



An
Bord
Pleanála

Inspector's Report ABP 300080-17

Development

Permission for demolition of Charleville House (c.1006 sq.m), coach house (c. 198.5 sq.m) and other ancillary buildings (c.122.6 sq.m). Construction of 4 no. four storey over basement blocks consisting of 56 residential units. Associated car parking, courtyards, plays areas, services and site works. And the relocation of vehicular entrance off Harbour Road.

Location

Charleville, Harbour Road, Dalkey, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D17A/0707.

Applicants

Winterbrook Homes Limited.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal	First Party
Appellants	Winterbrook Homes Limited.
Observers	8 Observations received.
Date of Site Inspection	15 th February 2018 & 16 th April 2018.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1.** The site, with a stated area of c.0.715 hectares, is located on the western side of Harbour Road in a mature suburban coastal area within Dalkey village. Dalkey village centre is c.400m and Dalkey Dart Station is c. 500m to the southwest of the site. The area is characterised by large detached residences on large plots, a number of which have developed small gated residential schemes within their original curtilage.
- 1.2.** Charleville, a nineteenth century house, occupies the site. The original house has been the subject of extensive internal alterations with substantial extensions added in the 1970s/1980s and is currently used by a charitable organisation. There are a number of smaller structures within its curtilage, a Spy Tower, a Coach house, remnants of walled gardens with substantial granite walls bounding the site. A number of telecommunications antennae were observed on the roof of Charleville. There is a carpark with spaces marked out to the front of the main structure. Numerous paths with light stands traverse the site. There are mature trees of varying sizes and condition located within and bounding the site.
- 1.3.** The existing entrance to Charleville is off Harbour Road where a high granite wall forms the roadside boundary. Bounding the site to the northwest is Saint Patrick's Church (RPS Ref. No. 1425), The Sextons Lodge & School (RPS Ref. No. 1426) and The Rectory. (RPS Ref. No. 1429). To the rear (southwest) is a small residential cul-de-sac, Church Road, consisting of modest two storey dwellings. There is an access to Saint Patricks Church and the scout's den from Church Road. The rear and side garden of West Wego (No. 24 Church Road) extends nearly the full length of the southwestern boundary and a small section of that of the adjoining house also bounds the site. They are separated from the site by high walls and mature trees within the site. Bounding the site to the southeast is Glencairn, a three storey flat roof apartment block with planning permission for a fourth floor. The southern point of the southwestern boundary is bounded by

'Edelweiss', a detached house accessed off Harbour Crescent. Opposite the site, on the eastern side of Harbour Road is Rockland House (RPS 1432) and Rockland, a small gated residential scheme, located to the north of Rockland House.

- 1.4. There is a gradual slope downwards within the site from east (Harbour Road) to west, with a difference of about 2m in ground levels across the span of the site.

2.0 Proposed Development

The proposal includes the demolition of Charleville (gfa c.1006 sq.m part 2 storey over basement, part 3 storey) and its coachhouse (c.198.5sq.m), ancillary buildings (c.122.6sq.m) and the construction of 4 no. four storey over basement apartment blocks (c.3763 sq.m) with a total of 56 units with basement parking and c.3166sq.m landscape communal courtyards on a site within an overall area of c. 0.715 hectares.

- **Basement:** A communal area serving all four apartment blocks, comprising 112 carparking spaces, 67 bicycle spaces, bin storage, general storage, ESB substation and switch room.
- **Block A:** is located in the northern corner of the site, is a four storey building (height 12.47m), comprising 15 apartments with terraces (1 no. 1bed, 8 no. 2 bed (4 person) and 4 no. 3 bed, of which 1 is a duplex).
- **Block B:** is located in the south eastern front area of the site, is a four storey building (height 12.47m), comprising 14 apartments with balconies (12 no. 2 bed (4 person) and 2 no. 3 bed, of which 1 is a duplex).
- **Block C:** is located in the north western rear area of the site, is a four storey building (height.12.47m), comprising 15 apartments with balconies (1 no. 1 bed, 1 no. 2 bed (3 persons), 12 no. 2 bed (4 person) and 1no. 3 bed).

- **Block D:** is located in the south eastern rear area of the site, is a four storey building (height c.12.47m), comprising 14 apartments with balconies (2 no. 1 bed, 9 no. 2 bed (4 person) and 3 no. 3 bed, of which 1 is a duplex).
- Communal courtyards, including a children's play area.

The apartments are a contemporary design, flat roof with extensive glazing and breaks within the floors and elevations. There are uniform elevational finishes used throughout the scheme using a palette of materials which includes stone/terrazzo/composite panels/insulated metal material mounted on an insulated wall assemble of block and concrete. All roofs to be green roofs.

2.1.2 The breakdown of units is a follows:

Total No. of Units: 56.

4 no. 1 bed units (gfa c.64.2 to 73.9q.m).

42 no. 2 bed units (gfa c.86.2 sq.m to 125.1sq.m). (41 units for 4 persons and 1 for 3 persons).

10 no. 3 bed units (gfa c.140.2sq.m) including 3 no. bed duplex (108.4 sq.m to 140.2sq.m).

2.1.3 The application also included the following reports;

- Planning Application Report.
- Architectural Design Statement.
- Method Statement (construction and demolition).
- Housing Quality Assessment.
- Waste Management Plan.
- Engineering Services Report.
- Traffic Impact Assessment.
- Landscaping Design Report.
- Arboricultural Impact Assessment.

- Architectural Heritage Impact Assessment
- Sunlight and Daylight Access Assessment.
- 3D montages/CGI
- Sustainability Statement.
- Part V proposals.
- Wooden model.

3.0 Planning Authority Decision

3.1. Refuse permission for the following three reasons:

- 1. It is considered that the cumulative impact of the overall layout of the development and the scale, height and massing of the generally uniform blocks as proposed, results in overdevelopment of this site and is an inappropriate design response for this location, is not considered to be sufficiently site specific or sensitive to the character of the surrounding area and is, therefore, contrary to Policy UD1: Urban Design Principles of the 2016-2022 Dun Laoghaire Rathdown County Development Plan. The proposed development would, therefore, be seriously injurious to the visual amenities and character of the area and would be contrary to the proper planning and sustainable development of the area.*
- 2. It is considered that the height, bulk and mass of the proposed apartment blocks in particular to the north western site boundary would appear overbearing on the adjoining site to the northwest and would adversely impact on the amenities of the adjacent site. Furthermore, the proposed bulk and scale of the proposed apartment blocks to the front portion of the site would appear visually dominant as viewed from Harbour Road would, therefore, unduly impact on the character and visual amenities of the streetscape. The proposed development would, therefore, be seriously*

injurious to the visual amenities of adjacent property and would be contrary to the proper planning and sustainable development of this area.

3. *The proposed development comprises wholly of apartment units and in relation to this specific site does not provide an acceptable balance of housing types to provide an appropriate mix of housing and apartment types in accordance with the provision of the 2016-2022 Dun Laoghaire Rathdown County Development Plan. The proposed development, therefore, contravenes Policy RES7 and Section 8.2.3.2 Quantitative Standards (i) Dwelling size and mix, of the 2016-2022 Dun Laoghaire Rathdown County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

This formed the basis of the Planning Authority's decision, the main points of concern are reflected in the reasons for refusal. Points of note are summarised as follows:

Density:

- The site in question is noted as being within 500m of Dalkey station and a density of 78 units per hectare is proposed. The area planner noted that Policy RES3 allows for higher densities within close proximity to Dart stations. However, in this instance they concluded that a restriction on density should apply due to the proximity of the site to Protected Structures.
- The principle of redevelopment of the site with a high density residential scheme would be considered acceptable, however, it is considered that the proposed repeating series of four storey over basement apartment blocks is unacceptable and results in overdevelopment of this site.

- In order to achieve a more appropriate density and unit mix, it is considered that the bulk and mass of the development could be reduced, in particular along the site boundary with the adjoining Church and school, with lower scale housing or duplex units in lieu of the proposed apartment blocks.

