



An  
Bord  
Pleanála

## Inspector's Report ABP-300386-17

### Development

Demolition of pub, dwelling & motorcycle workshop & construction of a 2, 3 & part 4 storey residential / commercial development, in two separate blocks, with 19 no. apartments in total & 1 no. office unit at ground floor level with bicycle store, bin store and storage facilities & 18 no. car park spaces at basement level, served by a new vehicular entrance with landscaped open space & all associated site works with relocation of a public combined overflow sewer.

### Location

99, 101, 103, 105, 107, 109 & 111  
Emmet Road, Inchicore, Dublin 8

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

3851/17

### Applicant(s)

Wingthorpe Ltd.

### Type of Application

Permission.

**Planning Authority Decision**

Refuse Permission

**Type of Appeal**

First Party

**Appellant(s)**

Wingthorpe Ltd.

**Observer(s)**

(i) Jim Brooks

(ii) Kilmainham Bank OMC.

**Date of Site Inspection**

12<sup>th</sup> March 2018

**Inspector**

Bríd Maxwell

## 1.0 Site Location and Description

- 1.1 The appeal site which has a stated area of 1275.3m<sup>2</sup> is located on the northern side of Emmet Road in Inchicore, Dublin 8 approximately 2.5 miles from the city centre. The site is bounded by Emmet Road to the south, Coffey's a two storey public house to the east, and Myra Close which comprises terraced two storey dwelling houses to the north. The Kilmainham Banks apartment development which comprises 104 apartments in five blocks which step downhill from Emmet Road towards The Cammock River and these blocks range from three to eight storeys in height adjoins to the north and west. Massey's funeral home a single storey building adjoins to the west.
- 1.2 The appeal site (in composite 99, 101, 103, 105, 107, 109 & 111 Emmet Road) is currently occupied by a derelict public house, The Horse and Jockey (Nos 105&107) which, according to application details, was destroyed by fire in May 2005, a two storey house (109-111) and area of open space (No 103 and 101) through which an existing 215mm foul sewer runs from Emmet Road down to Myra Close. A single storey structure (No 99) currently in use as a motorcycle workshop. A pedestrian footpath traverses the central green providing access from Myra Close to Emmet Road.
- 1.3 The character of the area is largely defined by two storey red brick terraced buildings in residential and commercial use. St Michaels Catholic Church is located a short distance to the southwest and the Inchicore College of Further Education is located to the southeast. Richmond Park, the grounds of St Patrick's Athletic Football Club is located to the west. The site is approximately 700m from the nearest Luas stop, Goldenbridge and is well served by public transport with a main bus route with bus stop serving the no 13 and no 40 bus routes to the city centre located immediately adjacent to the property on Emmet Road.

## 2 Proposed Development

2.1 The proposal involves the demolition of all existing structures on the site and construction of two new buildings providing residential development at lower ground, first, second and third floors and some commercial space (office) at ground floor level.

In its detail the proposal is described in the public notices as follows:

The proposal involves (i) the demolition of (a) existing fire damaged / derelict 2 storey over basement public house at 105 & 107 Emmet Road (formerly the Horse and Jockey Public House); (b) a two storey dwelling at 109 & 111 Emmet Road and (c) a single storey motorcycle workshop at 99 Emmet Road, and

(ii) the construction of a 2 /3 and part 4 storey (penthouse level set back from main facade at 3<sup>rd</sup> floor level) residential / commercial development over basement and lower ground floor level in two separate blocks (Blocks A and B), with both buildings stepped at rear and comprising (a) 5 no 1 bedroom apartments, 9 no 2 bedroom apartments and 5 no 3 bedroom apartments (19 no apartments in total), with balconies at lower ground floor, ground floor, first floor and second floor levels, winter gardens at ground floor level, and roof terraces at second and third floor levels.

