



An
Bord
Pleanála

Inspector's Report ABP-300993-18

Development	Extension to the rear of the Dublin Simon Community's existing supported housing facility.
Location	Chester House, 314-316, North Circular Road, and inclusive of the properties 318, 320 & 322 North Circular Road, Phibsborough, Dublin 7
Planning Authority	Dublin City Council Nth
Planning Authority Reg. Ref.	2965/17
Applicant(s)	Dublin Simon Community.
Type of Application	Permission
Planning Authority Decision	GRANT
Type of Appeal	Third Party
Appellant(s)	Aidan Kelly, Mathew Waters, Joseph Wheatley and Maykei To,
Observer(s)	Peter Rankin; Odette and Jim O'Dea

Date of Site Inspection

15/07/18

Inspector

John Desmond

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1.0 Site Location and Description

- 1.1. The application relates to a site of 1,895-sq.m stated area, located at the southwestern side of, and partly within Phibsborough village on the North Circular Road, c.1.5km northwest of the centre of the city. The area is in mixed uses, with the commercial uses mainly located to the east and northeast of the site and residential uses dominating to the north, west, south and southeast.
- 1.2. The application site encompasses nos.314-316, 318, 320 and 322 North Circular Road, which appear to be in use entirely associated with the Dublin Simon Community-operated assisted housing, accommodating 22no. en-suite single-person bedrooms. These are all 2-storey buildings which would appear to have originally been constructed as residential dwellinghouses, probably in the 19th Century.
- 1.3. At the very least, nos.314-316 have been significantly remodelled if not entirely replaced, with replacement principle facades reflecting the original, and major 2-storey rear extensions – it is not clear whether anything of the original dwellings survive. The other buildings, nos.318, 320 and 322, would seem to be largely intact externally, possibly retaining original 2-storey rear returns or early extensions, but with extensive internal remodelling at ground floor level. Nos.320 and 322 have a shared commercial shopfront at ground floor level and are set out as a single ground floor unit with part of the ground floor of no.318 also annexed thereto. The said area is in use as part of the assisted housing facility. The first floor to no.318 is indicated as an independent office unit with access to North Circular Road. The first-floor area to nos.320 and 322 appears to be a single residential apartment unit with independent access to the North Circular Road. The original rear gardens have been amalgamated to create a single landscaped open space of c.340-sq.m and shared hardstanding areas for parking, refuse storage and access.
- 1.4. To the front, nos.314-316 have shared, enclosed front garden area, with single pedestrian access to North Circular Road. The space to the front of nos.318 is paved and open onto North Circular Road at the point of the signal-controlled junction between NCR and Dalymount Road but has boundary walls along the party boundary line with nos.320 and 316. The space to the front of nos.320 and 322 is

paved, with a row of steel bollards along its street frontage and a wall along the party line with no.318.

- 1.5. The site backs onto a relatively narrow mews or service lane (less than 3m for much of its length) to the south, through which it gains vehicular access indirectly to Avondale Road. Properties to the west, south and east also have access (either pedestrian and/or vehicular) onto the lane.
- 1.6. To the west the site abuts an old single 2-storey residential dwelling, which is directly overlooked by first-floor windows to the existing rear extension located only c.1m from the party boundary. There are similar residential properties beyond no.312. To the east the site abuts the side boundary of a similar property with commercial unit at ground floor level and possibly with a residential above. It also abuts the rear garden boundary to 6no. modern, 2-storey terraced dwellings at Spire View and the side boundary of another 2-storey dwelling to the southeast.
- 1.7. The site fronts onto the North Circular Road at the junction with Dalymount Road, with St Peter's Church and Dalymount Terrace opposite the site.

2.0 Proposed Development

2.1. Summary description

The initial application comprised:

- Removal of existing external fire escape stairs and ramps to rear;
- Construction of 3-storey extension of 868-sq.m GFA providing:
 - 20no. additional en-suite bedrooms for residents – 10no. at first floor and 10no. at second floor level;
 - Communal dining room with associated kitchen, staff facilities and toilets at ground floor level;
 - Screened water tank storage area and solar panels (16-sq.m) at roof level;
- Minor internal alterations to layout of existing building;

- Single-storey detached building of 30-sq.m for plant and storage facilities to rear of no.22 North Circular Road;
- Ancillary site works including hard and soft landscaping.

2.1.1. **Supporting documentation**

- Report on '*Proposed Extension to Rear of Existing Permanent Supported Housing Facility*' (appendices - map and letters of support from elected representatives) prepared by Dublin Simon Community.
- '*Energy Statement*' (appendices – BER, Building Regulations Ireland Part L, Natural Ventilation Results, Output from SEAI V3) prepared by Ethos Engineering.
- '*Shadow Study*' prepared by RKD Architects.
- '*Services Report*' (appendices – foul sewer network calculations, surface water network calculations, attenuation tank calculations, infiltration test results, prepared by Garland

2.2. **Further information**

The following amendments were introduced in further information submitted 20/02/18:

- The proposed extension reduced from 3 to 2-storeys, with 10no. en-suite bedrooms each at ground and first floor levels, and screened water tank at attic level; with revised elevational treatment, revised location set forward (south) towards lane and with amended landscaping arrangements fronting onto the mews lane and the omission of car parking space to lane;
- 2no. additional single-storey extensions to the rear of the original building to accommodate a communal space / dining area and a laundry room;
- Revised dimension to detached plant room, incorporating heat pump;
- Revised landscaping within central rear courtyard.

2.2.1. **Further supporting documentation**

- Downey Planning cover letter

- *Planning Statement* prepared by Downey Planning
- *Architectural Response* prepared by RKD Architects
- *Dublin Simon Community Chester House Management Plan and Statement* including response to observations, with appendices comprising Chester House License Agreement; Anti-Social Behaviour & Disciplinary Policy; Neighbourhood Policy; Log of Neighbourhood Incidents; Residents Handbook; and Visitors Policy
- *Energy Statement* prepared by Ethos Engineering
- *Services Report* prepared by Garland
- Drainage drawings
- 3D renderings and details of proposed external finishes

3.0 **Planning Authority Decision**

3.1. **Decision**

To **GRANT** permission for the development as amended by further information received 20/12/17, subject to 11no. conditions, including non-standard condition, no.2, which stated:

This permission excludes the following elements, which shall be the subject of a separated application for permission:

(a) The proposed dining area extension to the rear of Nos.320 and 322, which did not form part of the original application for permission and was not mentioned in the public notices. The additional bedrooms shall not be occupied until permission is granted for the dining area or a new dining area is provided elsewhere within the building.

