



An
Bord
Pleanála

Inspector's Report ABP-301043-18.

Development	Demolition of existing buildings and construction of a mixed-use development of 58 residential units, restaurant and retail development in four blocks, 58 carparking spaces entrance and internal roads and ancillary development.
Location	Balfe Road Industrial Estate, Thomas Moore Road and rear of houses on Walkinstown Road, Dublin 12.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	4388/17.
Applicant	Canmar Properties Ltd.
Type of Application	Permission
Type of Appeal	First Party X Refusal
Appellant	Canmar Properties Ltd.
Observers	<ol style="list-style-type: none">1. Brendan Brennan and Anne Albertella2. Pamela and Cormac Chambers,3. Catherine Clarke,4. Celine Dwyer.
Date of Inspection	7 th June, 2018.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site has a stated area of 6,667 square metres and is formed from lands which are primarily occupied by industrial warehouse type buildings set back behind carparks adjacent to the Bank of Ireland building at the corner of and with frontage onto Walkinstown Road and Balfe Road where the space within the site lands is described as Balfe Road Industrial Estate. A single storey building on land fenced off from the carpark facing onto Balfe Road and adjacent to the Bank of Ireland Building and part of the site described as was occupied at the time of inspection.
- 1.2. Incorporated within the site is a 'leg' which is a relatively narrow, back land strip extending southwards behind two storey houses on Thomas Moore Road and Walkinstown Road at the end of which there is another vacant industrial building. A shopping centre (Super Valu) is to the south west of this end of the site and has access from Walkinstown Road.
- 1.3. At the Walkinstown Road frontage there is a surface public pay and display carpark and at the Balfe Road there is a gated, private carpark where the site which is fenced off at the site frontage by vertical railings.
- 1.4. The location is close to the junction at Drimnagh Road and Long Mile Road (R110) in an area characterised by residential and commercial developments. A five storey apartment block on the opposite side of Longmile Road to the north closes the vista on approach from the south west along Walkinstown Road. Balfe Road is to the east and south east and Walkinstown Road to the west and south west of the site location are primarily characterised by two storey houses with front and rear gardens.
- 1.5. Also shown in the application are lands in the applicant's ownership with frontage onto Longmile Road and access of Walkinstown Road opposite the site.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of the existing buildings and construction of a mixed- use development in four blocks comprising fifty-eight residential units and three commercial units. The residential

element comprises fourteen one bed units, twenty-four two bed units and twenty, three bed units, twelve of which are townhouses.

Block A is a three to five storey building with frontage on Walkinstown Road. A restaurant and retail units are shown at ground floor level along with service areas and twenty-six apartments are shown for the upper floors.

Block B is a three and four storey building with frontage onto Balfe Road and in it a total of twenty apartments are indicated.

Block C is a block of six town houses facing onto an internal courtyard.

Block D is a block of six town houses located at the southern end of the site.

- 2.2. Private open space is provided for in terraces or balconies for the apartments and rear gardens at a minimum of fifty square metres per unit for the houses, which are five bed dwelling units. Communal open space provision comprises a central internal area with a stated area of 814 square metres and landscaping proposals are included in the application.
- 2.3. Vehicular access is to be provided from Walkinstown Road. A loading area is shown at the front of the site.
- 2.4. A public laneway off Walkinstown Road is to be realigned/widened to a width of six metres by way of works which include removal of an existing boundary wall. This lane serves as an access lane at the rear of houses.
- 2.5. A surface carpark for fifty-eight car spaces with access from the entrance via an internal access road along the leg of the site between existing houses on Balfe and Walkinstown Roads is proposed. Included are four disability spaces and the residential spaces are to be allocated on a per unit basis.
- 2.6. The proposed development also includes proposals for signage, cycle parking landscaping, boundary treatment and site development works.
- 2.7. Included with the application are a Traffic and Transport Assessment, An appropriate assessment screening, Flood risk assessment, Engineering services report, Design statement, Landscaping Plan, Shadow diagrams and a Part V validation letter.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 1st February, 2018 the planning authority decided to refuse permission for the reason which is reproduced in full below:

“The layout of the proposed development, and the proximity of structures to each other and to residences on its boundary would result in the overlooking and overhearing upon both existing residences in the vicinity and potential residences within the scheme, Block C would not comply with the minimum provision of Private Open Space per house as set out under Section 16.10.2 of the City Development Plan. Therefore the proposed development would therefore, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer indicated concerns in his report about various elements of the design, form and height of the proposed development, public and private open space provision and cycle and internal storage arrangements.