(b) 1 no commercial / office unit at ground floor level in block B

(c) bicycle store, bin store and individual storage facilities at basement level

(d) 18 car park spaces at basement and lower ground floor level, served by a new vehicular entrance / fire tender access from Myra Close; (I note that the number of car spaces were reduced to 17 no in revised drawings submitted with the grounds of appeal)

(e) landscaped open space between blocks A&B at ground floor level;

(f) associated site works &

(g) relocation of a public combined overflow sewer from no.s 105, 107 and 109 Emmet Road to landscaped open space between proposed blocks A & B.

- 2.2 The proposal consists of a multi bay four storey with flat roof, contemporary residential building with a red brick finish. The building steps down by one and two storeys to the rear.
- 2.3 The proposal involves the relocation of an existing overflow sewer currently located beneath the building. The design involves two separate blocks A and B fronting onto a landscaped area which will accommodate (a) the relocation of the overflow sewer and provide access for maintenance of same and existing 215mm foul sewer. Storm attenuation is proposed on site by green roof to building and attenuation tank in the parking area to the rear of Block A.
- 2.4 The elevational treatment presents a strong brick faced three storey façade fronting onto Emmet Road with the penthouse set back by 2m with a subdued mixture of painter render zinc and glazed finish.
- 2.5 Application details indicate the intention to set up a Management Company in accordance with the provisions of the Multi-Unit Developments Act 2011.
- 2.6 In relation to the car park a controlled access is proposed to operate on a yield system. Within the grounds of appeal, the basement level layout was revised to facilitate ease of parking resulting in provision of 18 car parking spaces.
- 2.7 In relation to Part V the documentation submitted from the Housing & Community Services Department of Dublin City Council indicates that an agreement in principle to comply with Part V requirement has been reached. Dublin City Council's preferred option is to acquire units on site.

### **3 Planning Authority Decision**

#### **3.1 Decision**

- 3.1.1 By order dated 8<sup>th</sup> November 2017 Dublin City Council decided to refuse permission for the following reasons:

- 1. The proposed development by reason of its height and bulk and the provision of opposing blocks of inadequate separation distances, would result in residential development which promotes overlooking within the scheme and*

*due to its proximity to existing residential development on its boundaries would result in development which excessively overlooks and overshadow and overbear upon residences in the vicinity. Therefore, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

2. *The proposed development would provide insufficient neighbourhood facilities to comply with the zoning objective Z3 “To provide for an improve neighbourhood facilities. The proposed development would result in an existing pedestrian route being removed contrary to development plan provisions, which promote permeability. The proposed development would be substandard with regard to the minimum provision of communal amenity space as set out under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoECLG 2015). The proposed development would result in development which does not animate the public realm contrary to Section 16.2.1.4 of the Dublin City Development Plan 2016-2022. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.*

## **3.2 Planning Authority Reports**

### **3.2.1 Planning Reports**

- Planning report asserts that the proposal involving 94% residential use, cannot be considered mixed use. The proposal would result in overlooking, overshadowing and overbearing impact is substandard with regard to community amenity spaces and does not animate the public realm contrary to the Dublin City Development Plan 2016-2022.

### **3.2.2 Other Technical Reports**

- Engineering Department report indicates no objection subject to compliance with Greater Dublin Region Code of Practice for Drainage Works, Version 6.0.

Incorporation of SUDS, Drainage services to be verified on site. Flood Risk Impact Assessment to be submitted.

- Roads, Streets & Traffic Department Road Planning Division report considers that car parking should be assigned to residential units. Clarification required in relation to car parking arrangement including auto track drawings to demonstrate accessibility. Further information required in relation to the detail of access from Myra Close, refuse bin arrangements and provision for pedestrian access from Myra Close to Emmet Road.

