access to it. The high level windows on the floor plan do not appear on the elevation. Notwithstanding this omission, I do not consider this design solution of a high level window to serve a main bedroom to be appropriate, given it would result in a very poor outlook for the occupants of bedroom 2 and limit access to natural daylight. In addition, it is not clear from the information presented if bedroom 3 meets the standard within Dublin City Development Plan 2016-2022 that glazing to all habitable rooms should not be less than 20% of the floor area of the room. Notwithstanding the proposed escape window is accessed from the side and therefore direct overlooking is not enabled, its scale and location within the roof plane would give rise to an increased perception of overlooking of the properties within Mobhi Grove.

House Type E

- 7.25. As noted above, I have assessed these dwellings on the basis of the original planning application drawings, given the discrepancy on the drawing submitted as part of the grounds of appeal.
- 7.26. Having assessed the location of the dwellings on site, I consider the proposals will not significantly impact on neighbouring properties in terms of overlooking or overshadowing, however, the irregular rear garden boundary to the rear of dwellings 18 and 19 is considered inappropriate and it would be preferable for the boundary line between the two properties to be straight. Furthermore the scale of open space provided to the rear of plot no. 19 is substandard and the space to the side of the dwelling, given its orientation and width is not considered as part of the usable open space area.
- 7.27. Parking for these dwellings is within the basement level of the development. A pedestrian access to the parking spaces in the basement is proposed via a separate pedestrian access adjoining the apartment block on Botanic Road. This access is detached from the dwellings, is therefore not easily accessible and in my view does not adequately serve these dwellings.

House Types A, B and C – Terraced Dwellings

- 7.28. The rear garden depths of the terraced dwellings on plots no 11-17 to the northwest are approx. 9.5m, with two of these houses having depths of over 10m. While the garden depths are limited, particularly considering the proposal is for three storey houses, the houses onto which they back have long gardens and are set at an angle to the site, with the distances between houses in excess of 25m. The rear garden depths of the terrace dwellings to the southeast are in general 10m and above, with back to back distances to first floors of dwellings to the rear being in excess of 22m. Given that these dwellings are three storey in height, there is additional overlooking compared to what one would expect from two storey dwellings and therefore the provision of in excess of 22m separation distances is important to ensure no significant overlooking of back to back dwellings. I am satisfied in this regard that overlooking is not a significant issue.
- 7.29. However, I have serious concerns in relation to the design and scale of the proposed dwellings in terms of their visual dominance and increased perception of overlooking due to the scale and design of the third floor. The roof design is not only out of

character with existing dwellings in this area, it is also visually obtrusive. I note that where third floors have been added to dwellings in the immediate surrounds of this site (on Botanic Road; none observed on Mobhi Road), it has taken the form of dormer insertions within a traditional pitched/hipped roofscape. While the proposed dwellings can accommodate a third floor, I am of the view that the design and scale of what has been proposed would seriously injure the residential amenity of dwellings in this area.

- 7.30. From an examination of house type C, which is the predominant house type, I note that the internal dimensions of all the bedrooms are below the standards set out in the document Quality Housing for Sustainable Communities (2007). The single bedroom at first floor level is approx. 5.42 sqm (including the wardrobe space) and the width of the room is 1.8m. The minimum standard floor area for a single bedroom is 7.1sqm and the minimum standard width is 2.1m. Bedroom 2, which is a double bedroom is 9.72sqm in area, which is below the standard of 11.4sqm minimum. Similarly, bedroom 3 which is a double bedroom is approx. 10.39sqm in area. Bedroom 4 is above the minimum standard. Standards are also not met in 3 out of the 4 bedrooms in house type B. The bedrooms in house type A, which is the larger of the houses and of which there are 3, appear to meet the standards.
- 7.31. While the houses are substantial in size, the proposed dwellings B (201sqm) and C (168sqm), of which there are 10, fail to meet residential amenity standards.
- 7.32. House type C on plot 17 is bounded by one of the apartment blocks. Given the apartment building is built on the boundary with plot 17 and the given the extent of the apartment building on this boundary, the apartment would be overbearing on the residential amenity of this dwelling, and would seriously impact on its amenity by virtue of overshadowing. The juxtaposition of the dwelling on plot 1 with the apartment building is also of concern with the ground and first floor window on the front elevation of this dwelling overlooking/overlooked by the window serving a study and communal room in the apartment block and the level of overshadowing to the front of the dwelling from the apartment block is also of concern.