3.2.2. Other Technical Reports

The **City Archaeologist** report notes the site is that of Dublin City Industrial Heritage Record 18 13 034. (Gown Factory). It contains a recommendation that a condition be attached if permission is granted for preparation and submission of an Archaeological Impact Assessment for agreement with the planning authority.

The **Roads and Traffic Design Division** in its report indicates a recommendation for a request for additional information. The observations and recommendations for submission of further information made in the report include:

- Favourable consideration of the proposed realignment and upgrade works to the access lane at the rear of properties on Walkinstown Road which includes transfer of a portion of the western edge of the site to the local authority to facilitate same.

- An assumption that three parking spaces and the loading bay will become public spaces resulting in a reduction from 58 to 55 spaces in total serving the development. It is recommended that one space be designated as a car club space. Submission of management details and a revised site plan is recommended.
- A recommendation that cycle storage facilities be provided for each residential block, it being noted that the storage facilities proposed for Block A would not be convenient for residents in Blocks C and D.
- Concerns about capacity for safe manoeuvring out of three parallel parking spaces to the front of the retail and restaurant units in Block A without obstruction of traffic on the access lane.
- The traffic counts, TRICS analysis and evaluation including the conclusion that the traffic impact on Long Mile and Walkinstown Roads would be positive within the TTA are noted along with the undertaking to undertake a mobility management plan.
- A recommendation that details of the loading bay and access road accommodating servicing and deliveries be agreed in detail prior to commencement of development.
- Favourable consideration of the proposed setback from the Walkinstown Road front building line to facilitate widened footpath provision.
- An increase to a width of two metres for the footpath along the access lane at the south side of Block A to facilitate the increase in footfall. A recommendation for revisions to the layout to be submitted and agreed which provides for the two metres wide footpath is recommended.
- Clarification as to a rationale for a pedestrian walkway shown on the plans between Walkinstown and Balfe Roads on the northern site boundary and lighting for the route which is 1.3 metres wide is recommended.
- A recommendation for submission of details of sightlines at the Walkinstown Road entrance to the proposed development.

The report of the **Drainage Division** indicates no objection subject to conditions.

The report of the **Waste Management Division** indicates no objection subject to conditions.

3.3. **Prescribed Bodies**

The report of the **National Transport Authority** (NTA) indicates a requirement for liaison with the NTA on roads layout to ensure accommodation of transportation bus lane and pedestrian facilities.

3.4. **Third Party Observations**

3.4.1. Submissions were received from several individual residents, residents' groups and other parties. The main issues of concern indicated include that of:

- Potential impact on the operation of the laneway at the rear of gardens of existing residential properties, the ownership of which is disputed, particularly with regard to proposals for removal of a boundary wall.
- Impact on residential amenity and property value regarding potential for overlooking and overshadowing and light pollution and by noise and nuisance leading to security concerns.
- Flooding risk and deficiencies in drainage.
- Scale, grain and design for the proposed development,
- Impact on safe and free flow of traffic including access for services and emergency vehicles.
- Construction and Construction Traffic impact during construction stage.
- Oversupply of commercial development in the area.

4.0 **Planning History**

P.A. Reg. Ref 2379/00 /PL 255514: Permission was refused for a two storey café and a double height drive thru restaurant along with 28 carparking spaces, external amenity and seating area, signage, and site works.