### **3.3 Third Party Observations**

- Submission from Jim Brooks, 88 Kilmainham Bank objects to the development on grounds of scale and height, overbearing impact on residents of Kilmainham Bank complex and traffic hazard.
- Submission by Architectural Construction Technology, Architecture, Project Management Planning and Design Consulting objects to the development. Application information is deficient and misleading. Proposal is out of character bulky and inappropriate resulting in negative impact on adjoining properties. Overdevelopment and negative traffic impact. Potential highway for rodents by filling in of the culvert. Overshadowing and overlooking, loss of light.
- Submission from Doyle Kent Planning Partnership Ltd. on behalf of Kilmainham Bank OMC. Whilst welcoming in principle the development of the site particular concerns arise regarding the proposal. Drawings are insufficient in terms of demonstrating the proposed development in context. Information lacking in relation to overshadowing. Balconies on north eastern elevation of Block A would detract from the amenity of Kilmainham Bank due to overlooking, noise and disturbance. Insufficient details provided in relation to materials and finishes, boundary treatment and detailed proposals for diversion of combined sewer overflow. Construction impacts extent of piling and excavation is unclear.

## 4 Planning History

There have been a number of previous applications on the site including the following:

**3704/17** Invalid

**2072/16** Application Withdrawn. Proposal sought permission for demolition of existing fire damaged / derelict 2 storey over basement public house (105 and 107 Emmet Road and formerly "The Horse & Jockey", and adjacent dwelling 109 & 111. and construction of a 3 storey over basement mixed use development, stepped at rear, comprising: Accommodation for 40 students with single and twin bed en suite rooms and shared kitchen living dining accommodation contained in house units on 3 storeys over basement level. The replacement of disused bar and lounge at ground floor level with a commercial /retail unit (c) bicycle store, bin store, study room, games and seminar room, management office, laundry and drying room at basement level serving student accommodation above outdoor recreational area at rear (north) of the building and (d) the relocation of the public overflow sewer from no 107 Emmet Road to adjoining open space at 103 Emmet Road.

**2973/14** Refusal of permission for demolition of fire damaged public house and the construction of a 4 storey over basement mixed use development comprising (a) Accommodation for 44 students with single bed studios and shared kitchen living dining accommodation over 4 storeys roof terraces at second floor level and third floor level replacement bar and lounge at ground floor level relocation of public overflow sere from 107 Emmet Road to adjoining open space at 103 Emmet Road.

**2806/14** Application invalid.

**PL29C204229 1226/03** Refusal of permission for alterations to previously approved residential development (3826/01) at site to rear of 109-118a Emmet Road,

**3826/01** Permission for demolition of no 117 and alteration to rea of 117 Emmet Road. The construction of 129 apartments in four blocks varying from 2 to 10 storeys, underground car park with vehicular access from Emmet Road and landscaped gardens and courtyards grounds incorporating a riverside walkway.

**1284/92** Permission for retention of reinstated boundary walls to rear yard of 107 Emmet Road.



## **5 Policy Context**

5.1 Sustainable Urban Housing Design Standards for New Apartments. Guidelines for Planning Authorities. Department of Housing Planning and Local Government. March 2018.

### **5.2 Development Plan**

The Dublin City Development Plan 2016-2022 refers. The main body of the is zoned Z3 – “*To provide for and improve neighbourhood facilities.*” Part of the site to the rear is zoned Z1 “*To protect, provide and improve residential amenities.*” Land use zoning objectives are outlined in detail in Chapter 14. (Relevant Extracts attached).

Chapter 5. Quality Housing. QH25: IT is the policy of Dublin City Council to encourage the re-introduction of residential use into the historic areas of the city, where much of the historic fabric remains intact. (e.g. The Georgian and Victorian Areas) provided development is consistent with the architectural integrity and character of such areas.

### **5.3 Natural Heritage Designations**

The site is not within a designated site. There are a number of designated sites within 15km including the following:

South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) 6.9km distant.

North Bull Island SPA (Site Code 004006) 9.7km distant.

Baldoyle Bay SPA (Site Code 004016) 14.8km distant.