(b) The proposed uses at ground floor levels of Nos.318, 320 and 322.

Reason: To clarify the scope of the permission.

The planning authority sought **FURTHER INFORMATION** (17/07/17) concerning the planning status of the current use, the height, scale, bulk and overbearing impact of

the development on adjoining property and relative to the existing terrace, improved elevation treatment due to the location within an ACA, and details of the management of the facility including related anti-social behaviour.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final report** of the Planning Officer (25/01/17) is consistent with the decision of the planning authority and the conditions attaching thereto, except that an addition standard-type condition was attached to the permission concerning the obligation on the applicant to keep the adjoining roadways clean. The report considered acceptable the applicant's response to the four issues raised in the further information request, relating to details of the planning permission for the existing use, height and scale of the proposed development and consequential overbearing of neighbouring residential property, the need for higher quality finishes within the ACA, and details of the management of the facility including how it is proposed to minimise potential adverse impact on adjoining residents in terms of noise, antisocial behaviour and litter.

The **initial report** of the Planning Officer (14/07/17) is consistent with the decision of the planning authority to seek further information on four points. The Planning Officer noted, inter alia, Development Plan policy SN27 concerning balanced provision of social support systems and to avoid proliferation in any one part of the city, and policy QH30 which also seeks to avoid undue concentration of temporary homeless accommodation and requires submission of map showing all such facilities within 500m radius and a statement on the proposed catchment of the facility (local or regional demand) and regarding its management. The report referred to the submission of the required map as part of the application which showed no other such facility within 500m other than longer term residential units at Spire View, adjacent, but made no other comment in this regard.

The report noted the relocation of a window to the existing side elevation facing no.312 to the west within the context of the existing level of overlooking of that property but made no judgement on same. It considered the proposed design

measures sufficient to address potential overlooking to the south but noted that the amenities of the units would be affected.

3.2.2. Other Technical Reports

Waste Management Division (26/06/17) raised no objection subject to compliance with an extensive list of conditions pertaining to construction and demolition, commercial waste and waste from apartment blocks.

Drainage Division (15/06/17) subject to standard conditions, including a condition requiring a Flood Risk Assessment be carried out as per OPW guidelines.

3.3. Prescribed Bodies

TII (16/06/17) had no observations to make.

3.4. Third Party Observations

16no. observations were received to the application from Martin Vaughan (No.306 North Circular Road to W), Richard Lawson (owner nos.13A & 13B Phibsborough, adjacent SE), Alice Kinsella (25 Avondale Avenue to S), Makie To (No.312 NCR adjacent to W), Claudine Chen (no.12 Avondale Avenue S), John Brady (no.26 Avondale Avenue), Jim & Odette O'Dea, Marie O'Shee and Deirdre and Ed Hanlon (15, 16 and 17 Avondale Avenue to S), Mathew Waters & 33 others (c/o no.308 NCR to W), Sarah Corcoran (no.8 Spire View to E), Ciarán Cuffe (Local Councillor), Joseph Wheatley (No.333 NCR to E), Mark Sweeney (no.21 Avondale to SW), Anna Ní Fhloinn & K. Smith (no.1 Dalymount to N), Aidan Kelly c/o Seamus Furlong (no.310n NCR to W), Ray McAdam (Local Councillor), Peter Rankin (no.313 NCR to E)

In addition to the issues raised in the grounds of appeal, additional points raised included:

- No right to attach to 13B Phibsborough, which cannot be maintained without proper access to its west gable.
- Oversailing
- Detailed anti-social behaviour impact on neighbouring property.

- Loss of view of St Peter's Church
- The proposed development would make it the largest such facility managed by DSC in the Dublin area, the others cater for 20 clients on average.

4.0 Planning History

On site –

PL29N.230978 / Reg.Ref.2185/08 – Permission **GRANTED** by the Board (28/05/09), upholding decision of the planning authority to grant permission for demolition of existing buildings to provide a 45no. bedroom hotel, 15no. car parking spaces and associated works at 314-322 North Circular Road. Not implemented.

Reg.Ref.4082/02 – Dublin City Council **GRANTED** (20/05/03) for retention of 6no. en-suite bedrooms at first floor level (2no. additional attic level bedrooms were also proposed but were omitted by condition), ancillary internal alterations, external escape stairs to east and south and enlargement of approved extension by 1.5m, at nos.314-316 North Circular Road.

Condition no.2 requires that *'the 2 (two) bedrooms in the attic of the rear extension shown on the Plan at Attic Level shall be entirely omitted or use as residential hostel accommodation and shall be used solely as offices, storage or other non-residential ancillary accommodation to serve the hostel.'*

Condition no.7 limited the total number of residents at any one time (which in any event shall not exceed 66 persons) to be agreed with the Council's Housing Department and Environmental Health Section and Area Health Board.

Reg.Ref.2756/97 – Permission **GRANTED** (10/12/97) for change of use from car dealership to guest house with 2-storey and first floor rear extension to provide 16no. double bedrooms and reinstatement of existing façade to original, at 314, 316 and rear of 318 North Circular Road.

Reg.Ref.1861/91 – Permission **GRANTED** (09/01/92) for 2-storey development comprising car showrooms with offices above, at no.316 North Circular Road and new shopfront at no.314.

Within vicinity –

PL29N.300241 / Reg.Ref.2628/17 - Permission **GRANTED** by the Board (20/08/18) for extension to the existing Phibsboro Shopping Centre comprising new retail/restaurant and office units, student accommodation, a new civic plaza and an upgrade of the existing Shopping Centre and commercial office tower façade, including nos.345-349 North Circular Road, Phibsborough, but excluding Units 7 and 13-15 & 17 of Phibsboro Shopping Centre.

Reg.Ref.WEB1179/16 – Permission **GRANTED** (10/08/16) for 2-storey extension to rear of no.312 North Circular Road (adjacent west of current appeal site).

Reg.Ref.WEB1385/15 – Permission **REFUSED** for single storey extension to rear of no.312 North Circular Road (adjacent west of current appeal site) on grounds of ‘its insufficient excessive length’ resulting in poor residential amenity to occupants, adverse impact on amenity of adjoining properties and would set an undesirable precedent.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

Land use zoning objectives: *District Centre Z4 ‘to provide for and improve mixed-services facilities’; and Sustainable Residential Neighbourhoods Z1 ‘to protect, provide for and improve residential amenities’.*

Other objectives: Phibsborough Key District Centre; Architectural Conservation Area; Protected Structures (external to site)

‘Buildings for the health, safety and welfare of the public’ which encompasses *‘hostel (where care is provided)’* (Vol.2 Appendix 21 Land Use Definitions) are permitted in principle in both Z1 and Z4 zones.