P.A. Reg. Ref 2379/00: Permission was granted for a development with retail use on the ground floor restaurant at first floor and offices at second floor and medical consultancy at the third floor along with storage and carparking.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022. (CDP)

The site overlaps an area subject to the zoning objective: Z4: *to protect and provide for mixed service facilities* and, an area subject to the zoning objective: Z1: *To protect, provide and improve residential amenities*. The area zoned 'Z1' is the south-western leg with an industrial building located at the rear of residential properties facing onto Thomas Moore Road and Walkinstown Road. The area in which the shopping centre is located and which is adjoining the south west end of the site is within an area zoned 'Z4'.

The site also overlaps space within Carparking Standard Areas 2 and 3 and according to Table 16.1 two spaces are prepared for retail units and one space per residential unit for Area 2 and 1.5 spaces per residential unit for Area 3.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Simon Clear on behalf of the applicant on 28th February, 2018. It includes some proposals for modifications to the proposed development in response to issues raised in the report of the Transportation and Traffic Department and the report of the planning officer. Attached are revised drawings showing options for modifications to the design that are proposed in the appeal, a supplementary design statement and a supplementary Roads and Traffic statement.

- 6.1.2. According to the appeal there was some confusion in the planning authority assessment which it is contended was inappropriate and it is submitted that the reasoning for refusal of permission is not sustainable.
- 6.1.3. The appeal contains comments on current national policy for residential development as provided for in the Section 28 statutory guidelines: “Sustainable *Urban Housing: Design Standards for New Apartment: Draft Guidelines for Planning Authorities*” issued in December, 2017 (2017 Urban Housing Guidelines) with regard to housing demand, household formation and housing demand in urban areas and with regard to the response in policy objectives to facilitate a mix in dwelling type, “building inwards and upwards” provision for refurbishment and small scale urban infill and the “build to rent” an Shared Accommodation and, removal of carparking provision to serve residential development.
- 6.1.4. Reference is also made to the emphasis in the National Planning Framework on serviced, brownfield development with greater height and density which along with the Dublin City Development Plan, 2016-2022 (CDP) provisions for Z4 zoned lands give focus to District centre brownfield site as opportunity locations for significant development
- 6.1.5. The appeal includes comments on the core strategy and policies and objectives of the CDP along with relevant extracts particularly on infill development (Sections 16.2.2, 16.10.10 refer.)
- 6.2. It is argued that:
- The 2017 Urban Housing Guidelines should be prioritised over the application of standards and negativity by the planning officer. The need for densification and scale at District Centres where public transport is available was not considered. The architectural, urban design and layout approach is explained in the Design Statement attached to the appeal.
 - The positive contribution to areas of low quality in townscape required for infill development in Section 16.2.2 of the CDP is addressed by site configuration, dual frontage, varied responses and scale to the existing streetscape and an internal communal area.

- Amenities are protected in the area and within the development by bringing the ducting throughout the development to a high level.
- A wide service area with a solid block acoustic wall is between the commercial building at the front (Block A) and apartment building behind. (There is no “corridor”.)
- A non-specified retail / non-retail use for the commercial block with an unidentified end user which provides flexibility is normally accepted by the planning authority as sufficient for an application.
- The projecting roof over the commercial area is an amenity for the residents with a westerly aspect.
- The plans for Block B were misinterpreted. Street front orientation and front entrances is an accepted residential layout and provides for integration and passive surveillance and animation.
- The internal space is communal amenity space for the development and not solely circulation space.
- The townhouses have sufficient private open space provision for five bed units. The planning officer has calculated the requirements based on six bed space/six-person occupancy and average household size is considerably lower.
- There is inconsistency between the planning officer and roads and transportation department’s assessment on access to Block D. Comments by consulting engineer in the attached statement refer. The roads and transportation department welcomes the proposals for the widening of the lane and addition of footpaths and the proposed footpath widening on Walkinstown Road, a community gain. There is sufficient capacity to accommodate DMURS standards for low capacity roads without adjustment to the building layout and these requirements can be addressed by condition.
- The proposed development is not overdevelopment although it exceeds the CDP’s recommended plot ratio.

6.2.1. Mitigation of overlooking and overbearing impact, as contended by the planning officer is addressed by modifications as follows.