Howth Head Coast SPA (Site Code 004113) 15.5km distant.

South Dublin Bay SAC (Site Code 00210) 6.9km distant.

North Dublin Bay SAC Site Code 00206 6.1km distant

Howth Head Coast SAC (Site Code 00202) 15.5km distant.

## **6 The Appeal**

### **6.1 Grounds of Appeal**

6.1.1 The first party appeal is set out in the detailed submission of O Neill Town Planning and O Dwyer and Associates Architects. Grounds of appeal are summarised as follows:

- The proposed development by virtue of its density, design, scale and location would be in keeping with the objectives and policies of the government and the Planning Authority as set out in the development plan for the area.
- Given location within an area in need of regeneration where there is a shortage of housing densification is warranted.
- Residential amenity will not be adversely affected.
- Architectural design appraisal attached sets out the design principles as well as minor design changes to address the concerns of the Planning Authority with regard to overlooking in particular.
- The proposed development is fully compliant with the Planning Authority's policies and development control standards.
- Possible design solutions to purported internal overlooking between blocks are outlined (Design statement options 1-3). By re-orientation of windows on block B any overlooking of windows on block A can be significantly mitigated. Windows serve bedrooms therefore use of same will be infrequent. The preferred option is 2B which maximises privacy between the two blocks.
- In relation to the contention regarding overshadowing, overlooking and overbearing impact small design changes to balconies on the western and northern elevations involve the creation of louvered screening to eliminate overlooking of adjoining properties (Fig 2-5 Design Statement). No overlooking of rear gardens of houses on Myra Manor. The closest windows on the adjoining residential complex is 18m away. Overlooking relates to bedroom and bathrooms as all living spaces are to the west of the block.

- Shadow analysis shows that any increase in shadow created by the proposed development would be acceptable.
- Streetscape is littered with boarded up vacant and semi derelict commercial properties. Notwithstanding the mixed zoning on the site the need for commercial neighbourhood facilities development on this site is questionable however if the Board deems this to be appropriate, the two ground floor apartments can be converted to neighbourhood facilities.
- The small office unit provided within the Z3 lands represents 15% of the overall usable zoned lands and not 4% as suggested by the Planning Officer.
- Revised layout showing the proposed apartments at ground floor in Block A as non-residential units with frontage to Emmet Road. (DRW 05.25.P103 Rev A). In the event that the Board are of the opinion that neighbourhood facilities should be provided it is requested that these units be conditioned as class 1, 2, 8 or 10.
- In relation to the removal of pedestrian route attached is a copy of the CPO 1986 which included the extinguishment of all public rights of way in the immediate area. As such there is no public right of way through the site.
- As regards the standard of communal amenity space the central space at 145 sq.m is in excess of the required amount (Drw. 05.25.P103 RevA). As regard public open space no objection to payment of contribution.
- As regards animation of the public realm contrary to section 16.2.1.4 of the Development Plan, contend that development complies with all bar two of the items listed in the plan.
- Shadow analysis demonstrates that increase in shadow arising from the development is within acceptable levels.
- Costly sewer redevelopment represents a significant planning gain which will occur as a result of site redevelopment.
- Design statement of O Dwyer and Associates Architects sets out the underlying design principles of the scheme which came about as a response to various conditions imposed by site geography and geometry and the imposed drainage wayleave.

## **6.2 Planning Authority Response**

6.2.1 The Planning Authority did not respond to the appeal.

## **6.3 Observations**

6.3.1 Observations are submitted by Jim Brooks, 88 Kilmainham Bank. Submission asserts that the development as proposed would be highly unsuitable. Amendments proposed to mitigate overlooking are ineffective. Size and proximity of proposed Block A would create a wall of apartments on the eastern side of Kilmainham Bank creating oppressive outlook, loss of view and significant noise impact. A modest redevelopment of the site would be welcomed. Regular thoroughfare to Myra Close through the site is noted.