S.5.5.11 Homeless Services – Policy QH29 *‘To support the implementation of the Homeless Action Plan Framework for Dublin and support related initiatives to address homelessness.’*

Policy QH30 *‘To ensure that all proposals to provide or extend temporary homeless accommodation or support services shall be supported by information demonstrating*

that the proposal would not result in an undue concentration of such uses nor undermine the existing local economy, resident community or regeneration of an area. All such applications shall include:

- *a map of all homeless services within a 500 metre radius of the application site;*
- *a statement on the catchment area identifying whether the proposal is to serve local or regional demand;*
- *and a statement regarding management of the service / facility.*

S.12.5.6 Social Inclusion and Regeneration – Policy SN27 *‘To facilitate the balanced provision of social support services and avoid the proliferation of such facilities in any one part of the city.’*

S.16.12 Standards – Institutions / Hostels and Social Support Services: *‘An overconcentration of institutional hostel accommodation, homeless accommodation and social support institutions can potentially undermine the sustainability of a neighbourhood and so there must be an appropriate balance to the further provision of new developments and / or expansion of such existing uses in electoral wards which already accommodate a disproportionate quantum. Accordingly, there shall be an onus on all applicants to indicate that any proposal for homeless accommodation or support services will not result in an undue concentration of such uses, nor undermine the existing local economy, the resident community, the residential amenity, or the regeneration of the area. All such applications for such uses shall include the following: [as per policy QH30 requirements]’.*

5.2. Reference Documents

Housing First National Implementation Plan 2018 (Dublin Regional Housing Executive, September 2018).

Action Plan 2017 (DCC, LCDC, 2017)

5.3. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA site code 004024 (3km to east)

South Dublin Bay SAC site code 000210 (5km to south)

North Bull Island SPA site code 004006 (6.2km to east)

North Dublin Bay SAC site code 000206 (6.2km to east)

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third-party appeal submitted by Aidan Kelly and others (21/02/18) may be summarised as follow:

- Impact on Phibsborough Architectural Conservation Area, Protected Structures in the Vicinity and Great Western Square and Environs ACA, undermining ACA Area Report Character Appraisal & Policy Framework for Phibsborough ACA.
 - Policy no.6 and the objective that developments ‘are not detrimental to the general character of the ACA’.
 - Views to rear of properties along Avondale Avenue will be blocked, as will views from house to the west.
 - Change in footprint of the built environment, spanning 5 plots, degrades the ACA.
- Tangible negative effect on surrounding properties and their occupants from overlooking, overshadowing and overbearing contrary to Z1 zoning objective.
 - Overlooking exacerbated by the nature of the use where residents spend large part of their day in their bedroom;
 - 12 windows will look onto rear of Avondale Avenue compromises the resident’s use of their extremely limited open space.
 - Windows within 1-3m of the boundaries negative the possibility of privacy and use of oriel windows will focus the view onto a significant number of properties whereas use of opaque glazing is poor design practice.

- Will aggravate current overshadowing of nos.308, 310 and 312 North Circular Road. Loss of daylight to rear Avondale Avenue. Impact on 13A and 13B Phibsborough Road and Spire View.
- Material contravention of CDP objectives and contrary to s.16.2.2.3 concerning design of extensions.
- Most residents of Chester House have a substance abuse problem. Residents are not allowed to use drugs on the premises and therefore must do so somewhere in the wider neighbourhood.
- Undesirable increase in concentration of the service (from 22 to 42 bedrooms) on the community of Phibsborough and the on the community of residents, exacerbating the existing severe anti-social behaviour and problems of noise, drug use, abuse, intoxicated behaviour and disposal of drug paraphernalia and rubbish into neighbouring properties.
 - Undermines the ability of Phibsborough village to underpin the wider area as required by policy DCP16 KDC.
 - Risk from discarded drug paraphernalia on other vulnerable people – local school children.
 - May deter investment in Phibsborough and result in significant potential economic downside risk contrary to policy DCP16 KDC.
 - Simon Community has a policy of significantly increasing services on existing sites against the wishes of the local community.
 - ‘*Social Housing & People with Mental Health Difficulties*’ (National Disability Association) recognise negative factors for such housing as noise irritation being located too close to road and isolation from the community.
 - UK Government is now pursuing a different model for such facilities comprising more homely, dispersed campus style housing.
 - Dublin Simon Community have not been clear about the level of services on offer in Phibsborough, including identifying DSC accommodation in 2-storey units at the end of Avondale Avenue and next to Spire View on Phibsborough Avenue within 500m.

- Significant anti-social problems – the log of neighbourhood incidents attached as appendix 4 to application includes only 24 complaints and does not record the majority of complaints made (suggests 75% are unrecorded).
- Increased fire safety risk due to increased density and site coverage without suitable access for fire service vehicles where the lane
 - At 2.4m at its narrowest the lane can't achieve the 3.7m required by fire services and the lane entrance is excess of the 45m requirement of the regulations (TGD Part B).
 - Escape paths are complex.
- The development removes all parking and refuse storage to the rear despite the current demand and increased demand through the proposed development which would increase capacity by 90%. The parking to the front is dangerous and should be removed.
- The actual use as an assisted housing facility is vastly different from current use permitted as a guesthouse, the public were never given the opportunity to comment of this use and granting permission for extension of the building for this use is poor planning practice.
- Planning precedent for refusal of such a permission under reg.ref.WEB1385/15 for a single storey extension to the rear of no.312 North Circular Road for reason of excessive length and poor design. Poor residential amenities would be provided for residents, with lack of natural light and outlook.
- Undesirable precedent.