At Block A, the roof level venting service corridor and acoustic wall and generous amenity spaces at first floor level with good aspect using the shop roof are high quality. Some windows are omitted and screening is provided at the stepped back upper levels to prevent overlooking of the side on two storey houses on Walkinstown Road.

At Block B facing to Balfe Road, one apartment is omitted at second floor level and one unit altered to give graduation at the interface with the two storey houses. Ground and first floor side windows across the passageway and a south facing terrace for the penthouse level are omitted to overcome overlooking potential.

At Block C, an end unit north elevation window omitted to address overlooking potential from Block A. A step out window provides good light to the internal accommodation.

At Block D no modifications are proposed.

- 6.2.2. The supplementary design statement contains an elaboration on the design concept, site location and environs and strategic and local policies objectives and standards. The design process overall of graduated massing is elaborated on and discussed for each of the four blocks and it is stated that a substantial residential development reinforcing and improving the area is proposed. It is submitted that a carefully tailored massing and design solution for the irregular and unique shaped site two different zonings and double frontage was prepared and that it incorporates a sense of enclosure in the centrally located landscaped amenity area which is quite distinct from the private open spaces in terraces, balconies and gardens that are provided and in the dual aspect of the dwellings.
- 6.2.3. The supplementary statement of the Consulting engineers contains a response to the issues raised in the Road and Transportation report:
- 6.2.4. Additional cycle spaces can be included in the layout; existing access arrangements on the lane for residents will be unaffected and all works are to be undertaken on land in the ownership of the applicant.
- 6.2.5. A gated private access laneway at the side of Blocks A and B will give access for emergency escape.

6.2.6. Sight lines are available at the proposed upgraded junction which accord with the standards in “*Design Manual for Urban Roads and Streets*” (DMURS).

6.3. **Planning Authority Response**

6.3.1. There is no submission from the planning authority on file.

6.4. **Observations**

6.4.1. Submissions were received from four parties each of which is outlined briefly below:

(A) **Brendan Brennan and Anne Albertella**, 33 Walkinstown Road. Attached is a copy of a sub-lease dated, 1947, without maps on land transfers:

- The lane is a private lane, and the purpose of the boundary wall was to protect the laneway and the residents at Nos 9-43 (Walkinstown Road) Nuisances may occur.
- Block D will overlook, obstruct light and increase pressure on services at the Walkinstown Road houses.
- Risk of subsidence. A river is underground through the site.
- Congestion will be increased in the area.
- Construction stage impacts including construction traffic – duration of construction stage is unclear.

(B) **Pamela and Cormac Chambers**, 43 Walkinstown Road.

- The proposed three to five storey dwellings including the townhouses will be too close, overbearing and will overlook and adversely affect the privacy and amenities of the gardens and houses on Walkinstown Road. Block A is nine metres from No 9 Walkinstown Road.
- The design is incompatible with the existing established residential development, street patterns and surrounding buildings and scale and character.
- There is deficient parking provision and the off-road parking will not be used by the commercial buildings increasing parking on the private lane, road which is a bus corridor, leading to congestion and hazard. Most households

have more than one car and the apartments may have several occupants with cars. The plot and orientation does not easily accommodate cars.

- The access is shown at a blind corner affecting the bus corridor and road safety and causing congestion. It is not of an acceptable standard.
- There is a legacy problem with low water pressure and with the private sewerage scheme serving Nos 9 – 43 Walkinstown Road. The outfall beside No 9 overflows. The impact of the proposed development is a serious concern.
- There is serious concern as to impact on stability of the houses on Walkinstown Road because there is an underground stream which will be very close to Block D and runs as far as the Long Mile Road. The FRA suggest that there is risk of flooding at Block A because of a basin effect but no onsite investigations were undertaken.
- There is no clarity as to the arrangements for construction traffic and parking for construction workers.
- Demolition will cause noise nuisance affecting residential amenity.

(C) Catherine Clarke, No 39 Walkinstown Road.

- Ms Clarke claims that the laneway is in the ownership of the residents and that the local authority has not maintained it because it is in private ownership.
- The proposed exit is unsafe due to proximity to the bank which is the only exit from Ms Clarke's property.
- The boundary wall is a privacy screen and a rear entrance for Ms Clarke's property and she objects to its removal.
- A high raised block wall in the centre of residential development is unsuitable.