Unit Mix

- The development does not comply with RES7, unit mix. The scheme is exclusively for apartments with an over provision of 2 bed units and, therefore, fails to provide an appropriate mix of housing typologies for a variety of households within the area.

Design:

- Reference to the Councils Building Height Strategy and the context of the site. Due to its location, along Harbour Road on the coastal approach to Dalkey village, adjoining a number of Protected Structures, the subject site has potential to accommodate a significant residential development subject to an appropriate design approach and layout. However, it was considered that the sheer bulk, scale, mass and height of the proposed apartment blocks to the front portion of the site, in particular, would be excessive for this site and as a result, would significantly detract from the visual amenity of the area.
- The contemporary design and high quality finishes to the apartment blocks is noted and would be welcomed as part of any redevelopment of this site. However, taking into account the sites context, the Area Planner concluded that the overall bulk and mass of the proposed apartments blocks would result in the over development of this site, and would not be considered an appropriate design response for this location and would be contrary to policy UD1.
- While some higher scale development could be incorporated into the front, it was considered that the height, bulk and mass of the apartment blocks, in particular to the north west boundary, would appear overbearing from the adjoining site to the north west. Similarly the bulk and scale of the proposed blocks to the front portion of the

site would appear visually dominant as viewed from Harbour Road and would, therefore, detract from the streetscape.

- There is an opportunity to provide a high quality residential development on the subject site and, therefore, the density and mix of units proposed could be improved in terms of form and layout which would allow for a high density and provide an attractive high quality residential infill development for this village site.

Impact on adjoining properties.

The Area Planner concluded that:

- Block A would have an overbearing impact on the adjoining school and concerns raised regarding the visual impact from Harbour Road.
- Block B would have no negative impact on the Glencairn Apartments or on the streetscape of Harbour Road.
- Block C would not have a negative impact on the residential amenities of the houses along Church Road, to the west (rear) of the site. Concerns noted that it could have a negative impact on the school to the northwest.
- Block D would not have a negative impact on adjoining residential properties.
- There is ample separation distance between the blocks, within the scheme.
- The concerns raised in the submissions relating to overlooking of the adjoining school and school grounds were noted. The proposed screening to the balconies and upper level terraces was considered acceptable and overlooking of the adjoining lands/properties to the north and northwest of the site was not considered an issue. The set back of Block D from 'Edelweiss' should be considered further in any new application.
- The proposed scheme complies with the 2015 design standards for new apartments

- No concerns were raised in relation to the Sunlight/Daylight Assessment submitted.
- Arborist report noted and reference to the Parks and Landscape Services report.

Architectural Heritage:

- The area planner referenced the Conservation Officer's comments relating to the density of the development and that four large block would result in overdevelopment of the site which could have a detrimental impact on the character and architectural interest of the site/surrounding area. It was also noted that, from a purely conservation stance, the retention, conversion and extension of Charleville should be incorporated into any future proposal for the site.

Appropriate assessment screening concluded that there would be no adverse impact on any Natura 2000 site as a result of the development and, therefore, no stage 2 appropriate assessment would be required.

3.2.2. Other Technical Reports

3.2.2.1 Conservation Division, Architects Department.

- The Conservation Officer concluded that the development of four 4-storey over basement apartment blocks is not considered appropriate given the established townscape character of the area. The design is considered generic in nature and has not had sufficient regard to the character of the site with particular regard to the proximity to Protected Structures.
- In line with the morphology of the area, proposals for the site should seek to develop a site specific assemblage of buildings with differing typologies and with a variety of scale, materials and details, rather than a series of repeating apartment blocks.
- It is considered that by virtue of the proposed scale, height and massing, the proposal would be visually dominant and overbearing and is not considered appropriate to the character of the area and

would be contrary to the proper planning and sustainable development of the area.

3.2.2.2 Parks and Landscape Services.

- The scheme is not considered to be a progressive or an innovative design. It does not comply with the Development Plan development management standards in respect of quality of placemaking, especially in terms of biodiversity, open space, layout/placemaking, stormwater and landscape design.
- Recommendation that permission be refused as the scheme fails to fully meet development standards and guidance for urban design/layout (open space play, landscape design).
- The department would welcome an alternative scheme that addresses the concerns raised. That is, one that is creative and integrates engineering, architectural and landscape elements. Any such scheme should optimise site characteristics and aspect, thereby creating human-centred quality placemaking around blue-green infrastructure.

3.2.2.3 Transportation Planning.

Further information recommended relating to access proposals, traffic management signs, bicycle parking, construction management plan, and traffic management plan.

3.2.2.4 Drainage Division.

Further information recommended on attenuation, hydrobrake, surface water details and green roofs.

3.2.2.5 Housing Section. No objection subject to compliance with Part V.

3.2.2.6 Public Lighting. Further Information recommended relating to lighting design. It is also noted that the use of lit bollards is not acceptable due to the potential risk of electrocution on damaged units.

3.3. Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht.

This is summarised as follows:

Archaeology: The site is located in an area of high archaeological potential, therefore, a condition relating to Archaeological Monitoring should be attached to any grant of permission.

Nature Conservation:

Badgers are known to utilise the grounds of Saint Patricks Church and the National School which are located adjacent to the site. Badger setts are also known to be present within 200m of the northwest of the site. Therefore, further information is recommended in relation to a badger survey. If any badger sett is identified than an application to NPWS for a licence to interfere with or destroy a sett would be required, as the breeding or resting places of protected animals are also protected under the Wildlife Acts.

3.4. Third Party Submissions

There were 68 submissions to the Planning Authority at application stage.

The main issues are largely in line with the comments made by the Observers on the appeal and are summarised under that section of this report.

4.0 Planning History

There are no planning applications for the application site noted as per the Councils online planning register.

Adjoining the site, Glencairn Apartments:

Planning Authority Reference No. D14A/0404 (An Bord Pleanála Reference No. PL.06D.244870) refers to a 2014 grant of permission for 4 no. additional apartments, resulting in a total of 16 units. This included the provision of an additional floor to the building,

Planning Authority Reference No. D10A/0614 (An Bord Pleanála Reference No. PL.06D.239478) refers to a 2012 grant of permission for 2 no. additional apartments resulting in a total of 12 units.

5.0 Policy Context

5.1 **Project Ireland 2040 - National Planning Framework**

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives (Objectives 26 to 37) among which **Objective 27** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. **Objective 33** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. **Objective 35** seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2 Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is zoned under Land Use Objective 'A' with a stated objective '*to protect and/or improve residential amenity*'.

RES3: refers to the density requirements for the county.

Higher densities at a minimum of 50 units per hectare will be encouraged where a site is located within a 1km pedestrian catchment of a rail station, a priority QBC and/or 500 metres of a Bus Priority Route, and/or 1 km of a town or District Centre.

In some cases it is noted that densities may be constrained by ACA, cACA designations, Protected Structures and other heritage designations.

Some parts of Dalkey, characterised by low densities, have been identified as a '0/0 zone. The site is not within this zone.

RES7 refers to overall housing mix (type and tenure) within the county.

RES5 refers to institutional lands and their redevelopment.

RES 8 refers to the provision of social housing.

Architectural Heritage

Charleville House is not included in the Record of Protected Structures and, therefore, is not subject to the appropriate policies as set out in Section 6.1.3 and Section 8.2.11.2 of the Plan.

Section 6.1.3.5. Policy AR5 refers to buildings of heritage interest. This relates to buildings and structures that whilst not strictly meeting the criteria for inclusion in the Record of Protected Structures, may make a positive contribution to the historic built environment of the area. Where this occurs, their retention and reuse should be encouraged.

As the site adjoins numerous Protected Structures, **Section 8.2.11.2 (iii)** is of note and refers development within proximity to a Protected Structure.