Private Open Space

- 7.33. I note that no schedule of private open space has been submitted with the plans for this development and the summary submitted as part of the grounds of appeal gives the provision on the basis of house type and not by plot.
- 7.34. Dublin City Development Plan 2016-2022 requires a minimum standard of 10 sq.m of private open space per bedspace. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. House type C has four bedrooms, equating to seven bedspaces and a requirement for 70sqm private open space each. The other house types have four bedrooms, equating to eight bedspaces and a requirement for 80 sqm private open space each. However, I note the development plan also states that generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city. I am therefore of the view that the standard to be applied is 60-70sqm. I note the planning authority highlighted that the proposed houses could be developed as 5 bedroom dwellings given the provision of a den/lounge area on the upper floors which could be utilised as a bedroom and concern was raised in relation to the deficiencies in open space. The applicant disputes this interpretation. I am of the view that it is prudent to assess the implications of the dwellings being used as 5 bed houses in an assessment, given the scale and potential use of the den/lounge, however I find that the general statement that overall 60-70sqm is sufficient for private open space provision means there is no practical difficulty in terms of standards, were the den/lounge to be converted to a bedroom, as the same quantum required for private open space applies.
- 7.35. With regard to the northwest terrace, of the 8 houses proposed in this terrace, 3 houses have provided less than 60sqm private open space at ground level. However, terraces (measuring a minimum of 12.5sqm) are proposed to these dwellings on the second floor level and therefore I have considered the contribution that such terraces would make in serving the private open space requirements of the dwellings. I note that if the terraces are taken into account, then the lowest level of private open space being provided is 60sqm. However, given these terraces serve bedrooms, their function as private open space is limited. I note the applicant's statement in the grounds of appeal that these terraces are incidental to the setting of the master bedroom only and are not intended to serve as additional private amenity space for the overall household. It is furthermore stated that the private open space

provided at ground level to dwellings A, B and C is considered adequate. Given the design rationale for the terrace is not to act as useable private open space for the dwellings and given their location off a bedroom and not off the first floor lounge/den, I do not consider they should be included in the private open space calculations associated with these dwellings and I find that the dwellings proposed are inadequately served by private open space, contrary to Dublin City Development Plan 2016-2022.

- 7.36. The applicant has stated that they consider the private open space provided to be adequate given the infill nature of the site and the central courtyard open space being provided to the front of the dwellings. I note Dublin City Development Plan 2016-2022 requires a minimum of 60sqm private open space per dwelling and the central open space within the scheme falls short of 10% of the site area. Overall I consider that the private open space provision is inadequate and is contrary to the proper planning and sustainable development of the area.

Boundary Treatment

- 7.37. A number of observations have raised concerns in relation to the existing boundaries of the site which are in poor condition.
- 7.38. The existing boundaries consist of a mixture of stone, brick and rendered walls, some with timber fencing above and a significant tree presence. A consultant Arborist has submitted a detailed report in relation to the sustainability of the trees on the site and has made recommendations regarding the removal of many from the site.
- 7.39. The submitted landscaping plan proposes that new planting along the boundaries of the site will include laurel hedging and birch trees and will include the construction of a timber fence 2.1m in height. It would appear from the landscape drawing that the timber fence will sit inside the existing boundaries. However, the architectural report submitted with the application states that subject to agreement with individual residents it is proposed to repair any of the existing stone walls bounding the site and generally raise the top of the boundary to a consistent level of circa 2.2m above the finished Addison Lodge garden levels by providing selected horizontal timber cladding directly over the retained elements on a galvanised steel frame with its independent foundation. The overall lack of clarity in terms of the boundary

treatment, where amendments are needed and proposal to add timber fencing on top of existing walls with a steel frame is considered unsatisfactory particularly with regard to the side boundaries with no. 129 Botanic Road and no. 155 Botanic Road, the boundaries of which would be particularly visible from the street.