6.2. Applicant Response

The First Party response, submitted 09/04/18 c/o Downey Planning, may be summarised as follows:

Overview -

- The proposed extension to provide increased residential units will respond to the increasing need for house to alleviate the severe homeless crisis.
- Should the Board grant permission for the entire development as submitted at further information stage, it will ensure that the dining area and essential communal amenity space and services will be provided in conjunction with the bedroom accommodation which could otherwise be subject to a separate planning application as per condition no.2.
- Dublin Simon Community (the service provider) operates 24no. homeless shelters in Dublin, Wicklow, Kildare and Meath for rough sleepers, low threshold addition services, temporary and long-term accommodation, independent living, visiting support, sustainment, prevention services and counselling services.
- *'Making Home a Reality'* is the Vision of Dublin Simon Community Strategic Plan (2017-2021) to empower people to access and retain a home by providing housing, prevention and targeted interventions through advocacy and partnership, by reducing reliance on short-term emergency accommodation and providing permanent supported housing for people to sustain a home in their local community.
- Chester House has operated as a high support, long-term stable housing service since 2013, for 22no. people with a long history of homelessness and an enduring support need in the area(s) of mental and / or physical health and / or addiction and who do not have the capacity to live independently. Each resident has their own en-suite bedroom and access to large communal rooms and gardens, as their home. A professional, dedicated team of staff and management are onsite 24/7, supported by the property team and through volunteering opportunities, providing a range of support services.

- The increase in capacity to accommodate 20 additional people will be complimented by an increase in the staff and volunteer team.
- Change of use to guesthouse / hostel granted permission in 1997 (Reg.Ref.2756/97), with 2-storey and first floor rear extensions to provide 16no. double bedrooms.
- Retention permission for 6no. en-suite bedrooms at first floor level granted in 2003 (Reg.Ref.4082/02).
- Operating as residential accommodation with support / care to people in need since 1999, first by the HSE for separated children seeking asylum and care provision for 10-year period.
- Operated as temporary support accommodation facility by Dublin City Council for winter 2010/2011 (November to April) and leased by DCC until June 2012.
- Purchased and operated by DSC since 2012 to relocate existing services operating at no.80-81 North Circular Road since 1998.
- 4,710 people were in accommodation providing shelter for homeless people in Q3 2017 according to Dublin Regional Homeless Executive.
- No.318 North Circular Road is a 2-storey structure used as a laundry (ground floor) since 1997, with first floor used as an admin office as part of Chester House Homeless Children Service since 1999 and, since then, as ancillary offices to Chester House by DCS.
- Nos.320 and 322 were acquired by DCS in 2013, both having retail / commercial space at ground floor and a self-contained residential unit with own-door access at first floor level.
- The Chester House facility has long been established as an integral part of the Phibsborough community, providing vital services and the increased residential units are a response to the increasing need for housing to alleviate the housing crisis.

Response to grounds of appeal -

- **ACA** – RKD Architects (detailed architectural design response report appended) are of the opinion that the proposed development is in compliance

with the criteria under overarching policy CHC4 applicable to all conservation areas.

- At FI stage the proposed design was substantially altered (reduced from 3 to 2-storey) and all external finishes specified to be of high quality and in keeping with those of the surrounding buildings on the rear access lane.
- The only views affected by the proposed extension would be sightlines into Chester House's private car park and garden and the extension would not be visible from any of the adjacent main public streets, with minimal visual impact on Avondale Road.
- It is not a stated intention of the ACA to establish a right for residents to overlook the external space of another's private property.
- The proposed extension retains and respects the existing garden space to rear of nos.318-322 by locating the proposed extension on an existing surface car park.
- **Zoning** – Downey Planning are of the professional opinion that the proposed extension is in accordance with the zoning designation for the site, Z4 District Centre (KDC) and Z1 Sustainable Residential Neighbourhoods and ACA.
- The proposed development is considered '*buildings for the health, safety and welfare of the public*', and Chester House is long established as an integral part of the local community.
- **Overlooking** – The existing extension has been part of the built environment for over two decades and overlooks the rear of no.312, but the proposed development will not introduce any new windows or exacerbate the situation.
- Proposed ground floor west-facing windows do not have a view over adjacent property, being largely below the height of the wall and identified (drawing 'Proposed Elevation to West P-1301') as glazed in opaque glass.
- Windows to the south elevation are designed to prevent overlooking through angled windows with clear, openable sections looking along the access lane.
- **Overshadowing** – It is evident from sun's path and the revised shadow diagrams by RKD Architects (appended) that the majority of the sun comes

from the south and therefore the neighbouring properties will be largely unaffected, with minimal impact in terms of additional shadow caused by the proposed development.

- **Overbearing** – RKD Architects redesigned the scheme at FI stage taking account of DCC’s concerns, reducing it from 3-storeys to two, as noted in the Planner’s report.
- Ridge height reduced by 1.6m to 37.88m, significantly below that of the existing at 38.94m, and only 300mm above that of no.312, and is therefore in-keeping with established height in the area.
- **Phibsborough Key District Area** – Downey Planning are of the considered opinion that the proposed extension ensures the protection of Phibsborough village’s character (it would not be visible from the main public streets) and adds to the community and social infrastructure of the area and therefore accords with Policy SC10 and SC12 of the Plan.
- **Environment** – DSC has a robust set of policies and procedures governing a wide range of topics including fire, terrorism, intoxicating substances and protection.
- In relation to sharps bins, these are a standard health and safety tool in communal settings necessary for safe disposal of sharp items and bloody tissues, in addition to drug paraphernalia.
- The claim that many if not all residents of the facility have a substance abuse problem is unsubstantiated by the appellant. That DSC has a policy concerning same is not indicative that this issue has arisen.
- No syringe has been found on site and only one incident of a syringe having been found within the immediate vicinity, the removal and disposal of which was assisted by DSC. DSC will collect and safely dispose of any syringes found in the neighbourhood as they have the skills and capacity to do so.
- **Neighbourhood management** – DSC values a positive relationship with the community and has five key policies to relating specifically to managing the neighbourhood including a License Agreement, Anti-Social Behaviour &

Disciplinary Policy, Neighbourhood Policy, Residents Handbook and Visitors Policy (all appended).