The relevant structures are:

- Saint Patricks Church (RPS 1425).
- The Sextons Lodge and School (RPS 1426).
- The Rectory (RPS 1429).
- Rockland House (RPS 1432).

Relevant Development Management Standards

Of particular relevance is **Policy UD1** as this is referred to in the Planning Authority's first reason for refusal.

Section 8.1.1.1. Urban Design Policy UD1 sets out that all development is of high quality design that assists in promoting a 'sense of place'. The promotion of the guidance principles set out in the 'Urban Design Manual - A Best Practice Guide' (2009) and in the 'Design Manual for Urban Roads and Streets' (2013).

Section 8.2.3.2 sets out the relevant guidance on quantitative and qualitative, and development management criteria for **residential developments**.

Of particular relevance is **Section 8.2.3.2 Quantitative Standards (i)** as this is referred to in the Planning Authority's third reason for refusal and relates to the need for a mix of dwelling types and sizes within **residential developments**.

Section 8.2.3.3 refers to **apartment developments** and standards required in relation to (i) design, (ii) dual aspect, (iii) mix of units, (iv) separation between blocks), (v) internal storage, (vi) penthouse development, (vii) minimum floor areas, (viii) public, private and communal open space standards and (ix) play facilities.

Section 8.2.3.3 (iii) refers to unit mix within schemes. Where more than 30 units are proposed, a scheme should generally comprise of no more than 20% 1 bed units, and a minimum of 20% of units over 80 sq.m.

Section 8.2.4 Sustainable Travel and Transport

Section 8.2.4.5 refers to carparking standards for apartments.

Section 8.2.4.9 refers to the use of electronic gates.

Section 8.2.4.10 refers to underground carparks.

Section 8.2.8 Open Space and Recreation

Section 8.2.8.4 (iv) refers to private open space requirements for apartments

Section 8.2.8.5 refers to play facilities for apartments.

Appendix 9. Building Height Strategy

Section 2.1.1 densities are referred when assessing the level of development permissible on site as this is expressed in terms of plot ratio, site coverage, number of units, footprint and compactness of the development amongst other criteria.

Chapter 3

Proposals for infill sites should focus on whether the proposal would result in a desirable alteration to the prevailing character of the area and/or can be satisfactorily absorbed into the local context.

Chapter 4

Refers to the accommodation of 3 to 4 storey apartment buildings adjacent to important public transport nodes, subject to the considerations of downward and upward modifiers.

Section 4.8.1 Upward Modifiers

In particular (e) and (f):

- (e) The site should be within 500m of a DART station. ***The site is c. 500m from Dalkey DART Station.***
- (f) The site should have an area of 0.5 hectares or higher and height should be sited away from residential boundaries. ***The site has an area of 0.715 hectares.***

Section 4.8.2 Downward Modifiers

In particular item no. 1 and 5 (i)

- (1) Where a proposal would adversely affect residential living conditions through overlooking, overshadowing or excessive bulk and scale.
- (5)(i) Where a site is located within the designated Coastal Fringe zone (500m following the coastline). ***The site is set back c. 200m from the coastline.***

5.3 Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. (DHPLG 2018). These provide recommended minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

Sustainable Urban Housing: Design Standards for New Apartments Guidelines. (DECLG 2015). These provide recommend minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

Sustainable Urban Residential Development Guidelines (DoEHLG 2009) and its companion, the **Urban Design Manual - A Best Practice Guide (DoEHLG 2009).** These include detailed advice on the role of Urban Design and planning for new sustainable neighbourhoods. In cities and larger towns,

appropriate locations for increased densities, are identified, including outer suburban greenfield sites and public transport corridors.

Quality Housing for Sustainable Communities (DoEHLG 2007). These are intended to assist with the implementation of initiatives for better homes, better neighbourhoods and better urban spaces. Detailed space requirements are set out and room sizes for different types of dwellings.

Architectural Heritage Protection Guidelines 2011 (DAHG)

These provide guidance on architectural heritage protection.

5.4 Natural Heritage Designations

The nearest European sites are:

- Dalkey Islands SPA (Site No. 004172) c. 0.5km southeast of the site.
- Rockabill to Dalkey Island cSAC (Site No. 003000) c.0.8km southeast of the site.

6.0 Appeal

6.1 Grounds of Appeal

The appeal sets out a rebuttal of the reasons for refusal. A revised proposal is also submitted for consideration, if the Board do not consider the original proposal acceptable. The revisions are as follows:

- Block A: An additional 3m setback at third floor level facing Harbour Road.
- Block B: A 3m setback at third floor level facing Harbour Road.
- Block C: A reduction in the number of balconies facing the school.
- The revisions result in the following third floor changes: Block A (1No. 3 bed and 1 no. 2 bed). Block B (1 no. 3 bed and 2 no. 2 bed) and Block C (2 no. 3 bed).

The grounds of appeal are summarised as follows:

6.1.1 General

- The proposal complies with regional and national guidance.
- The development complies with Land Use zoning objective, the Core Strategy, densities (RES3), the Building Height Strategy and the relevant development management standards as set out in the County Development Plan.
- Architects were appointed following a lengthy competition process. A high quality site specific design and layout is proposed that ensures the protection of the local visual and residential amenities.
- The proposed unit mix is appropriate for a site at this location and generally complies with all the Development Plan standards, including building height, dual aspect ratios, private amenity space.
- Owing to the residential and education uses of the adjacent properties, as well as the interface with Harbour Road, significant areas of setback from the site boundaries are required. This has resulted in the requirement for a taller building to reach appropriate densities and the net effect of substantial areas of communal open space surrounding the apartment blocks.
- The site is located outside the designated Architectural Conservation Area. Charleville is not included on the Record of Protected Structures and few of the original features remain as the structure has been extensively altered and extended over the years. Architectural conservation was not included in any of the three reasons for refusal.
- Green roofs and attenuation proposals have been submitted.

6.1.2 Reason No. 1:

The first reason refers to the design and uniform layout of the proposed scheme which is considered an inappropriate design response for the site resulting in overdevelopment of the site. It is not considered to be sufficiently

site specific or sensitive to the character of the surrounding area and would be contrary to policy UD1 of the County Development Plan.

- The proposed development would introduce a high quality and innovative design into the area. It is an appropriate density, retaining appropriate levels of residential amenity both within and external to the scheme, creation of high quality apartment units which would be attractive to the immediate and wider market, providing a unique offer to local residents who potentially wish to trade down but still live within walking distance of the village.
- The proposed is for a high quality, site specific design, it complies with the 12 criteria for sustainable development. DMURS does not apply as no internal roads are proposed. The development complies within policy UD1 of the County Development Plan.

6.1.3 Reason No.2

The second reason sets out that the height, bulk and mass of the proposed apartment blocks, in particular those to the northwest part of the site, would appear overbearing and would adversely affect the amenities of adjoining sites.

- The Council's Building Height Strategy sets out that 3 to 4 storey apartment buildings, subject to the considerations of downward and upward modifiers, can be accommodated on sites within 500m of a Dart Station.
- The site is close to a DART Station and has an area over 0.5 hectares, therefore complies with the required upward modifiers.
- Charleville is c. 12-14m in height, so the proposals for 4 storey apartments block may be considered upward modifiers. The site is located c. 500m from a DART station and its area exceeds 0.5ha, therefore complies with two of the criteria set out for upward modifiers.
- Glencairn Apartments, to the south, is an existing three storey development with planning permission for a fourth floor.