6.3.2 Submission by Doyle Kent Planning Partnership Ltd. on behalf of Kilmainham Bank OMC. Principle of development of the site for residential purposes is welcome however concerns arise in respect of the cumulative impact of the proposal on the amenities of Kilmainham Bank arising from the location of the balconies on the north-western elevation of proposed apartment Block A. Concerns relate to extent of overlooking arising from the windows in proposed apartment Block A and the over shadowing impact on Kilmainham Bank. The proposed mitigation measures to balconies would be an inappropriate design approach and in any event would only partly address the adverse impact on the amenity of Kilmainham Bank. An alternative approach involving relocation of the balconies away from the mutual boundary either to the area of flat roof designated as green roof or to the south east facing part of proposed Block A. The proposal results in significantly intensified overlooking of Kilmainham Bank. The substantial scale of the structure is magnified by the sloping topography. Shadow diagrams only address mid-summer and equinox with no information with regard to wintertime. Apparent impact on Kilmainham Bank at the time of equinox during the morning, and concern is that the loss of winter sunlight would be disproportionate given the location of the site on elevated ground to the south and southeast of Kilmainham Bank. The details are insufficient in regard to the boundary treatment, materials and finishes, flood risk assessment, proposed diversion of combined sewer and construction of manhole. Construction impacts,

piling and control of emissions should also be addressed. Detailed drawings should provide for three dimensional representation of the proposed development in context. It is requested that in the event that the board decides to grant permission balconies should be removed or relocated and proposed development reduced in scale by the omission of the penthouse.

## **7 Assessment**

7.1 Having examined the file, considered the prevailing local and national policies, inspected the site I consider that the main issues can be assessed under the following broad headings:

- Principle of development
- Scale, configuration & design of the development proposed.
- Issue of residential amenity of the proposed units and impact on established residential amenity.
- Other Matters.

### **7.2 Principle of Development**

7.2.1 The proposed development involves the demolition of the existing fire damaged derelict property, the adjoining two storey dwelling and a single storey motorcycle workshop and redevelopment of the site for residential and commercial purposes. Having regard to the location of the site, the derelict nature of the fire damaged structure (apparently abandoned since 2005), to the fact that the other upstanding structures are insignificant in terms of architectural or cultural heritage merit, and having regard to the character of established development in the vicinity, I consider that the principle of development is welcome at this location. As outlined within the grounds of appeal the proposal provides a planning gain in terms of the necessary reconstruction of the public overflow sewer under Nos 105 and 107 Emmet Road. The sewer is apparently in a precarious condition having partially collapsed. The key issues for consideration relate to the design and layout and impact on established residential amenity.

### 7.3 Scale Configuration and Design of the proposed development.

- 7.3.1 In terms of height, the proposed development will provide for an overall height of 12m above Emmet Road extending to 16m above ground level on the northern part of the site in the vicinity of Myra Close. The height proposed takes reference from the adjacent Kilmainham Bank Apartments development. Having regard to the character of the area which has undergone some level of redevelopment, I consider that the height is not an issue of concern in principle subject to a high standard of architectural design in terms of standard of amenity provided and impact on established amenity and on the character of the area.
- 7.3.2 The application outlines that the layout of the development is dictated to a significant degree by the requirement to accommodate the relocation of the overflow sewer and maintenance wayleave. The combined difficulties posed by the existence of the sewer, the site's topography and context are acknowledged and the proposed layout and design providing for two blocks stepping down the site with a contemporary design character, drawing nonetheless from the established character of the area is in my view an innovative solution of some architectural merit.
- 7.3.3 On the question of compliance with the zoning objectives pertaining to the site, I note the Planning Authority's second reason for refusal in relation to the zoning objective Z3 "*To provide for and improve neighbourhood facilities*". The Development Plan outlines that neighbourhood zones Z3 are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres. Neighbourhood centres may include an element of housing particularly at higher densities and above ground floor level. When opportunities arise accessibility should be enhanced.
- 7.3.4 The application as submitted includes only a single office space which I would concur with the local authority does not achieve the level of development envisaged within the Z3 zoning. I note that the first party has argued that based on a significant level of boarded up commercial premises in the local area, the proximity to Inchicore Neighbourhood Centre and the changing nature of the retail