(D) Celine Dwyer 8 Balfe Road, Walkinstown

- Units in Block B (B 5 and B10) have windows and external terraces overlooking Nos 6-10 Balfe Road.

- Third floor units in Block B are out of character with Balfe Road's two storey terraced house. Lowering of the building adjacent to No 6 is inadequate. The entire block should be a two storey block.
- Block C cannot be accepted as it will cast shadow for significant periods of each day at Nos 6 and 8 Balfe Road. A lower elevation and or few houses and repositioning is required. The houses should not have a third floor. Fewer, two storey houses that do not overshadow the Balfe Road houses would be acceptable. The trees on the boundaries at Nos. 6-10 Balfe Road provide security which would be removed.
- The drainage network on Balfe and Thomas Moore Roads is inadequate for existing development and pipes often are blocked.
- The proposed development is inconsistent with the established character of development and is contrary to section 16.2.1 of the CDP

7.0 Assessment

- 7.1. The issues central to the determination of the decision, having regard to the planning authority assessment, application and appeal submissions and the observer submissions can be addressed under the following sub-categories:

Strategic policy

Road Network Capacity

On street Parking / Loading and Unloading/ Servicing.

Cycle parking

Entrance and Access Lane

Layout Plan

Impact on Visual and Residential Amenities and on Character of the Area

Flooding and Drainage

Appropriate Assessment

7.2. Strategic Policy

- 7.2.1. The case made on behalf of the applicant as to consistency with current national and local policy for consolidation and brownfield sustainable development and as to delivery of residential development that responds to the prevailing housing and household formation need as provided for in, “Sustainable “*Urban Housing: Design Standards for New Apartment: Draft Guidelines for Planning Authorities*”, issued in December, 2017 (2017 Urban Housing Guidelines.) is noted and is not disputed. The concerns about the proposed development are specific to the site size configuration context and technical and planning matters.

7.3. Road Network Capacity

- 7.3.1. It can be concluded, further to review of the Transportation and Traffic Assessment report submitted with the application and the observations and recommendations of the internal roads report that predictions on traffic generation by the proposed development and movements on Walkinstown Road at the junction, with Drimnagh Road/Long Mile Road are reliable, marginal and acceptable. The undertaking to prepare a mobility management plan is noted and a condition with a requirement for a compliance submission can be included if permission is granted.

7.4. On street Parking / Loading and Unloading/ Servicing.

- 7.4.1. Walkinstown Road is an important orbital suburban route designated as a regional route linking the south-east city with the Long Mile Road and south west city. The proposed relocation of the parallel parking to address the Roads department’s concerns about the original position on the bus corridor on the Walkinstown Road is noted and supported.
- 7.4.2. The setback of the front building line of Block A from the frontage on Walkinstown Road to facilitate the widening of the footpath achieves and to exceed DMURS minimum standards is welcome and does not directly give rise to concern from a building design perspective. Prevention of illegal parking on Walkinstown Road, including commercial vehicles in use for loading and unloading can be prohibited by the double yellow line markings but strict enforcement would be essential.
- 7.4.3. The space to the side of Block A proposed for stopping and loading onto which services doors within Block A open is deficient. In the appeal it is stated that modifications can be addressed by condition. Setting back the footprint of the Block

may be required. The deliveries/loading area along the side of the access route is noted as acceptable in the Roads Department report. It is conveniently located and comes within the area subject to the 'Z4' zoning objective. It is not considered that the use of this area would result in significant increase in noise in the area given the location in the commercial area close to the junction. However, use between the hours of midnight and 7.00 am could be excluded by condition should there be concern as to impact on residential amenity if such a requirement is necessary. The proposed servicing for the residential element is demonstrated as being adequate and was satisfactorily assessed in a swept path analysis.