- The proposed height of the main part of the apartment blocks is c. 12.78m, this is comparable to Charleville with a height of c. 12.6m. The apartments would be c. 3m lower than the adjoining Saint Patricks Church.
- The Daylight and Sunlight Access report demonstrates availability of light and that the proposal would not detract from the residential amenities of future occupiers or that of adjoining properties.
- Even though the proposal does not exceed the height of adjoining properties, an Architectural Impact Assessment report has been submitted due to the location of the site within the identified Coastal Fringe. This, in conjunction with the views and Daylight & Sunlight Analysis, demonstrates that the proposal is consistent with the heights of the surrounding area and does not impact in terms of overshadowing on adjoining properties or, by extension, the coastal character of the area and, therefore, would not detract from the residential amenities of adjoining properties.
- At present there is a degree of overlooking and overbearance from the existing Charleville building due to its proximity to the boundary. The proposed apartment blocks would be set back further from the boundary with Saint Patricks than the existing structures on site. Therefore, they would be an improvement on the current level of overlooking and overbearance.
- The buildings have been carefully designed to avoid overlooking and loss of privacy for prospective residents, through careful floor plan layout, window placement and design.
- The buildings along Harbour Road are set back from the boundary and have generous, well designed landscaping, incorporating local materials and elements to ensure continuity so that the scheme would not be visually dominant when viewed from Harbour Road. The model submitted further confirms this.
- To the rear of the site, the buildings are set back from the site boundary and mature trees are to be retained, additional trees will be planted to mitigate any impact on the school.

- The computer generated images (CGI) and the timber model submitted with the appeal clearly demonstrate that the scale and mass of the apartment blocks are appropriate for this site. Appropriate mitigation measures, including setbacks and site landscaping have been purposely incorporated to soften the impact of the proposal and would in no way represent an ‘overbearing’ design or be considered visually dominant on the streetscape.
- Screening to balconies and terraces proposed to avoid perceived undue overlooking from Block C to the adjoining school to the north have been submitted. The applicant is satisfied that the original application does not result in undue overlooking of adjoining lands. The Planning Authority noted that overlooking was not a consideration, its concerns related to overbearing impacts of the height, mass and bulk of the apartment blocks.

6.1.4 Reason No.3

The third reason refers to the unit mix and non compliance with policy RES7 and section 8.2.3.2 (i) Qualitative Standards of the County Development Plan.

- RES7 refers to the requirement for appropriate housing mix and types within the county.
- There is a mix of apartment types and sizes proposed throughout the scheme.
- There is precedents throughout the country for apartment only developments.
- The proposed development complies with Section 8.2.3.3 (iii) which refers to unit mixes within apartment developments.

6.1.5 Other

The appeal also responds to issues raised in internal Council reports during the assessment of the application relating to attenuation, drainage, access, parking, public lighting, landscaping, etc.

The following documentation is included with the appeal:

- Sketch drawings illustrating design rationale and appropriateness of the scheme.
- Engineering Report.
- Revised Landscape Plan.
- Revised Construction Management Plan.
- Conservation Report.
- Revised Plans and particulars for a 54 apartment scheme.
- 3D Montages.
- A 1:500 timber scale model illustrating the detail and context of the proposed scheme.
- Letter of support from Ray Ryan, Heinz Architectural Center.

6.2 Planning Authority Response

This can be summarised as follows:

- The principle of redevelopment of the site with a high density residential scheme would be considered acceptable. However, it is considered that the proposed repeating series of four storey over basement apartment blocks is unacceptable and results in the overdevelopment of the site.
- The height, bulk and mass of the apartment blocks, in particular to the northwest boundary, would appear overbearing from the adjacent site to the northwest. Similarly the bulk and scale of the apartment blocks to the front of the site would appear visually dominant as viewed from Harbour Road and would, therefore, detract from the streetscape.
- There is an opportunity to provide a high quality residential development on the subject site and, therefore, the density and mix of units should be revised in order to achieve same. Furthermore, it is considered that the mix of units proposed could be improved in terms of form and layout which would allow for a high density and provide an attractive high quality residential infill development for this unique site.

- It is considered that the development, as proposed, would be unacceptable and would not comply with the policies and provisions of the Dun Laoghaire Rathdown County Development Plan.

The Board is referred to the contents of the original planners report on file.

6.3 Observations

6.3.1 Eight Observations have been received from:

- (i) H.E & Meriel Kilroy, Rarc An Ilan, 22 Colimore Road, Dalkey, Co. Dublin.
- (ii) Peter Kerrvish, Corrig House, Convent Road, Dalkey, Co. Dublin.
- (iii) Donald Hoey, West Wego, 24 Church Road, Dalkey, Co. Dublin (adjoining the site).
- (iv) Bulloch Harbour Preservation Association c/o Patrick J. Drudy.
- (v) Contains two submissions from:
 - Rev. Bruce Hayes, Rector of Dalkey, Chairperson of the Board of Management of Saint Patricks National School (adjoining the site).
 - The Select Vestry of Saint Patricks Church, Harbour Road, Dalkey (adjoining the site).
- (vi) Contains seven submissions from:
 - Finola O'Neill, Greanan, Harbour Road, Dalkey, Co. Dublin.
 - Rosa Hick, 37A Convent Road, Dalkey, Co. Dublin.
 - Dolores Smyth, Castle View, Bulloch Harbour, Dalkey, Co. Dublin.
 - Monica Smyth, Castle View, Bulloch Harbour, Dalkey, Co. Dublin.

- Michael & Gemma Craig, Quarrybank, Bulloch Harbour, Dalkey, Co. Dublin.
 - Patrick Joseph Drudy, 95 Ballinclea Heights, Killiney, Co. Dublin.
- (vii) Dalkey Community Council c/o Mount Salus House, Mount Salus, Dalkey, Co. Dublin.
- (viii) Contains two submissions:
- Brian L. Mayer, Esker, 42b Barnhill, Dalkey, Co. Dublin.
 - Elizabeth Woods, The Lodge at Saint Patrick's Church, Harbour Road, Dalkey, Co. Dublin (adjoining the site).

There is an overlap and reiteration of issues raised throughout the Observations. To avoid repetition the issues are grouped into the related headings and summarised below:

6.3.2 Design & Layout and impact on adjoining sites.

- The appeal, or the modifications submitted for consideration with the appeal, do not address the Planning Authority's reasons for refusal.
- The proposed scheme would result in significant overlooking and overshadowing of Saint Patricks National School and its playground due to the design and height of the buildings, their set back from the boundaries and the presence of windows/balconies overlooking the school.
- Block A is higher than Saint Patricks National School and is set back only c. 4.5m from it. This is unacceptable on visual, practical and social grounds.
- The height and bulk of the apartment complex would dominate Harbour Road and would appear as a continuous run of overbearing and oppressive monolithic structures with a minimal number of trees to soften the impact.
- The apartment blocks would be located too close to the site boundaries resulting in an overbearing development when viewed

from the adjoining properties due to the height, bulk and mass of the buildings.

- Overlooking of front and rear gardens of No. 24 Church Road (West Wego).
- The proposal would detract from the streetscape of Harbour Road, a popular walking route from Bulloch Harbour to Dalkey village.
- Overall, the changes to the scheme submitted with the appeal do not address the fundamental issues of overlooking, overshadowing and visual overbearance. The proposal would, therefore, detract from the amenities of the adjoining properties.

6.3.3 Residential Density.

- The proposed density is too high and results in overdevelopment of the site. It would have a negative impact on local amenities, traffic, schools, etc.
- The site is c.700m from the DART station, not 500m as stated by the applicant. There are lands closer to the DART station that would be more suitable for this type of development.
- The proposed density would set an undesirable precedent for this pattern of development in the area which would destroy the fabric of Dalkey and its status as a heritage town. If the site is developed it should be of a reasonable density in line with heritage importance of Dalkey.
- Charleville is not an infill or a brownfield site. The site could accommodate a mix of house types that would reflect the heritage nature of the town.

6.3.4 Architectural Heritage.

- The development would seriously compromise the appearance and curtilage of the adjoining Protected Structures (Saint Patricks Church, The Sextons Lodge and School and The Rectory in particular) and

detract from their character and setting which are a significant heritage component of Dalkeys landscape.