- The policies include, inter alia, detailing rights and responsibilities of residents; how to minimise anti-social behaviour involving residents or visitors and how to respond to breaches in policy on same; ensuring consistency in investigating and reporting of incidents; site specific proactive steps to maintain and cultivate positive relationships with individuals, public officials, community and voluntary groups and any other stakeholders (including, for example, regular routine street checks to monitor surrounding area for anti-social behaviour, litter, noise, etc., and immediate response to same and to review neighbourhood issues at monthly in-house resident meetings). A log of neighbourhood incidents (appended) is maintained and are responded to within 48 hours.
- **Impact on Key District Centre** – Only 10no. incidents (alcohol consumption in public, begging in village, drug- intoxication, anti-social shouting day/night) from residents have been recorded since 2013, which were dealt with quickly and efficiently by staff.
- The residents tend to remain within the building unless they have a specific destination to attend and there is no substantiating evidence to support the assertion that the facility contributes to the experiences of the appellant.
- The proposed garden will be full enclosed, reducing noise transference to neighbours, in addition to close management of communal spaces to ensure reasonable decibel levels. Residents are not permitted to play loud music in their rooms.
- The site management and service team are available to listen to and discuss any issues raised by the local community, with points of contacts provided, with all incidents and complaints logged and dealt with.
- DSC accommodates 22no. people and are not responsible for the rate of anti-social behaviour described in the appeal, within an area of 56,263 population with good transport links.

- **Economic impact** – DSC supports efforts to promote job creation and economic activity in the local area and the extended facility itself will contribute to increased employment.
- Increased staff and residents will contribute to increased local sales in local shops.
- Concentration of services and anti-social behaviour – The efforts made by DSC to respond to the homeless crisis within its property portfolio in Chester House and Ushers Island have received support from local communities, elected representatives and funders.
- DSC have met with all who have made contact in relation to their concerns regarding any developments and proactively engage with immediate neighbours, etc.
- The significantly reduced number of observations to planning applications at each juncture indicates that DCS have responded to the concerns of objectors.
- DSC's other properties in the area, referred to by the appellants, provide homes to residents who have accessed the services of DSC and are capable of living independently, which differ from the Chester House facilities.
- **Fire safety** – GSP Fire Ltd., the project fire safety consultants, have prepared a detailed fire safety response statement refuting these suggestions – TGD-B (table 5.1) requires 15% of the perimeter to be accessible, which is achieved along North Circular Road and GSP Fire Ltd area of the professional opinion that the said firefighting access requirements are being met without employing the laneway servicing access to the rear.
- A dry riser can be provided to the extension complete with outlets located to the front, in excess of the minimum requirements, if requested by Dublin Fire Authority.
- Means of escape – GPS Fire Ltd disagree that the escape paths are complex, but are similar to that of any hostel or hotel accommodation, compliant with TGD-B.

- Two additional escape stairways are being provided as alternative additional means of escape from each level and the existing facility means of escape will be improved by a new protected stairway at the connection point with the new extension, replacing an existing external staircase.
- A fire safety certificate application will be made to Dublin Fire Authority.
- Parking / vehicular movement / bin storage – The small number of deliveries to the facility will continue to be to the front via North Circular Road or rear lane.
- Parking is not a requirement for the development having regard to its nature and its location in Phibsborough centre proximate to a multitude of services and amenities and public transport routes. There are a number of parking spaces to the front. The planning authority did not raise concerns regarding traffic movements.
- **Public consultation** – Provides overview of public consultation carried out and local support received.
- **Use (and authorisation of same)** – The existing use is in keeping with the long-established use of Chester House. Downey Planning are of the professional opinion that the facility is in accordance with the hostel permission on site and the established use of the premises since 1999 as a supported housing facility, as was accepted by the planning authority.
- **Planning precedent for refusal** – The proposed extension, as revised at further information stage, is materially different to the planning application refused at no.312 and is within the context of the existing extension forming part of the built environment to the rear of Chester House. Each application is assessed on its own merits.
- **Policy** – consistent with ‘*Rebuilding Ireland Action Plan for Housing and Homelessness*’ (pillar 1 concerning supports for the homeless and minimising incidence of rough sleeping); with National Homeless Policy Statement (2013), including providing long-term housing solutions and tackling homelessness in a planned and strategic manner; Regional Planning Guidelines 2010-2022 which state that at a more local level the provision of

supportive housing options as part of accommodating all parts of society should, where suitable, be supported; and with CDP 2016-2022 objective QH29 of Dublin's Housing Strategy to support the implementation of the Homeless Action Plan Framework for Dublin and support related initiatives to address homelessness and the aims (1 and 5) of Dublin's Statutory Homeless Action Plan, Sustaining Dublin's Pathway to Home, 2014-2016.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

The main issues raised in the observations by Peter Rankin of 313 North Circular Road, c.175m west of the site, (received 15/03/18) may be summarised as follow:

- Good planning must ensure that such facilities are not concentrated in particular areas.
- Disproportionate concentration of shelters / hostels and associated social-problems in Phibsborough.
- Planning procedure – constant changes to original application; Chester House was permitted as a hotel not a hostel, which would have been objected to by locals.
- The more that is done for people the more dependent they become. The facility is already oversized and should not be permitted to expand.

The main issues raised in the observations by Odette and Jim O'Dea (owners of nos.15-17 Avondale Avenue opposite south of site, (received 20/03/18) may be summarised as follow:

- Concerned about excessive scale and bulk of development within such immediate and close proximity to their property and the impact on residential amenities in terms of overbearing and overlooking.
- Materially contrary to Development Plan Z1 zoning policy and s.16.10.2 Residential Quality Standards.

- Visual obtrusive designated ACA and on the settings of Protected Structures, contrary to policy CH4 policy CHC2.
- Traffic and parking to Avondale Lane with consequences for residential amenities.
- Undesirable precedent for similar development to the rear of houses on North Circular Road.

6.5. Further Responses

In addition to reiterating the original grounds of appeal, the main points of the appellants' response (14/06/18) may be summarised as follow:

- Concerns not adequately addressed in applicant's response.
- The appellants' concern is with the overdevelopment of the site, being a planning issue not a social issue.
- Duplex apartments nos.1-8, Spire View (to the east) are also operated by DSC, and possibly a 12-bed supported housing facility holding on Blessington Street, but not disclosed by the applicant. Full disclosure is needed on such facilities in addition to the 5no. other facilities within 2km of the site.
- RKD Architects have not proven their argument that the proposed development enhances or is sympathetic to the ACA.
- RKD Architects have not responded to points of objection concerning overshadowing / loss of light properties at 13A and 13B Phibsborough Avenue and at Spire View, and loss of daylight to the rear of properties at Avondale Avenue.
- No photomontage or 3D representations to show proposed development from eye level, but from unnatural viewing positions.
- 80% plot ratio is excessive and out of character with 20% plot ratio of neighbouring houses.
- Disputes the applicant's response regarding impact on the KDC and on anti-social behaviour. The need for DSC to have such policies reflects the nature of potential social issues. Few major incidences have occurred by there is a

history of low level anti-social behaviour not recorded by DSC and Chester House's log book is misleading.