7.5. Cycle Parking

- 7.5.1. Provision in the original proposal accords with the requirement of Table 16.2 of the CDP but the distribution throughout the layout development so that there is provision for convenient storage facilities and access for residents at each block as recommended in the report of the Roads and Transportation report. This matter can be addressed by revisions to the proposed facilities that can be addressed by compliance with a condition. It is indicated in the appeal that the applicant considers this requirement feasible and reasonable

7.6. Entrance and Access Lane.

- 7.6.1. The dispute as to the private ownership of the laneway indicated in observer submissions is noted. No party has provided fully complete and comprehensive details including copies of folio maps as to Title and details of Burdens on Title, if any, to support claims as to ownership. The Roads Department's engineer who reviewed the application confirms that the entirety of the laneway, except for a small area at the western edge to be ceded to the local authority by the applicant, is under the control of the City Council. While it is therefore reasonable to assume that the entirety of the laneway is under the control of the local authority there is scope for the matter to be resolved between the parties and, if this ownership is still contested, through the legal system.
- 7.6.2. It is considered reasonable in the circumstances to proceed with determination of a decision on the application. It should be borne in mind that as provided for in section 34 (13) of the Planning and Development Act, 2016-2022, (The Act.) a grant of permission does not infer an entitlement to implement a grant of permission and this

provision can be relied on to provide assurances as to entitlement to implement a grant of permission. The implementation of the proposed upgrade and widening works to the lane is an essential element, without which the construction and operation of the proposed development would not be feasible

7.7. Layout Plan.

- 7.7.1. There are concerns as to the predominance and severance of Block D from most of the proposed development which is attributable to the layout of lane, (to be upgraded) and multiple carparking to either side of it within the overall layout Block D is an isolated, back land terrace of houses at the end of the lane and multiple carparking between the rear gardens of the houses facing onto Walkinstown Road and those of the houses facing onto Thomas More Road. The position and predominance of the internal road and multiple carparking in the proposed layout therefore negatively affects the potential attainable residential amenity of the units in Block D and, to a lesser extent Block C which adjoins the western end of the carpark. The outlook over carparking, the access road and rear garden boundaries from these properties would be poor as a result.
- 7.7.2. Furthermore, these parking spaces are relatively remote and detached from the residential units in Blocks A and B. It can be concluded that the implications for the quality and amenities of the proposed development itself and for the amenities of adjoining residential properties give rise to concern although the limitations of the complex site configuration are appreciated.
- 7.7.3. There is also potential adverse impact on property value and residential amenities of existing residential properties, due to the multiple end on carparking to either side of the proposed upgraded lane directly at the rear of the existing residential properties on Balfe Road and Walkinstown Road the rear vehicular accesses to the properties on Walkinstown Road also being of note.
- 7.7.4. The concerns of the planning officer as indicated in his report and in the reasoning for the decision to refuse permission on the relationship between Blocks A, B and C and the adequacy of the utility and amenity value of the private open space provision and centrally located communal open space are reasonable. Notwithstanding the modifications proposed and remarks made in the appeal, these concerns are not overcome. The communal open space is limited in amenity potential owing to the

combined function owing to the reliance on this area for circulation and access to the entrances to units in Blocks A and B, the only private external amenity space for some of faces onto and overlooks Balfe Road or Walkinstown Road. within the public realm.

- 7.7.5. The communal open space arrangement is unsatisfactory due to lack of privacy and due to overlap and doubling up with the circulatory access function on the inner side of the Blocks, which is appropriately described as an “inverted perimeter” by the planning officer. This results in lack of clear distinction as a communal amenity space. The incorporation of the link at the northern end between Blocks A and B is functional as opposed to an integral enhancement feature within the design concept. It is therefore considered that the “inverted perimeter” and dual function of the communal open space which diminishes the distinction between public and private/semi private elements of the development is not acceptable in a high density urban apartment and housing scheme for which high standards are essential.
- 7.7.6. Notwithstanding the site configuration this unsatisfactory outcome is exacerbated by the small size of communal open space area relative to the blocks. The blocks on the perimeter lack adequate separation distance from each other and give rise to reciprocal overlooking or perceptions of overlooking and to this end the concern as to substandard communal and private external amenity facilities are exacerbated.
- 7.7.7. It can be concluded that the proposed development is substandard with regard to the attainable standards of residential amenity for future occupants in view of the foregoing.