- The Conservation Officer noted that any redevelopment of the site should include the retention and reuse of Charleville.
- The application does not clearly set out how the granite boundary walls are to be retained and incorporated into the scheme.
- The proposal does not comply with policy AR5. Charleville adds to the streetscape along Harbour Road, it is a major part of the setting of several Protected Structures and should be incorporated into any scheme proposed for this site.
- The proposed development would have a negative impact on Bulloch Harbour, an important heritage site.
- The developer's rebuttal of the Planning Authority's first reason for refusal avoids the heritage importance of Dalkey and its location along the main coastal approach. The removal of trees will result in a vista of an urban environment which would not be consistent with that of the heritage town.

6.3.5 Traffic

- The increase in traffic associated with the development and the location of the vehicular entrance to the basement carpark would contribute to traffic congestion along Harbour Road which already experiences severe congestion at peak times.
- Excessive carparking proposed which would encourage car use.
- Traffic Impact Assessment is flawed as it was carried out during school holidays.

6.3.6 Nuisance & Vibration.

- The Constriction Management Plan is flawed, it does not properly address noise/vibration during the construction phase.
- Significant rock breaking would be required due to the presence of granite, resulting in noise, dust and associated traffic impacts which

would have a detrimental impact on adjoining properties, residential and educational.

- Hours of construction would result in noise/vibration, etc having a detrimental impact on the adjoining school and Church services.
- The use of the relevant management plans and planning conditions are not considered sufficient to address would the impacts on the adjoining school.

6.3.7 Other

Revised Design

- The submission of revised proposals with the appeal is undemocratic and does not give the public an opportunity to comment on them.

Trees

- The removal of 22 trees along Harbour Road and their replacement with 5 trees is not acceptable. This excessive tree removal would result in the loss of a tree lined street that contributes to the character of the area.
- Trees conflict with the location of the proposed attention area along the boundary with No. 24 Church Road (West Wego).

Structural damage

- Potential damage to adjoining properties from rock breaking and excavations required for underground carpark.

Land Use zoning

- The site should be retained for educational/institutional uses.
- The site should be use for the expansion of Saint Patricks National School.
- It does not comply with Policy RES 5 for development on Institutional lands.

6.4 Prescribed Bodies

6.4.1 Department of Culture, Heritage and the Gaeltacht. The file was circulated to the Department for comment, No response received.

7.0 Assessment

The appeal seeks to address the Planning Authority's reasons for refusal. The applicant has submitted revisions to the original scheme in the documentation that accompanied the appeal for consideration by the Board, in the event that the original scheme is not considered acceptable. I note that the scope of the modifications proposed are minor, consisting of the omission of balconies to the northwest elevation of Block C, a 3 metre increased set back at third floor level to Block A (total 6m setback) and a 3m setback at third floor level to Block B facing Harbour Road. The modifications result in an internal reconfiguration of layouts and a reduction to 54 apartments. I am satisfied that they would not require re-advertisement. I note that the observers had raised the issue of modified plans and particulars in their submissions and therefore, are aware of the revised proposals included with the appeal. The appeal also included responses to the issues raised in internal Council reports during the Planning Authority's assessment relating to attenuation, drainage, access, parking, public lighting, landscaping, etc. This Report deals with the application for 56 apartments as originally lodged with the Planning Authority and the responses to the relevant technical reports.

The main issues in this appeal are those raised in the grounds of appeal which seek to address the Planning Authority's reasons for refusal. As the proposal includes the demolition of Charleville, an early nineteenth century structure and the site adjoins a number of Protected Structures, the issue of architectural heritage is also addressed. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Over development.

- Design.
- Impact on adjoining properties.
- Housing mix.
- Architectural heritage.
- Other Issues.
- Appropriate assessment.

7.1 Overdevelopment

7.1.1 The site is currently occupied by Charleville, a large detached part two storey over basement part three storey structure, which is set central within landscaped gardens. The proposal includes the demolition of Charleville (gfa c.1006sq.m) and its coachhouse (c.198.5sq.m), ancillary buildings (c.122.6sq.m) and the construction of 4 no. four storey over basement apartment blocks (c.3763 sq.m) containing a total of 56 units with basement carpark and c.3166sq.m landscaped communal courtyards on a site within an overall area of c. 0.715 hectares.

7.1.2 The applicants refute the Planning Authority's conclusion that the development constitutes overdevelopment due to its form and layout and ascertain that the proposed scheme of 56 apartments on a site with an overall area of c.0.715 hectares, a plot ratio of 0.89 and site coverage of 25% is appropriate for this location and complies with the requirements of the County Development Plan.

7.1.3 The Dun Laoghaire Rathdown County Development does not prescribe plot ratio or site coverage. The Planning Authority refers to densities and the relevant design and development management standards when assessing the level of development permissible on the site.

7.1.4 RES3 of the County Development Plan sets out the Council's policy relating to residential density. It notes that a minimum net density of 50 dwellings per hectare should be applied within public transport corridors, which are defined as including sites within a 1 km pedestrian catchment of a rail station. They also infer that higher densities should be encouraged on sites that exceed 0.5 hectares in area.

7.1.5 A density of 78 units per hectare (56 apartments) is proposed. The Observers raised concerns that the density is excessive for the area and would result in the overdevelopment of the site. The Area Planner concluded that, notwithstanding that the site was c.500m from Dalkey Dart station, constraints on densities referred to in RES3 should be considered taking into account the proximity to the adjoining Protected Structures. I note that the Planning Authority's reasons for refusal did not refer specifically to density.

7.1.6 In my view, the constraints on density referred to under RES3 specifically refer to sites within designated Architectural Conservation Area (ACA) or sites within the curtilage of and including Protected Structures and do not apply to the current scenario as Charleville is not a Protected Structure nor is it located within a designated ACA.

7.1.7 Harbour Road is characterised by a varied pattern of development, ranging from large detached houses, small gated housing developments, apartments to educational and religious structures. Bounding the site to the south is the Glencairn Apartment block, a three storey building, with permission for a fourth floor (An Bord Pleanála Reference No. 244870) and a permitted density of 71 units per hectare.

7.1.8 The reduced scheme submitted for consideration with the appeal for 54 units has a density of 75 units per hectare. I do not consider that a reduced density is required. In my view a density of 78 units per hectare is acceptable in this instance and is broadly in line with permitted densities along Harbour Road.

7.1.9 I consider, given the location of the site on lands zoned under land use objective 'A' and its proximity to the Dalkey dart station, that the proposed density is acceptable subject to compliance with the development management standards for residential developments and the protection of the residential amenities of adjoining properties.

7.1.10 The Planning Authority raised concerns that the cumulative impact of the overall bulk, mass and height of the proposed apartment blocks would constitute overdevelopment of the site and be out of character with the surrounding area. I note that the site is bounded to the south by the Glencairn Apartment block, a three storey structure (gfa 1194sq.m), with permission for an additional floor (c.567sq.m) on a site with an overall area of c. 0.225 hectares. Bounding the site to the northwest is a cluster of buildings containing Saint Patricks National School, Saint Patricks Church, the Rectory and the Sextons Lodge occupying a large footprint within that site. In my view, the proposed development would generally reflect the massing, bulk and height of the structures in the immediate vicinity. I am satisfied that the proposed apartment blocks can be accommodated on the site and that the cumulative impact of the four buildings would not constitute over development of the site.

7.1.11 Section 8.2.3.3, 8.2.4 and 8.2.8 of the County Development Plan sets out the design and development management standards for apartment developments. This includes reference to open space provision, private amenity space, separation distances, etc. I consider the proposed scheme broadly complies with the standards as set out in the Development Plan for a development of this scale.

7.2 Design

7.2.1 The proposed scheme consists of four four-storey blocks over basement with interconnected courtyards and communal spaces. Apartments have been provided with balconies or terraces.