environment, the need for additional commercial premises is questionable. However, I would refer to the development plan zoning applicable and consider that the contribution of mixed use developments to vibrant spaces in the interest of renewal, regeneration and sustainability is well proven. On this basis I consider that an improved mix is appropriate. I note that the first party within the appeal grounds has provided an alternative layout providing for three commercial uses at ground floor level which would provide for active uses at street level. I would consider that if the Board were minded to grant permission a flexible approach to the use of these units would indeed be appropriate. I consider that such alternative uses are more appropriate also in the context of the level of amenity available to ground floor residential units notwithstanding the contextually influenced design approach incorporating street front winter gardens.

7.3.5 On the issue of permeability and legibility, I note that the issue of the existing pedestrian route through the site is not resolved. Within the grounds of appeal, the first party asserts that there is no public right of way through the site, such right having been extinguished as part of the “Emmet Road Turvey Area Compulsory Purchase (Housing and Open Space) Order 1985 signed by the Minister for the Environment, Mr P Flynn, on 14<sup>th</sup> July 1987. However, on the date of my site visit, I noted that the existing pathway is clearly an enduring thoroughfare apparently regularly used to provide access from Myra Close to Emmet Road. Clearly the loss of such access would present as running contrary to worthy development plan objectives aimed at improving pedestrian permeability and legibility. This matter would require further exploration in terms of the proper planning and sustainable development of the appeal site.

#### **7.4 Residential amenity of the proposed units and impact on established residential amenity.**

7.4.1 In terms of unit mix the proposal provides for a reasonable combination with 5 no 1 bed apartments, 9 no 2 bed apartments and 5 no 3 bed apartments. The proposed units are dual aspect and meet relevant standards in terms of minimum floor area size. I note that the planner’s report raised concern regarding the communal amenity area however the first party notes that the proposal provides for a total area of

145m<sup>2</sup> between the blocks which is adequate in quantitative terms. This area is overlooked predominantly by bedroom and bathroom windows where overlooking of amenity space by living rooms would generally be more desirable.

7.4.2 On the issue of internal separation distance between the two blocks and overlooking, the first party appeal notes that the National Guidelines and Development Plan Standards provide for the flexible application of the standard 22m back to back separation distance rule in the context of innovative design solutions and the achievement of good performance standards. As regards internal overlooking between proposed Blocks A and B the separation distance provides that opposing windows are provided within 8m. Whilst I would concur that a flexible approach to standards should apply to the development of this brownfield infill site, I consider that the degree of shortfall in this case is significant and I consider that the residential amenity of the proposed units would be unduly compromised. I note that the alternatives explored within the grounds of appeal to address internal overlooking including the provision of V indented windows to one or both sides and the application of directional louvres to windows however I consider that this approach compromises residential amenity and a more fundamental redesign is required.

7.4.3 As regards other amenities, I note that the proposal provides for waste storage within the basement car park which, in accordance with the Sustainable Urban Housing Design Standards for New Apartments Guidelines, March 2018 should generally be avoided however where they are provided the layout should ensure adequate manoeuvring space for collection vehicles. The application does not demonstrate proposals in this regard.

7.4.4 On the issue of impact on established residential amenity, I note the third party observers expressed concerns with regard to the potential for overlooking and loss of amenity arising from the scale of the structure and siting particularly with regard to the location of the proposed balconies immediately on the boundary with the Kilmainham Bank Apartment Complex. I note the proposed extended balcony screening proposal provided for within the appeal grounds and would be concerned that this would further detract from the amenity to be provided. I consider that given



the setting a degree of overlooking of the Kilmainham Banks complex will arise and is indeed desirable in terms of passive surveillance over the access road.