- 7.40. I note 3 trees are to be retained in close proximity to where houses on plots 18 and 19 are proposed. Further details in relation to how these are to be protected would be required.

Residential Amenity and Apartment Blocks

- 7.41. The proposed development (as amended within the grounds of appeal) comprises two blocks of apartments containing 1 x 1-bed apartment and 11 x 2 bed apartments. The applicant has submitted a revised design for the apartment element of the scheme and submitted revised drawings. It is these drawings which I am assessing.
- 7.42. I note concerns have been raised in the observations in relation to the scale of the apartment buildings and their design.

Apartment Sizes

- 7.43. The applicant states that the one bed apartment is 61.3 sqm in area and the eleven two bed apartments range between 72.5sqm and 119.5sqm. The document Sustainable Urban Housing: Design Standards for New Apartments (Dec 2015) states the minimum floor area for a one bed apartment is 45sqm and for a two bed apartment is 73sqm. The overall size of the units is therefore deemed acceptable.
- 7.44. Having reviewed the bedroom sizes, I note that a double bedroom in apartment A1-2 and apartment A1-4 appears to fall under the minimum floor area standard of 11.4sqm.
- 7.45. With regard to storage, the document Sustainable Urban Housing: Design Standards for New Apartments (Dec 2015) states minimum storage requirements are 3sqm for a one bed and 6sqm for a two bed apartment. Storage should be additional to kitchen presses and bedroom furniture. Hot presses or boiler space will not count as storage. As a rule no individual storage room within an apartment should exceed 3.5sqm. Communal storage space should be encouraged in addition to minimum apartment storage requirements, although I note it is a specific planning policy requirement that where secure, allocated ground or basement level storage is

provided it may be used to satisfy up to half of the minimum storage requirement for individual apartment units.

- 7.46. Having assessed the storage provisions for each apartment, it would appear over half of the twelve apartments do not meet the minimum storage requirements, and of the ones that do meet the minimum standards, four have store rooms in excess of 3.5sqm. I note that there is a communal room/store at the ground level of the scheme, however, it is not clear if this is being provided as a communal room or as a storage space to compensate for the reduced level of storage within apartments.

Private Open Space

- 7.47. The applicant in the grounds of appeal states that the proposal is fully compliant with the guidelines in relation to apartments (2015). I have assessed the revised layout and note changes to the number and location of balconies/patios. All apartments now appear to meet the required standards in terms of private open space provision. I note however that the ground floor plan does not include the additional patio areas to the front of the building which are indicated on the revised site layout drawing submitted. In addition an elevation indicating the boundaries to these spaces which address the street have not been included.

Layout of Apartments

- 7.48. The southeastern apartment block comprises five apartments, with two of the apartments split over the third and fourth floors. This apartment block comprises at ground level the entrance to the basement car park and a communal room. I note this block is approx. 2.5-4m from the boundary with the neighbouring dwelling at 129 Botanic Road and is approx. 7.7m from the side elevation of this dwelling. I note that apartments A2-2 and A2-5 comprise master bedrooms which have been designed internally at an angle with a projecting angled window comprising obscure glass. It would appear this has been proposed to mitigate overlooking. I am of the view that the use of obscure glazing to serve a bedroom is unacceptable, would result in a poor outlook for future residents and is a poor design response to challenges presented by the context of the site. I am furthermore not satisfied that given the layout of the room, and the location and shape of the window, that it would adequately serve the room in terms of a good standard of daylight, despite its southeastern aspect.