- Downey Planning failed to respond to points raised relating to best international practice regarding integrating service users into the community.
- Disputes Downey Planning's position that the proposed development does not require parking, and reiterates that the parking to the front is dangerous due to its proximity to a busy junction and entailing reversing over a busy pavement.
- The existing facility is not licensed, and the use is not analogous with guest house use and the use doesn't have planning permission.
- A single objection to the Board is equivalent to multiple observations. The numerical lack of objections should not be misconstrued as support for the proposal.
- Reiterates that there is precedent for refusal for development to the rear of no.312 North Circular Road on grounds of excessive length and poor design, with poor residential amenity for future residents and adverse impact on residential amenity of adjoining property.

7.0 Assessment

The main issues arising in this case may be addressed under the following headings:

- 7.1 Nature and extent of development proposed
- 7.2 Principle / Policy
- 7.3 Visual and heritage
- 7.4 Residential amenities
- 7.5 Traffic and transport
- 7.6 EIA Screening
- 7.7 AA Screening

7.1. Nature and extent of the development proposed

- 7.1.1. The existing buildings on site are currently in use, either completely or mostly, associated with the assisted housing facility operated by the charitable organisation, Dublin Simon Community. The applicant submits that the premises has been operating as a residential accommodation with support/care to people in need since 1999, first by the HSE as a Separated Children Seeking Asylum Accommodation and Care Provision facility for a 10-year period and, subsequently, Dublin City Council operated a temporary support accommodation facility for people in need over the winter of 2010/2011. However, based on the documentation on file and the planning history available from Dublin City Council, the planning status of the existing use across the site is, at best, uncertain.
- 7.1.2. In response to item no.1 of the planning authority's further information request the applicant provided (in the Planning Statement document) a review of the site's planning history. This outlines that permission was granted for change of use from car dealership to guesthouse in 1997 (Reg.Ref.2756/97) with 2-storey and first floor extensions to provide 16no. double bedrooms at nos.314-316. In 2003 retention permission was granted (Reg.Ref.4082/02) for 6no. en-suite bedrooms at first floor level at nos.314-316. Whilst condition no.2 of the said permission referred to the use of the premises as residential hostel, change of use from guesthouse to hostel did not form part of the application. There is no other relevant (implemented or extant) grant of planning permission concerning the use of the premises.
- 7.1.3. The Board will be aware that under the Planning and Development Regulations 2001, as amended, PART 4 Exempted development – Classes of Use, that use as a hostel falls within the same class as use as a guesthouse (Class 6) but not a hostel where care is provided. Class 6 remains unchanged since the Local Government (Planning and Development) Regulations 1994, which would have applied at the time the latter use was said to have been first implemented. As submitted in the grounds of appeal, the existing hostel does not appear to have the benefit of a grant of planning permission, and nor would it appear to have the benefit of exempted development for change of use. However, it is the function of the planning authority, not the Board, to determine whether an existing development constitutes unauthorised development.

- 7.1.4. Concerning the other premises, nos.318, 320 and 322, Downey Planning submitted that the ground floor commercial units to nos.320 and 322 were amalgamated without permission before they were purchased by DSC and that DSC now wished to regularise the planning status of the said retail space as part of the further information submission, with retention being sought for the said development. It was also submitted that planning permission was now also being sought for the proposed change of use of the said space from retail / commercial to '*buildings for the health, safety and welfare of the public*'.
- 7.1.5. Regarding no.318, it was submitted that the ground floor has been in use as a laundry to support Chester House since 1997 and the first-floor level as an administrative office as part of Chester House since 1999, the latter continuing in such use since its acquisition by DSC in 2012. The applicant indicated that retention was now also being sought for works to the building, including toilets at ground floor serving nos.320 and 322 and the interconnection with no.318 via same, in addition to change of use from residential to "*buildings for the health, safety and welfare of the public*".
- 7.1.6. Whilst it is not the function of the Board to determine whether a development constitutes an unauthorised development, which is a function reserved to the planning authority, the applicant would appear to have accepted that the changes of use are material. This issue has been raised in observations and in the grounds of appeal and despite the applicant's stated intention to regularise the specific stated planning irregularities as part of this application, the application does not encompass the aforementioned development and no amended notices referring to the revised nature and extent of the development concerned, including for retention, or referring to significant further information were submitted as part of further information. I would therefore advise the Board that it is not entitled to grant permission for the subject development.

7.2. Policy / principle

- 7.2.1. '*Buildings for the health, welfare and safety of the public*', which encompasses use as a '*hostel (where care is provided)*' according to the land-use definitions under the Plan (Appendix 21 of Volume 2) is permitted in principle on lands zoned Z4 District Centre covering the northern section of the site, and on lands zoned Z1 Sustainable

Residential Neighbourhoods covering the majority of the site, subject to the relevant provisions and policies of the Plan.

- 7.2.2. The proposed use which is a high-support, long-term stable housing service centre for people with a long history of homelessness and an enduring support need in the area(s) of mental and / or physical health and / or addiction and who do not have the capacity to live independently. Such facilities (uses including institutional hostel accommodation, homeless accommodation and social support institutions) are addressed in the Plan primarily under S.5.5.11 *Homeless Services* and S.16.12 *Standards – Institutions / Hostels and Social Support Services* but are also referred to under S.12.5.6 *Social Inclusion and Regeneration*.
- 7.2.3. It is the policy of the Council (QH29) to support the implementation of the Homeless Action Plan Framework for Dublin, which has been superseded by *Action Plan 2017*¹ (DCC, LCDC). The proposal is consistent with the objective (3.2) of the Action Plan to target resources to tackle homelessness and to support homeless clients through the provision (action no.75) of adequate emergency beds and housing to meet needs, and (action no.76) to provide 24-hour supported temporary accommodation with holistic programmes (mental and addiction) for vulnerable groups. However, the Action Plan does not include any explicit proposals to extend or intensify any existing hostel facilities in the city, but rather to provide two new hostels (action no.77) to accommodate homeless people. I consider this to be pertinent within the context of the other related policies and provisions of the Development Plan.
- 7.2.4. The Dublin Region Homeless Executive published the '*Housing First National Implementation Plan 2018-2021*'², forming part of the Government's '*Rebuilding Ireland*' initiative and which '*underpins the Government's commitment to provide permanent and lasting solutions to address rough sleeping and long-term homelessness in Ireland*', launched by Minister for Housing, Planning and Local

¹<http://www.dublincity.ie/sites/default/files/content/Business/Documents/LECP%20Action%20Plan%202017%20Final.pdf> (accessed 19/09/18).