- 7.2.2 The development before the Board has been the result of an extensive pre application process which included a design competition based on a brief for a site specific high quality design that had regard to the constraints of the site and its prominent location along Harbour Road in Dalkey.
- 7.2.3 The Dun Laoghaire Rathdown Building Height Strategy provides that proposals with a maximum of three/four storeys for apartment developments adjacent to public transport nodes are subject to the application of the upwards and downwards modifiers set out in section 4.8.1 and 4.8.2 of the Strategy.
- 7.2.4 The Area Planner concluded that the proposal was too high and this is reflected in the reasons for refusal. I note that the reasons for refusal do not refer to the Building Height Strategy. I consider the proposal for four storey over basement blocks would be acceptable at this location, subject to compliance with the upward and downward modifiers set out in section 5.2 of this report. In my view the downward modifier No. 5(i), where the site is located within a designated coastal fringe, does not apply as the proposal is setback c. 200m from the coastline and is separated from it by a buffer of residential development. Downward modifier No.1 refers to the implications for residential amenity arising from overlooking, overshadowing or excessive bulk and scale. This is addressed in section 7.3 of this report.
- 7.2.5 The architectural statement submitted with the appeal outlined that the scheme distributes the apartments in four blocks arranged geometrically across the site. This layout provides a network of courtyards, open at each corner to allow views in and out, providing visual continuity throughout. The apartments have wrap around balconies to provide more generous outdoor areas to each and to allow for greater screening and protection of privacy for the units.
- 7.2.6 The applicant's architects included with the appeal documentation a letter of support from Ray Ryan, Curator of The Heinz Architectural Center. This

concluded that that the massing reflects, in a contemporary way, the legacy of the grand seaside villas familiar in the area in Victorian times.

7.2.7 The apartments are a contemporary flat roof design with extensive glazing and breaks within the floors and elevations. Elevational finishes are uniform throughout the scheme using a palette of materials which includes stone/terrazzo/composite panels/insulated metal material mounted on an insulated wall assemble of block and concrete. All roofs will be green roofs. The architects for the project referenced El Pedrigal in Mexico by Luis Barrigan as inspiration for a landscaped led project which celebrated the local landscape. In the current scenario, the use of granite throughout the proposed development is a celebration of the landscape of Dalkey and reflects the local context in this landscape led project.

7.2.8 The Planning Authority accepted that the contemporary design and high quality finishes proposed would be welcomed as part of any redevelopment of the site but concluded that it was not sufficiently site specific or sensitive to the character of the area. This reflects the comments by the Councils Conservation Officer.

7.2.9 The varied architecture of Harbour Road includes the Glencairn Apartment block, bounding the application site to the south. It is a stark flat roofed three storey building with a brick finish and a staggered building line. Permission was granted in 2014 under An Bord Pleanala Reference No. PL. 06D.244870 for a fourth floor. By contrast bounding the site to the northwest there is a cluster of historical structures including the Sextons Lodge and School, the Rectory and Saint Patricks Church. In this context the scale and height of the proposed apartment block would not be out of context with the established height of some of the structures within the immediate area.

7.2.10 The site is challenging due to its prominent location along Harbour Road and adjoining Protected Structures. The applicant has attempted to address the sensitivities and constraints of the site through the use of a contemporary

design solution. There is a clear distinction between the old and the new. The effect is not to jar with the character of the existing built environment but to add a contemporary element that enhances the architectural grain of the area. In this instance, I am satisfied that the proposal is an appropriate design intervention at this location as it adequately addresses the sensitivities of the site that include a variety of architectural styles and scales within the immediate vicinity, ranging from religious, educational and residential structures. The variety of uses, styles and scales along Harbour Road and bounding the site, in my view, support the case for a modern intervention that would contribute to and add to the narrative of the area while at the same time retaining the character of Harbour Road.

7.2.11 The applicants have chosen to design a statement piece, ensuring that it would be a feature along Harbour Road. In my view, the use of high quality materials and finishes and innovative design offers an opportunity for a high calibre aesthetically pleasing development at this location. I recognise that the proposal would have a visual impact along Harbour Road, Indeed any new development would have a visual impact. However, in my opinion, this would be a positive one. The proposal would enhance the architectural grain of the area and facilitate a contemporary design which would be a welcomed addition at this location.

7.2.12 Given the context of the site and the provisions of policy UD1 (urban design) of the County Development Plan, It is my view that the proposed development in terms of design, scale, massing, provision and location of public and private amenity space, boundary treatment and overall form represents a well thought out site specific design response to the site conditions, which seeks to minimise the impact on the streetscape and adjoining Protected Structures. The contemporary style of the buildings, the provision of a basement carpark and the set back from the boundaries have regard to the constraints of the site and the adjoining uses. The apartment blocks, while uniform in design, finishes and materials, present different aspects to the public realm and in this sense offer a contrast within the

scheme and when viewed from the adjoining road and open space areas. The site layout provides for interconnected spaces through the use of communal courtyards and play areas. Soft and hard landscape features create a sense of place within the scheme. A mixture of balconies and terraces are provided throughout the scheme. The design, internal layout and orientation facilitate dual and treble aspect units. I consider the design and layout of the blocks, in a grid like formation, is well thought out given the constraints of the site and its prominent location along Harbour Road.

7.3 Impact on adjoining properties

7.3.1 The Planning Authority's first two reasons for refusal also suggest that the development would have a detrimental impact on the surrounding area. In particular, there would be a negative visual impact on the character of streetscape along Harbour Road and an adverse impact on the amenities of the adjoining site to the northwest, containing Saint Patricks National School and Church, due to the overbearing nature of the scheme. These impacts were also referenced by the observers in their submissions.

7.3.2 Impact on adjoining residential properties

7.3.2.1 The site boundaries consist of high walls and extensive mature trees with additional screen planting proposed. The site is bounded to the rear (west) and southeast by residential properties. The relevant Blocks are B, C and D. The Planning Authority's reasons for refusal focused on the impact on visual amenities and do not specifically refer to the impact on residential amenities. However this shall also be addressed when considering the impact of the scheme on these properties.

7.3.2.2 Block B is located in the centre, front, portion of the site. The bulk of the block is set back between c.6.5m and c.9m from the southeastern boundary with Glencairn Apartments. Block C is located in the central, rear, portion of the site. The bulk of the block is set back c.27m from the western boundary with Church Road. Block D is located to the southeastern, rear, portion of the

site. The bulk of the block is set back between c.14.5m and c.17.5m from the western site boundary and between c.7m and c.13m from the southeastern boundary. Balconies vary in width from 1 to 2m in places due the irregular shape of the buildings.

7.3.2.3 Block C & D are set back c. 25m and 10m from the western boundary and the closest dwelling, No. 24 Church Road (West Wego) with its gable addressing the appeal site would be set back c.35m from Block C and c.24m from Block D respectively. Block D is set back c.7m from the southern boundary and c. 21m from the nearest dwelling (Edelweiss) and c.23m from Glencairn Apartments. Block A is set back c. 20m from the closest point to the Glencairn Apartment block, which has a staggered building line.

7.3.2.4 I am of the view, taking into account the proposed setback of the buildings from the boundaries and the proposed open space and landscaping separating the development from the houses at Church Road, Edelweiss off Harbour Crescent and the Glencairn Apartments that the proposed development would not have an overbearing impact on adjoining residential properties.

7.3.2.5 I consider the design of the elevations of the apartment blocks, wherein balconies are recessed into the buildings, the irregular form of the blocks, the use of opaque glazing where appropriate, apartment layouts, the relationship of the buildings to the site boundaries and the separation distance from the nearest adjacent residential properties serve to mitigate the potential for overlooking. Privacy would be further enhanced with proposals for trees/screening along the boundaries to reduce the impact on adjoining properties. This matter can be addressed further by condition if the Board is of a mind to grant permission.

7.3.3 Impact on Saint Patricks

7.3.3.1 The Planning Authority concluded, with particular reference to the site to the northwest (Saint Patricks), that the apartment blocks would appear overbearing and would adversely impact on the amenities of same.