- 7.49. Apartment A1-2 is located at ground floor level at the end of the block, adjoining the central pedestrian entrance to the development. The patio to this apartment adjoins the entrance to this apartment block, which serves 7 apartments and is along the pedestrian entrance which serves the scheme. Given the screen planting proposed, I am satisfied that this 11.6sqm patio is adequate to serve this two bed unit. However, I have concerns in relation to the window proposed at ground level to the living room on the side entrance. Given there is no privacy strip located along this elevation and the living room is served by another window to an additional patio to the front (as indicated on the revised drawing 17-170-DD-01), this ground floor window on the southern elevation is not required and should be omitted in the interests of privacy, amenity and security.
- 7.50. The northern patio to apartment A1-1 is poor in quality given its aspect, however an additional patio to the front of the building as shown on amended drawing compensates for the lack of daylight and outlook to this private amenity space. I note the additional patio is indicated on drawing 17-170-DD-01, but not on the ground floor plans, therefore clarity would be required to ensure all amenity spaces are assigned as per 17-170-DD-01. Furthermore, I am concerned about the location of the pedestrian entrance to the basement at the northwestern/side boundary of this apartment. I am of the view that the location of this entrance should be amended for issues of security and privacy. In addition, I note the boundary to this apartment to the rear acts as the boundary wall of the garden of house type C on plot 17, with the building being built on this boundary. This is likely to raise practical as well as amenity issues. Also of concern is the visual dominance and likely level of overshadowing from the apartment block on the private garden of dwelling no 17, given the apartment block at 3 storeys in height extends along almost the entire depth of the garden, with the fourth floor element (given its recessed form) extending 2m beyond the rear building line of the dwelling.

Communal Open Space and Public Open Space

- 7.51. The applicant states that the full courtyard area equates to 824sqm and 659sqm of that is provided by way of central open space. The applicant states that the communal space relates to the proposed apartment units only as there is no requirement for communal open space standard for houses. It is considered that only 82sqm is required for the apartments. The applicant states in relation to public open

space that 10% of the site equates to a requirement for 450 sqm of public open space. The sunlight/daylight study indicates the interior courtyard is in excess of the BRE minimum requirement of 50% two hours of sunlight on the 21st March, and will receive 62.7%. The applicant does not agree with Planning Authority that the courtyard, given the level of overshadowing, will be of poor standard.

- 7.52. Dublin City Development Plan requires under Section 16.3.3, 10% of a site area to be reserved for public open space. Sustainable Urban Housing: Design Standards for New Apartments (2015) require communal open space to be provided at a rate of 5sqm for a 1 bed apartment and 7sqm for a two bed apartment. I calculate the central open space within the scheme to be circa 394sqm (10.8m x 36.5m). I do not consider it reasonable or appropriate to include within this calculation the footpath around the edge of the open space, which is required for residents to gain access to their dwellings, the privacy strip to the front of the dwellings, or other incidental space around the scheme.
- 7.53. The Planner's Report indicated the Planning Authority were satisfied that a contribution in lieu of public open space could be applied to any grant of permission and considered the courtyard space would function as a communal space for residents of the scheme as opposed to public open space, given its location within the site and the limited size of the site. I note in the grounds of appeal that the central courtyard area is referred to as a semi-private space.
- 7.54. I consider the central open space area to be appropriate for use both as a communal space for residents of the apartments and also consider it usable as public open space given its central and accessible location to all dwellings. I furthermore note that there appears to be a gate proposed to serve the development, as indicated on the site layout plan, but not included on the elevation plan. Given that gated communities are not considered desirable in the achievement of open and integrated communities, this central open space will be accessible. I therefore consider that a deficit of public open space equating to 138sqm exists in relation to this development and a contribution in lieu of remaining open space would be required (394sqm-82sqm = 312sqm; 450sqm-312sqm = 138 sqm).