²<http://rebuildingireland.ie/install/wp-content/uploads/2018/09/Housing-First-Implementation-Plan-2018.pdf> (accessed 27/09/18).

Government and by the Minister for Health in September 2018³. The principles of the *Housing First* approach which includes:

- Immediate access to housing without preconditions – clients obtain access to independent house, scatter throughout neighbourhoods or apartment blocks, with regular tenancies and a range of off-site supports;
- Separation of housing and from treatment – housing support and treatment services are provided separately.

The proposed extension and concentration of existing extensive homeless accommodation and treatment services together on this single site would appear to be contrary to the *Housing First* approach.

- 7.2.5. Sections 5.5.11, 12.5.6 and 6.12 all acknowledge that an overconcentration or proliferation of institutional hostel accommodation, homeless accommodation and social support institutions within anyone area can potentially undermine the sustainability of a neighbourhood and that an appropriate balance is required in the further provision of new developments and / or the expansion of existing such uses in electoral wards which already accommodate a disproportionate quantum. This is reflected in Council Policy SN27 for a balanced provision and avoidance of proliferation of such facilities in any one part of the city, and the similar requirements under Policy QH30. The Council's approach would seem to be consistent with the newly published *Housing First* model.
- 7.2.6. Under Policy QH30 (and S.16.12 *Standards*) the onus is placed on applicants for proposals to provide or extend temporary homeless accommodation or support services, to demonstrate that an overconcentration of such uses would not result. To that effect applicants are required to provide a map of all homeless and other social support services within 500m radius, a statement on the catchment area (local or regional services) and on the management of the service / facility.
- 7.2.7. The applicant submitted a report entitled '*Proposed Extension to Rear of Existing Permanent Supported Housing Facility*', with the application, including a map with a 500m radius circle inscribed thereon. No facilities other than Chester House are

³ <http://rebuildingireland.ie/news/ministers-murphy-harris-launch-housing-first-national-implementation-plan/> (access 27/09/18).

indicated on the map. The appellant submits that DSC have not been clear about the facilities they provide in the area, referring to DSC accommodation at Spire View and at Avondale Avenue and a hostel on Blessington Street. The 1:1000 site location map submitted with the application shows a number of houses (nos.1-7 Spire View – all but one of the dwellings within this small residential cul-de-sac) to the east within the blue line boundary (i.e. lands under the control of DSC). The actual nature of these residences is not clear but given that they are under the control of DSC it is not unreasonable to assume that they provide accommodation for the homeless, whether as individual houses for homeless families, or shared housing for homeless individuals. Such facilities should therefore have been indicated on the 500m radius map in accordance with the provisions of the Plan. It begs the question as to whether there are other relevant homeless and other social support services, whether or not operated by DSC, that have not been taken into account in the 500m radius map.

- 7.2.8. Regarding the submission of the required statement on catchment, the table of contents to the said report suggests that this issue is addressed under s.3.5 (specifically addressing the issue of avoiding overconcentration of services) as required under Policy QH30 and section 16.12 of the Plan. However, this section is absent from the body of the document and the applicant provided no clarity on this issue in the response to the appeal.
- 7.2.9. The existing homeless hostel, with ancillary care and support services, is an institutional facility providing accommodation for 22no. individuals and is of significant scale within its context. The proposed development will almost double the size of the facility in terms of bedspaces, significantly increasing the social-presence of the facility through increased footfall to/from the premises by residents, visitors and staff. It will also significantly increase the physical presence of the institution on the streetscape to North Circular Road through annexing of three neighbouring properties with street-frontage. Whilst the Development Plan does not define what overconcentration means within the context of homeless facilities and services, I am of the opinion that the proposed development, in itself, does represent the overconcentration of such facilities and services on this site, such as would have an undue impact on the local residential community, with the potential to undermine the existing local economy and the regeneration of this an area (disregarding any related

facilities or services that may exist within 500m), contrary to the provisions of the Plan. I therefore consider the concerns raised by the appellant and in observations on the application and appeal, in this regard, to be valid.

- 7.2.10. Conclusion – The proposed extension would result in the overconcentration of such facilities within this area such as would likely undermine the existing local economy, residential community and the regeneration of this area, contrary to the provisions of the Development Plan, including Policy QH30, and contrary to the *‘Housing First National Implementation Plan’* forming part of the Government’s *‘Rebuilding Ireland’* initiative.

7.3. Visual and heritage

- 7.3.1. The application site is wholly contained within the designated Architectural Conservation Area of Phibsborough. I do not consider the proposed development, as revised by further information submission, which would be located entirely to the rear, limited to 2-storeys in height, to be likely to seriously injure the character of the Architectural Conservation Area or to material affect the character or setting of any Protected Structure in the vicinity, as would be viewed from the North Circular Road or Dalymount Road.
- 7.3.2. However, the ACA boundary extends south over the entirety of the site and onto the mews lane to the rear. The character of that area is very much of a functional service area and is informal and practical in its layout and design, with buildings being either small scale or with significant setbacks. The area has much greater scope to accommodate development of different design than development fronting onto the main street network within the ACA. In general, whilst the revised design submitted as further information is reasonable for a backland location, it would be of excessive scale and out of character on this very narrow mews lane, given its minimal setback therefrom. In my professional opinion, it is not a form of development that can act as a template for the future development of sites extending west along the lane and it therefore would set an undesirable precedent for uncoordinated development along this mews lane that is contrary to the proper planning and sustainable development of the area.