7.3.3.2 The relevant blocks are Block A and C. Block A is located in the northern (front) corner of the site. The bulk of the block is set back between c 4.5m and c.1.5m from the northwestern boundary and the gable of the adjoining school. Block C is located in the central, rear, portion of the site. The bulk of the block is set back between c.5m and c.8m from the northwestern boundary with the school grounds and, as outlined previously, the balconies vary in width.

7.3.3.3 I consider, taking into account the proposed setback of the buildings from the boundary and the proposed open space and landscaping separating the development from the north western boundary, that the proposed development would not have an overbearing impact on the adjoining site.

7.3.3.4 The Observers raised concerns that the development would result in excessive overshadowing of neighbouring properties and the adjoining classrooms and playground of Saint Patricks National School.

7.3.3.5 The Sunlight and Daylight Access Assessment submitted with the application and, in relation to the subsequent amendments with the appeal, concluded that the proposed development will not have any significant impact on the daylight conditions which will be available to the neighbouring properties. Further to this the results also indicate that no significant reduction in sunlight amenity can be expected for any of the neighbouring gardens and playgrounds.

7.3.3.6 Block A & C would be sited to the south of the adjacent school building and associated playground at a setback between c. 4.5 to 20m respectively. I acknowledge that the proposals would lead to some overshadowing but I consider that this would be to a limited degree into lands associated with Saint Patricks Church (including the Sexton's Lodge). Notwithstanding moderate overshadowing of the School grounds during limited periods, the playground is likely capable of receiving sunlight considerably in excess of that recommend for gardens and amenity areas. The development would have an imperceptible impact on the shadow environment of Saint Patricks Church lands which forms the setting of a number of Protected Structures. The development does not have the potential to overshadow No. 24 Church

Road. Some shadow would be cast over the houses on the opposite side of Harbour Road and this would be limited to the late afternoon and evening. The assessment further concluded that while it is inevitable that the new development on a largely vacant site would result in areas of new shadow, the impact of the proposed development on sunlight access is predicted to be consistent with emerging trends for development in the area. Shadows cast by the proposed development are not predicted to result in an undue adverse impact on sunlight access to lands surrounding the application site.

- 7.3.3.7 At present there is a degree of overshadowing from the existing Charleville building over the adjoining school building. I am of the view that while there is a degree of overshadowing from the proposed development, it is not of such extent that would detract from the amenities of adjoining properties or warrant refusal of permission. The orientation and layout of the proposed development would not lead to excessive overshadowing within the scheme. Consequently, I do not consider that the proposed development would lead to excessive overshadowing of proposed apartments, neighbouring properties or the adjacent playground.
- 7.3.3.8 The issue of overlooking was also raised by the Observers. The Planning Authority concluded that this was not an issue. I note that where the Blocks are set back less than 11m from the site boundaries, the proposal includes mitigating measures to address perceived overlooking in the form of privacy screens to balconies where required. In addition the proposed planting and open spaces within the northern and western sections of the site will assist in screening the development from adjoining properties.
- 7.3.3.9 I consider that the separation distances between buildings and the buffer formed by proposed areas of public open space, along with the proposed landscaping would serve to suitably address potential for overlooking of adjoining lands to the northwest. I further note that the elevations of the blocks which face each other have been designed to avoid overlooking internally within the apartment complex and, where required, privacy screens are proposed to balconies.

7.3.3.10 The omission of the balconies to the northwest elevation of Block C proposed by the applicant at appeal stage is an attempt to address the Planning Authority's concerns relating to the impact of the proposed development on the amenities of the adjoining site. I have examined the revised proposals and I am of the view that the modifications are not required and I consider the original proposal submitted to the Planning Authority acceptable.

7.3.4 Impact on Harbour Road

7.3.4.1 Ground levels drop by c.2m moving westwards from Harbour Road towards the boundary of the site with Church Road. To the north is Saint Patricks Church which dominates the streetscape. Saint Patricks National School bounds the site and within the site is a Granite Spy Tower which is to be retained. Opposite the site, along Harbour Road, there are substantial detached houses with ground levels dropping eastwards towards the coastline.

7.3.4.2 Concerns were raised by the Planning Authority and Observers regarding the impact of the proposed apartment blocks on the streetscape along Harbour Road.

7.3.4.3 The buildings in question, Block A & B, are set back from the public road. Block A is located in the northern (front) corner of the site, the bulk of the block is set back between c.15.4m to c.18.34m from the roadside boundary with Harbour Road. Block B is located in the centre, front, portion of the site. The bulk of the block is set back between 12m and 22.3m from Harbour Road.

7.3.4.4 The majority of the existing granite stone boundary is to be retained and a programme of tree planting and landscaping has been included with the application and augmented with the appeal to address the concerns raised by the Parks and Landscape Services.

7.3.4.5 Harbour Road has a variety of styles dating from different architectural periods, all 'of their time' and placing their own mark on the area. The uses

along the road are also varied, ranging from residential of varied typologies, religious to educational, resulting in a varied architectural grain and streetscape. It is my view that Harbour Road derives its character from this variety of buildings, styles and boundary treatment. Therefore, the insertion of contemporary style apartments blocks here, while having a visual impact on the streetscape, would, in my opinion, enhance rather than detract from streetscape along Harbour Road.

7.3.4.6 I note that computer generated images (CGI) of the proposed development have been submitted. They show the relationship of the scheme with some of the existing built environment. I consider that the development would be appropriate in the context of current Development Plan policy and standards, including the relationship of the proposed building to the public realm and adjoining lands.

7.3.5 The modifications proposed by the applicant at appeal stage, consisting of an additional 3m set back at third floor to Block A resulting in a 6m setback and a 3m set back to the third floor level of Block B, are an attempt to address the Planning Authority's concerns relating to the impact of the proposed development on the amenities of adjoining sites and the visual impact along Harbour Road. I have examined the revised proposal and I am of the view that the modifications are not required and I consider the original proposal submitted to the Planning Authority acceptable.

7.4. Housing Mix

7.4.1 The application was assessed by the Area Planner by reference to the development management standards for residential developments (Section 8.2.3.2 of the County Development Plan). The Planning Authority's third reason for refusal referred to the proposed development, comprising wholly of apartments at this location, would not provide a balance of housing types required to provide an appropriate mix of housing and apartment types in accordance with the provisions of RES7 and Section 8.2.3.2 (i) the County Development Plan. I have examined the County Development Plan and I

cannot find reference to a policy which would preclude apartment only developments at this location.

7.4.2 Harbour Road is characterised by a mixture of residential types. These range from detached houses to apartments. There is a mixture of house types and tenures within Dalkey and I consider the proposal to provide an apartment scheme on this site acceptable and complies with policy RES7 which sets out the requirement to provide a mixture of house types and tenures throughout the county.

7.4.3 I have examined the Dun Laoghaire County Development Plan 2016-2022 and the appropriate standards for Apartment Developments are set out in Section 8.2.3.3. This includes Section 8.2.3.3 (iii) which refers to unit mix within apartment developments and clearly sets out that proposals for 30 plus units must have no more than 20% 1 bed and no less than 20% 2 bed allocation. The Area Planner concluded that there was an over provision of 2 bed units within an exclusively apartment scheme.

7.4.4 The proposed scheme of 56 units provides for a mixture of units, in terms of sizes and typologies, ranging from 1 bedroom to 3 Bedroom duplex. The breakdown is:

- 4 no. 1 bed units (gfa c.64.2 to 73.9sq.m).
- 42 no. 2 bed units (gfa c.86.2 sq.m to 125.1sq.m). (41 units for 4 persons and 1 for 3 persons).
- 10 no. 3 bed units (gfa c.140.2sq.m) including 3 no. bed duplex (108.4 sq.m to 140.2sq.m).

7.4.5 I am satisfied that the proposal provides an adequate mix of units and complies with Section 8.2.3.3, in particular Section 8.2.3.3. (iii).