Traffic, Access and Parking

- 7.55. Concerns have been raised in relation to increase in traffic generation and disruption and the level of parking available in the area.
- 7.56. The applicant has provided for 47 car parking spaces in the basement area. The revised plans submitted as part of the appeal have omitted seven on-street spaces which is considered acceptable.
- 7.57. The Planner's Report notes that 47 is the maximum number of spaces which should be provided for 31 residential units, in accordance with development plan standards.
- 7.58. The parking provision as now proposed is therefore considered acceptable.
- 7.59. The appeal site is an underutilised zoned and serviced site within an urban area with high quality public transport links. While there may be disruption to the traffic flows in the vicinity and to road users in the construction phase of the development, I do not consider that the development, if permitted will result in so significant a traffic hazard or obstruction to road users as to warrant a refusal of permission in this instance.
- 7.60. The access to the basement level has been considered acceptable subject to compliance with the requirements of Dublin City Council.

Light and Overshadowing

- 7.61. A study called 'Shadow Sunlight and Daylight Studies' has been submitted with the planning application. The report is presented in a summary fashion with no legends to any of the images indicating what the colours represent or reference to time of year and overshadowing implications. I note the lack of commentary in relation to the impact of overshadowing within the development itself and this is required in order to fully assess the residential amenity for future residents.
- 7.62. I note the applicant in addressing concerns raised in the planning report from Dublin City Council that the sunlight/daylight study indicates the interior courtyard is in excess of the BRE minimum requirement of 50% two hours of sunlight on the 21st March, and will receive 62.7%.

Other Issues

- 7.63. It is not clear from the plans whether the proposed development will be a gated development. To propose gates to the central access between the apartment blocks into the residential housing element would in my view impede permeability and the proper integration of the estate into the wider neighbourhood. The Sustainable

Residential Development in Urban Areas Guidelines and the accompanying Urban Design Manual: A Best Practice Guide address urban design and issues of connections and inclusivity. I consider that no gate should be permitted between the pedestrian access and the two apartment blocks which lead to the housing to the rear and the entrance should at all times remain open.

- 7.64. With regard raised in relation to the exact location of the Cemetery Drain, I note the water services requirement that all below ground services be accurately surveyed and information submitted to Dublin City Council. I consider this sufficient to address this issue.

Appropriate Assessment

- 7.65. The nearest Natura sites are the South Dublin Bay and River Tolka Estuary SPA (004024), North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), which are approx. 3km from the site.
- 7.66. Wastewater from the proposed development will be treated within the public system. Surface water from the proposed development will discharge at a restricted rate to the existing surface water drainage network. Surface water will be stored and treated in a stone filled trench within the grassed courtyard area. The site lies within the catchment of the Tolka River. There is no pathway for loss or disturbance of important habitats or species associated with the features of interest of the SAC and SPA.
- 7.67. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the South Dublin Bay and River Tolka Estuary SPA (004024), North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.'

Conclusion

- 7.68. The subject site is located in a highly populated and attractive historic area of Dublin City served by high quality public transport and amenities, and is an appropriate site for a well-designed high density residential development. I am not satisfied however

that the development as proposed appropriately reflects the context of the site and is an adequate design response to the area, with a number of deficiencies in terms of compliance with national guidelines and development plan standards highlighted throughout the scheme. It is recommended that permission be refused.

8.0 Recommendation

8.1. Having considered the proposed development of 19 dwellings and twelve apartments and having regard to all first and third party submissions and observations, I recommend that planning permission be refused for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

1. Having regard to the provisions of the Dublin City Development Plan 2016-2022 and the existing pattern and form of development in the area, it is considered that, by reason of the design of the proposed apartment buildings, in addition to the scale, bulk and design of the proposed three storey over basement dwellings (including mansard roof design), in addition to the design and scale of the type E dwellings and the position and juxtaposition of the type D dwellings, the proposed development would be out of character with the existing residential properties in the vicinity and would constitute a visually discordant development that would be detrimental to the distinctive architectural and historic character of this area, which it is appropriate to preserve. The proposed development would therefore seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of inadequate room sizes within the dwellings and apartments and inadequate quantitative provision of private open space to the terraced dwellings, would conflict with the provisions of the Dublin City Development Plan 2016-2022 and with the minimum standards recommended in the document Quality Housing for Sustainable Communities "(2007) and 'Sustainable Urban Housing: Design Standards for New

Apartments' (2015). The proposed development would be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

11th December 2017