7.4. Residential amenities

- 7.4.1. Overbearing – I consider that the proposed 2-storey extension, as revised by further information submission, which would be within c.1m of the party boundary with the neighbouring property to the east (no.312 NCR), in-combination with the existing two storey extension, would seriously injure the amenities of that property by reason of excessive and unwarranted visual overbearing on that residential dwelling, that would be contrary to the Z1 zoning objective.
- 7.4.2. The proposed extension (excluding projecting bay windows) would be within 4m of the single-storey rear return and rear yard of the nearest dwelling at Avondale Avenue to the south, and less than 8m from the rear 2-storey elevation (containing bedroom windows) of same. The proposed 2-storey extension (with ground floor raised c.350mm above lane level) would have a significant visual impact on the dwellings to the south. This will be exacerbated by the number and level of fenestrations at ground and first floor level of the proposed structure. AA Section drawing no.P-1200 provides a reasonable idea of the potential impact, although it does not show the existing rear return. Given the cramped nature of this mews lane area and the proximity of Avondale Avenue residential properties to the south, I consider the visual impact to constitute a serious adverse impact on the amenities of those properties, that would be contrary to the Z1 zoning objective.
- 7.4.3. Overlooking – The proposed development was revised by further information submission, which included significant amendments to fenestration arrangement and design that would mitigated much of the potential for overlooking / invasion of privacy of neighbouring properties from proposed fenestration (including an additional relocated 1st floor window to the west elevation existing extension).
- 7.4.4. The use of projecting, angled and part-opaque glazed fenestrations to the southern elevation significantly reduces the potential for direct overlooking, although there will still likely be a significant adverse impact of visual intrusion / perceived overlooking from that development by reason of its design and its close proximity to existing residential properties. The proposed relocated first floor west elevation window in the existing extension and the proposed windows in the west elevation of the extension are shown as of similar design as the southern windows on plan, but as standard fenestrations in elevation. Standard fenestration would result in further

excessive overlooking and invasion of privacy of no.312 NCR, such as would seriously injure its amenities, contrary to the Z1 zoning, but this could be resolved by condition. However, given the current level of overlooking and visual intrusion on that residential property, I do not consider the neighbouring property to have capacity to absorb further significant impacts including perceived overlooking and visual intrusion arising from the proposed fenestrations, notwithstanding the proposed mitigation.

- 7.4.5. The proposed aforementioned mitigation measures will also have a deleterious impact on the amenities of the proposed accommodation and is not a sustainable design approach. That such measures need to be incorporated suggest that the overall layout and design of the development proposed on this site needs to be revisited in the interest of the proper planning and sustainable development of the application site and the area.
- 7.4.6. Overshadowing / loss of light – I note the Shadow Study submitted with the application, which is based on the initial development proposals. The shadow impact of the revised design will be reduced (in terms of the overall length of shadow and therefore the number of properties affected) due to its lower height, but the impact on the immediately adjacent property to the west (generally before noon) and east (generally afternoon) may also be increased due to the increased depth and projection southwards of the extension. In the absence of a revised shadow analysis the significance of same is difficult to quantify. There will be an appreciable loss of daylight (but not sunlight) to the rear of properties at Avondale Avenue, to the south and to the adjacent property to the east due to the scale, bulk and proximity of the proposed development.

7.5. **Traffic and transport**

- 7.5.1. No parking is proposed within the development, which will remove at least 8-10 formal and informal parking spaces from the rear of the site. There is space for 1 no. car at the front of no.318, although access or egress to/from that space would require reversing manoeuvres onto the signalised junction and pedestrian crossing at the busy NCR / Dalymount Road junction. The space to the front of nos.320 and 322 are currently blocked by bollards (apparently permanent boundary structures) and

the provision of parking and opening of a vehicular access to the front of the site does not form part of the application.

- 7.5.2. The application site is within parking zone 2 on Map J under the Development Plan. Maximum parking standards are set out under table 16.1 of the Plan. Residential institution requires up to 1no. space per 20 bed-spaces. Given the nature of the use, I would consider each bedroom to constitute a single-bedspace, notwithstanding that they would likely exceed single-bedspace room sizes and therefore a maximum of 2no. car parking spaces would be required. I am satisfied that the site is well situated to benefit from public transport including bus and tram, as well as to make use of passive modes. The cycle parking standards under table 16.2 of the Plan do not refer to the proposed use. The Board may consider student accommodation to be a reasonable guide to cycle parking demand, with 1no. space per 2no. residents (21no. spaces in total) sufficient to accommodate the demands of residents, staff and visitors. Should the Board decide to grant permission, this issue can be addressed by condition.

7.6. **EIA Screening**

- 7.6.1. Having regard to the small-scale and nature of the proposed development and the nature of the receiving environment, there is no real likelihood of significant impacts on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

7.7. **AA Screening**

- 7.7.1. Having regard to the small-scale nature of the development proposed within an existing built-up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 Recommendation

- 8.1. I recommend that permission be **REFUSED** for the reason(s) set out under section 9.0, below.

9.0 Reasons and Considerations

1. The proposed extension of the existing homeless hostel and related services and facilities on this site, including through the annexing of three existing neighbouring premises fronting onto the North Circular Road, would result in an overconcentration of such facilities on the subject site and within this part of Phibsborough, which would be likely to undermine the existing local economy, the residential community and the potential regeneration of this area in contravention of the provisions of the Dublin City Development Plan 2016-2022, including sections 5.5.11 *Homeless Services*, 12.5.6 *Social Inclusion and Regeneration*, and 6.12 *Standards – Institutions / Hostels and Social Support Services*, Council policies SN27 and QH30, the zoning objectives Z4 *District Centres* and Z1 *Sustainable Residential Neighbourhoods*, and would also be contrary to the *Housing First* approach to addressing chronic homelessness as set out in the '*Housing First National Implementation Plan*' (Dublin Regional Homeless Executive, 2018) forming part of the Government's '*Rebuilding Ireland*' initiative.
2. The proposed development, by reason of the design, layout and arrangement of development on site relative to the surrounding residential properties and the adjacent mews lane, taken in-combination with the existing development on site, would seriously injure the amenities of residential property in the vicinity by way of visual overbearing / intrusion and overshadowing / loss of light which would be contrary to the land use zoning objective for Sustainable Residential Neighbourhoods Z1, '*to protect, provide and improve residential amenities*', and would be out of character and scale with the narrow mews lane onto which it would front with minimal setback, would set an undesirable precedent for further such development along the lane, contrary to the proper planning and sustainable development of this backland area.
3. The Board is not satisfied that the existing use of the premises, including nos.314-316, 318, 320 and 322 North Circular Road, as a hostel where care is provided,

and the existing amalgamation of those properties to operate as a single premises, has the benefit of a grant of planning permission. Notwithstanding the applicant's stated intention in the further information submission received 20/02/18, to regularise the planning status of the existing use and of the existing development that has taken place at nos.318, 320 and 322 North Circular Road, only, the application was not so amended and it is therefore not within the power of the Board to regularise the said development on foot of a decision on this appeal. The permitting of an extension of the existing irregular use and development would therefore be contrary to the proper planning and sustainable development of the area.

John Desmond
Senior Planning Inspector

28th September 2018