7.5 Architectural Heritage

- 7.5.1 As the proposal includes the demolition of Charleville, an early nineteenth century structure and the site adjoins a number of Protected Structures, the issue of Architectural Heritage is also addressed.
- 7.5.2 Charleville is a Gothic style L-shaped plan of two storeys over basement. The structure was extended and remodelled in the 1970/80s. It is not included in the Record of Protected Structures and is not located within the designated Architectural Conservation Area. The applicants have stated that structure is used by a charitable organisation.
- 7.5.3 A common thread throughout the Observations on this appeal has been the issue of Architectural Heritage, the demolition of Charleville and the negative impact the proposal would have on adjoining Protected Structures and the Architectural Conservation Area. The Council's Conservation Officer noted that from a purely conservation standpoint they would have a preference for the retention of the original section of the building and integrating it into a new development. It is noted that this was not included in any of the Planning Authority's reasons for refusal.
- 7.5.4 The interior of the Charleville has undergone significant remodelling. There are substantial three storey extensions to the rear of the structure which do little to enhance the original structure. Overall the integrity of Charleville has been significantly compromised and eroded through the unsympathetic extension and remodelling works that have been carried out. The front façade retains some original features. However, this has also been the subject of unsympathetic alterations and extensions. An Architectural Heritage Impact Assessment submitted with the application concluded that that the extant historic fabric of Charleville does not possess sufficient interest to warrant protection as too many interventions, confusion and loss of character are evident.
- 7.5.5 The Department of Culture, Heritage and the Gaeltacht did not raise objections to the proposed demolition of Charleville and its coach house. I

consider the demolition of the structures is acceptable and I have no objection to the works to the existing roadside boundary to facilitate the development.

7.5.6 It is my considered opinion that the proposed residential development would be of an appropriate design intervention for development at this location. It would enhance rather than detract from the amenities of the area. I consider that the proposed apartment blocks are satisfactory in terms of protecting the character, setting and amenities of the adjoining Protected Structures. I am satisfied that the proposal complies with policy Section 8.2.11.2 (iii) of the Development Plan.

7.6 Other Issues

7.6.1 Trees

7.6.1.1 The Observers have raised concerns that the proposal requires the removal of an extensive number of mature trees. There are no Tree Preservation Orders indicated for trees on site.

7.6.1.2 A tree survey and arboricultural report submitted with the application includes a tree replacement strategy for the site. I have examined the strategy and I am satisfied that the 63 trees to be removed are not of such merit to warrant their retention and protection.

7.6.1.3 Revised proposals are submitted with the appeal to address the concerns of the Parks and Landscape Services, include additional planting of maritime species and clarification of the role and function of the various sections of open space. The landscape strategy for the site follows a clear design rationale that incorporates a mixture of existing planting, augmentation of what is to remain and as appropriate screen planting to the adjoining site and public road.

7.6.1.4 I consider that specifics relating to landscaping can be addressed through the appropriate condition if the Board decide to grant permission.

7.6.2 Traffic

7.6.2.1 The Observers also highlighted concerns that the scale and density of the proposal would result in excessive traffic movements along a busy road which would conflict with traffic movements generated by the existing educational, religious and residential uses along Harbour Road.

7.6.2.2 The site is located on lands zoned for residential use as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The impact of the land uses zonings and permitted densities on public infrastructure is taken into consideration during the Development Plan process. I am satisfied the proposal would not constitute a traffic hazard due to increase traffic movements. Carparking and bicycle parking would be accommodated in a communal basement carpark.

7.6.2.3 The Transportation Section raised a number of issues that were outstanding. These have been addressed by the applicant in the appeal documentation. I am satisfied that the proposed development would generally accord with the provisions of the County Development Plan. The Planning Authority did not include traffic as a reason for refusal and if the Board is of a mind to grant permission, I am satisfied that outstanding requirements could be dealt with by condition.

7.6.3 Noise & Vibrations

7.6.3.1 The observers have raised concerns that the amenities of local residents and the adjoining church and school would be impacted by noise and vibrations during the construction phase of the proposed development. I note that rock breaking and excavation works would be required. The method and timeframes to be employed could be dealt with by condition if the Board consider a grant of permission.

7.6.3.2 The Construction Management Plan would address how it is proposed to manage noise, vibration and other impacts arising at the construction phase to ensure the construction of the basement car park is undertaken in a controlled and appropriately engineered manner to minimise intrusion.

7.6.3.3 I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration. I am satisfied that any outstanding issues could be required by condition if the Board is of a mind to grant permission.

7.6.4 Nature Conservation

7.6.4.1 In its submission to the Planning Authority the Department of Culture, Heritage and the Gaeltacht noted that badgers are known to utilise the grounds of Saint Patricks Church and the National School which are located adjacent to the site. Badger setts are also known to be present within 200m of the northwest of the site. It was recommended that further information be requested in relation to a badger survey. Appropriate licencing requirements were also referenced in the event of any interference with a badger sett. I am satisfied that this is a matter that can be addressed by condition in the event of a grant of permission.

7.7 Appropriate Assessment

7.7.1 The Planning Authority Appropriate Assessment Screening report concluded that a stage 2 appropriate assessment was not required.

7.7.2 The nearest European sites are Dalkey Islands SPA (Site code No. 004172) and Rockabill to Dalkey Island cSAC (Site code No. 003000). There is a minimum of a 0.5 to c.0.8km buffer of urban development and open water between the application site and these sites. The proposed development is to be a fully serviced development.

7.7.3 It is reasonable to conclude, 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 Dalkey Islands

SPA (Site code No. 004172), Rockabill to Dalkey Island cSAC (Site code No. 003000) or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

8.0 Recommendation

I recommend therefore that planning permission be granted subject to the conditions as set out below.

9.0 Reasons and Considerations

Having regard to the design, height, scale and massing of the proposed apartment scheme and the provisions of the Dun Laoghaire County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of adjoining Protected Structures, would not have a detrimental impact on the streetscape of Harbour Road and would adequately protect the residential amenity of adjacent properties and of properties within the scheme. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 9th day of August, 2017 for 56 apartments and with the further plans and particulars received by An Bord Pleanála on the 31st day of October, 2017 relating to landscaping, access, drainage, traffic management and lighting only, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.

This permission is for 56 apartments.

Reason: In the interest of clarity.

3.

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

Reason: In the interest of protecting the character of the Area.

4.

The site shall be landscaped in accordance with the recommendations from the Survey and Arborist Report received by the Planning Authority on the 9th day of August, 2017 and with the landscaping and planting plan and details submitted to the An Bord Pleanála on the 31st day of October, 2017. All landscaping shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5.

All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the

provision of broadband infrastructure within the proposed development.

Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

6. Public lighting shall be provided in accordance with the scheme received by An Bord Planala on the 31st day of October, 2017, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.

Reason: In the interests of amenity and public safety.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water shall be provided in accordance with the scheme received by An Bord Planala on the 31st day of October, 2017. This shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. Access arrangements shall comply with the detailed standards for Planning Authorities for such works.

Reason: In the interest of amenity and traffic safety.

9. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement

of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of Public Health.

- 10.
 - a) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.
 - b) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.
 - c) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.
 - d) Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority details and methodology for the rock extraction and excavation works. This shall include timeframes and proposals to deal with vibration and noise.

Reason: To protect the amenities of the area.

- 11. The developer shall facilitate the preservation, recording and protection of

archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 12.
- a) Prior to the commencement of development the developer shall carry out a detailed Badger Survey for the site and submit results to the Planning Authority.
 - b) As necessary, detailed measures in relation to the protection of badgers shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support badger populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

13. Proposals for building names and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all building signs, shall be provided in accordance with the agreed scheme. No advertisements/marketing signs relating to the name of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

14. No dwelling units within the proposed development shall be sold separately, independent from the associated car parking provision. All the proposed car parking spaces shall be for occupants of the residential units and shall be sold off with the units and not sold separately or let independently from the residential development.

Reason: In the interest of orderly development.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

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

Reason: To ensure the satisfactory completion of the development.

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

prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Dáire McDevitt
Planning Inspector

22nd June 2018