7.4.5 On the issue of overshadowing and overbearing impact I note that a shadow assessment was submitted with respect to No 45 Myra close. The assessment notes in relation to equinox 21<sup>st</sup> March / September the potential sun exposure to the front façade of No 45 is approximately 5 hours (08:00 to 13:00) and notes that the shadow cast on the extension window between 10:10 and 11:30. It is asserted that the actual exposure time is unaffected. I note that the shadow impact assessment is deficient in that it does not demonstrate the existing situation and does not detail the impact during winter months. Within the grounds of appeal, a further assessment of the shadow cast is provided in relation to Kilmainham Banks shadowing which reviews existing and proposed situation. This shows some impact shadowing arising at Equinox 21<sup>st</sup> March 21<sup>st</sup> September however is deficient in terms of analysis and also fails to address the winter months. Based on the level of detail provided I consider that the proposal the proposal would result in significant overshadowing and overbearing impact and therefore would injure established residential amenity.

## **7.5 Other Matters.**

7.5.1 In relation to Flood Risk the first party submits that the site is situated approximately 5m over the Cammock River and should not be subject to fluvial sources of flooding. There is adequate green roof, green courtyard and permeable paving to the site with sufficient permeability to alleviate risk of pluvial flooding. The adjacent public sewers are travelling down the slope away from the site and have sufficient invert depth to alleviate the risk. The site does not have any history of flooding. On this basis the risk of flooding is deemed to be minimal. I note that the Drainage Division Engineering Department of Dublin City Council sought a flood risk assessment and I consider that having regard to the nature and scale of the proposed development and history of flooding in the area a more detailed flood risk assessment in accordance with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities November 2009 is required.

7.5.2 On the issue of Appropriate Assessment a screening for appropriate assessment document is submitted by O Neill Town Planning. It notes that there are a number of designated sites within 15km radius (Section 5.3 above). The site is 6.1km from the boundary of the Natura 2000 sites within Dublin Bay, however the distance is greater as the pathway follows the course of the River Liffey or in the case of wastewater via Rinsgend plant. Based on the distance separating the site and SPA and SAC sites there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest. There is a pathway from the site via surface water flows to Dublin Bay via the Grand Canal and River Liffey however due to the distance involved and subject to normal precautions of sediment control during construction works, preventing any input to drains and having regard to treated outflows there will be no influence on organisms in the Natura sites. Surface water runoff attenuation measures incorporated in the proposed development will ensure that there is a positive effect to quantity and quality of run-off from the site. I consider that the conclusions of the screening report are reasonable. Having regard to nature and scale of the proposed development and nature of the receiving environment and proximity to the nearest European site, it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European Site.

## **8.0 RECOMMENDATION**

Having regard to the above assessment I recommend that the decision of Dublin City Council be upheld and planning permission refused for the reasons and considerations as set out below.

### **Reasons and Considerations.**

1. Having regard to the scale, density and design of the proposed residential units and the inadequate separation distance between blocks A and B, the proposed development would lead to a poor form of residential amenity for the intended occupants. The substandard quality of development in terms of excessive overlooking arising would contravene the policies of the Dublin City Development

Plan 2016-2022 and the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities, Department of Housing Planning and Local Government, March 2018. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development would result in the removal of an existing pedestrian route contrary Land Use Zoning Objective Z3 of the Dublin City Development Plan 2016-2022 which promotes pedestrian permeability and enhanced accessibility. The proposed development by virtue of its scale and design would result in an unacceptable degree of overlooking and overshadowing and overbearing impact of the established adjoining property contrary to Land Use Zoning Objective Z1 "To protect and improve residential amenities". The proposed development would, as a result, be seriously injurious to the amenities of the area, depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector

19<sup>th</sup> March 2018