7.8. Impact on Visual and Residential Amenities and on Character of the Area.

- 7.8.1. The proposed development can dictate its own character and identity owing to size, subject to satisfactory integration and compatibility with the existing commercial development within the ‘Z4’ zoned lands at the junction where it would achieve definition and consolidation and improvements relative to the existing carparks on the frontage.
- 7.8.2. The site location identifies primarily, as is indicative in the ‘Z4’ zoning objective, with development clustering at the junction with the Longmile Road and Drimnagh Road. Contemporary form, has been achieved overall for the proposed development which relates relatively well to the more recently constructed buildings, subject to some

modification to increase the compatibility with the Bank of Ireland building. However, the site is also transitional, overlapping with and coming within the residential area, zoned 'Z1' at the eastern end along the leg behind the two storey houses on Balfe Road, Walkinstown Road and Thomas More Road where a modest lower profile element is required. The transition and distinction between the characteristics of the two separately zoned areas is acknowledged. However, the proposed development is severed by the predominance of carparking and the internal access road, formed by a proposed upgrade and modification to the existing lane between Block D and Blocks A, B and C. The rear gardens and boundaries of houses on Balfe, Thomas Moore and Walkinstown Roads are also on either side of Block D at the southern end. The front is dominated by end on carparking serving the entire residential element. These surroundings add to the isolation of this element of the development.

- 7.8.3. Block A is to be positioned at the frontage onto but, set back from the original front building line on Walkinstown Road, accommodating a widened footpath between the carriageway which is a bus corridor. This block has the retail and restaurant units at ground floor level and apartments on part of the ground floor and the upper floors overhead.
- 7.8.4. Assuming the design intent for the Bank of Ireland development was to create a landmark at the end of the streetscape at the corner of Drimnagh Road, the presentation onto Walkinstown Road of Block A should be subordinate to this building and step down towards the two storey houses to the south on Walkinstown Road. The proposed block in mass and height fails to achieve this relationship with the Bank of Ireland building although appropriate, relatively large and intensive development should be encouraged. The proposed block because of its mass and height and front projecting ground floor units beneath private amenity spaces for the first-floor apartment units above, lacks sufficient simplicity to allow it to integrate into and complement the streetscape. It is over dominant and detracts from the Bank of Ireland building which terminates the streetscape which is partially closed off by the five storey apartment block on the opposite side of Drimnagh Road. The negative aspects of the visual impact would be significantly enhanced with a lower profile building with some reduction in scale and height and omission of the the first-floor apartments on the roof overhead is considered essential.

- 7.8.5. Such a modification for Block A, if implemented would reduce the internal space for the retail and restaurant units, necessitate reordering of the internal layout with possible omission of retail or residential units and presents a difficulty in providing for private open space to serve the upper floor units. It is also agreed with the planning officer that the ground floor apartments are incompatible with the retail/restaurant uses resulting in a substandard attainable residential amenity irrespective of the design mitigation for noise insulation and ducting from kitchens being directed upwards internally to the top of the building.
- 7.8.6. The modifications shown in the Options Drawing included in the appeal for the southern end of the block and elevation facing across the proposed entrance and access road towards the residential properties on Walkinstown Road satisfactorily address any overbearing impact and potential for overlooking.
- 7.8.7. Block B is to be positioned at the road frontage between the existing residential development and the Bank of Ireland, following demolition of the existing structures. The presentation on the Balfe Road frontage as shown in the modified proposals in the Option drawing lodged with the appeal including the footprint forward of the front building line should be acceptable subject to good standards of ongoing maintenance.
- 7.8.8. Potential for negative impacts by Block B on the residential properties on Balfe Road and Walkinstown Road, has been the source of significant objection at application stage and in the observer submissions at appeal stage. The proposed modifications shown in the Option drawing included in the appeal comprise omission of one apartment at second floor level and one unit altered to give graduation at the interface with the two storey houses on Balfe Road. Ground and first floor side windows across the passageway and a south facing terrace for the penthouse level are omitted. These proposed modifications to Block B address all potential adverse impact on existing residential properties which are raised by the planning authority in the reasoning for the decision to refuse permission.
- 7.8.9. Block C has both a depth and ridge height both of circa ten metres along with a relatively high eaves height beneath a shallow roof pitch and is a block of three storey houses, the top floor being at attic level. The block, (incorporating the minor fenestration modification shown in the Option Drawing) does not give rise to adverse

impact on existing residential development on adjoining lands. The position, facing inwards toward Blocks A and B does contribute to the isolation of Block D at the southern end of the carpark.

- 7.8.10. Block D is similar to Block C, as discussed under para. 7.8.2 is separated by the internal access road with linear, end on carparking to either side from the Blocks A, B and C facing inwards over the communal and circulatory space and as such is a remote back land element with little or no connectivity or integration with the overall development especially the communal open space.

7.9. **Flooding and Drainage**

- 7.9.1. Observer parties have indicated serious concern about the capacity of the existing drainage network to serve the proposed development in addition to the existing development in the area and state that there have been flooding incidents on the lane at the rear of the properties on Walkinstown Road. To some extent such flooding occurrences problem could be related to upkeep of maintenance of the network.
- 7.9.2. It is noted that the Drainage section of the planning authority has indicated satisfaction with the proposed development, subject to conditions. A satisfactory flood risk assessment, which includes an assessment of the existing 7560 mm diam. surface water and which was prepared having regard to the recommendations with the statutory guidelines: *The Planning System and Flood Risk Management.2009*. included in the application indicated negligible potential for flooding risk.

7.10. **Appropriate Assessment.**

- 7.10.1. A screening assessment included with the application has been consulted. The nearest European sites are the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka SPA (004024) The project is to be located on a serviced, brownfield site on which there are several industrial buildings and most of the surface is under impermeable material. The location is a mature suburban area and the site is not adjacent to watercourses but there are some trees and vegetation at the perimeter.
- 7.10.2. The project comprises demolition of the structures and surface materials which are to be removed and disposed of off-site in accordance with best practice and, construction of a residential development incorporating retail and restaurant

elements, an upgraded access road and surface carparking, some provision for SUDS drainage for surface water and connection to the existing services.

- 7.10.3. A potential source pathway threat would be contamination of receiving waters within the European sites by polluted waters or effluent from the proposed development. Given the extent and nature of the proposed development and the inclusion of SUDS drainage methods along with proposals for connection to existing services, the availability of treatment facilities at Ringsend, it is concluded that the proposed development would not have significant environmental impact either alone or in combination with other projects and plans on European sites. A stage 2 appropriate assessment is therefore not required.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that permission be refused based on the reasons and considerations set out below:

9.0 Reasons and Considerations

1. It is considered that the proposed development constitutes substandard over development, by reason of excessive scale, height and mass of Block A relative to Bank of Ireland building on the corner site facing onto Drimnagh Road and Long Mile Road at the northern end of Walkinstown Road would be overbearing and would undermine the Bank of Ireland building and would fail to satisfactorily integrate into the established form and character of the streetscape. As a result the proposed development would seriously injure the visual amenities of the site location and its environs, and, would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would be substandard by reason of the:
 - backland and isolated nature of the location of Block D and lack of connectivity within the proposed development due to severance of the proposed development by way of the insertion of an internal access road

with linear carparking to either side adjoining the rear of existing residential properties;

- The layout of the proposed development whereby the communal open space overlooked by Blocks A, B and C also serves as the circulation route serving as an access for most of the residential units in these blocks and,
- Deficiencies in the quality and amenity potential of the private open space provision for apartments due to the position of the balconies and terraces, facing towards and overlooking Walkinstown Avenue and Balfe Road and, for first floor units in Block A on the roof of the retail and restaurant units projecting forward of the block at ground floor level.

As a result, the proposed would seriously injure the attainable residential amenity for future occupants, and, would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector.
25th June, 2018.