



An
Bord
Pleanála

Inspector's Report ABP 301433-18

Development

Permission for the construction of a 57 no. unit residential development comprising a terrace of 12 no. three storey bedroom houses and 45 apartments in a three/four storey block over basement carpark with frontages along the Old Bray Road and Brennanstown Road. A central courtyard and surface carparking, The construction of a new vehicular and pedestrian access to the site from the Old Bray Road and 3 no. pedestrian entrances (2 no. from Brennanstown Road and 1 no. from Old Bray Road) and all other site works above and below ground required to facilitate the development including the formation of 7 no. openings in the existing boundary wall on the Old Bray Road and Brennanstown Road.

Location

0.55 hectare site on the western side of the junction of the Old Bray Road

and Brennanstown Road, Cabinteely Village, Dublin 18.

Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D18/0066.
Applicants	Brennanstown Co-Ownership.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellants	Brennanstown Co-Ownership.
Observers	<ul style="list-style-type: none">(i) Ciara and David Tone, An Gleann Mor, Old Bray Road, Cabinteely, D18.(ii) Fintan McEvoy, Apt. 12, The Watermint, Bray Road, Cabinteely, D18.(iii) Patricia Lynch, 9 Old Bray Road, Cabinteely, D18.(iv) Cllr Donal Smith c/o County Hall, Marine Road, Dun Laoghaire.(v) Cabinteely and District Residents Association c/o M. O'Brien, Cedar Lodge, Brennanstown Road, Cabinteely, D18.(vi) Residents of Holmwood Estate, Cabinteely, D18 (Includes 10

submissions from residents of Holmwood estate).

- (vii) Karen Keaveney, 51 Lambourne Wood, Cabinteely, D18 (includes submissions for 5 other residents of Lambourne Wood).
- (viii) Caroleann and Joseph Buckley, 'New Lodge', Brennanstown Road, Cabinteely, D18.-(includes submissions from 4 other residents of Brennanstown Road).
- (ix) Imelda Gavin, 7 Carrig Glenn, Brennanstown Road, Cabinteely, D18 (includes submissions from 12 other residents of Carrig Glenn estate).
- (x) Michael O'Brien, 'Cedar Lodge', Brennanstown Road, Cabinteely, D18 (includes submissions from 5 other residents of Brennanstown Road).
- (xi) The Watermint Management Company DAC c/o Wyse Property Management Limited, 94 Baggot Street Lower, Grand Canal Dock, D2.

Date of Site Inspection

17th October 2018.

Inspector

Dáire McDevitt.

1.0

Site Location and Description

- 1.1. The site, with a stated area of c.0.55 hectares, is located on the western side of the junction of Brennanstown Road and Old Bray Road within Cabinteely village. On the eastern corner of the junction is Cabinteely Garda Station. The site forms the fourth corner of the crossroads where the Old Bray Road, the Johnstown Road and Brennanstown Road intersect. Johnstown Road, links the village to the N11, located c.110m to the north. The immediate area is characterised by a mix of uses generally associated with a village centre.
- 1.2. The application site is currently overgrown with a gated entrance off Brennanstown Road. It is relatively flat, rising by c. 0.5m from west to east and contained within high walls with no views into it from the public road, with the exception of the views via the existing entrance. It is predominantly rectangular shape with the exception of the northwestern corner which is occupied by the adjacent development, Watermint, a mixed use development consisting of commercial units at ground floor and residential units at first, second and third floor (penthouse). The building is a contemporary design with balconies to the southern (rear) elevation.
- 1.3. The western boundary with Watermint consists of a wall. The eastern and northern roadside boundaries along Brennanstown Road and Old Bray Road, respectively, consist of the old stone demesne wall associated with Brennanstown House, as confirmed by the Council's Conservation Division. This wall has been altered over the years, with the northern section along the Old Bray Road ranging in height from c.3.3m to c.1.2m with some modern repair works, while the Brennanstown Road section is c. 3.3m in height. Openings have been made in the wall to date to accommodate entrances to the houses along Brennanstown Road located to the south namely 'Cherbury' and 'Windfield'. The western boundary consists of post-and wire fencing and separates the site from Cabinteely Park. The site is bounded by block walls and hedge to the south, separating the site from 'Cherbury' a detached dormer dwelling set within a large site which bounds the site for the entirety of its southern boundary. Opposite the site along the Old Bray Road

is a mix of two storey residential and commercial properties and a row of single storey-cottages.

- 1.4.** There are footpaths along the Brennanstown Road and the Old Bray Road of varying widths with double yellow lines. A bus stop is located on the opposite side of the Old Bray Road. A new vehicular access is proposed off the Old Bray Road.

2.0 Proposed Development

2.1 Permission for the construction of:

57 no. unit residential development comprising:

- A terrace of 12 no. three storey bedroom houses (ranging from 141 to 146.5sq.m).
- 45 apartments (10 no. one bedroom ranging from 45.5 to 48.5sq.m gfa), 26 no. two bedroom (ranging from 96 to 107.5sq.m gfa) in a three/four storey block along the Old Bray Road and Brennanstown Road frontages.
- The construction of a single level basement incorporating 61 no. car parking spaces and plant areas.
- The provision of a landscaped courtyard incorporating internal access routes, public open space, 17 no. surface car parking spaces, 70 no. cycle parking spaces (57 resident and 13 visitors spaces), an ESB sub-station and bin storage building.
- The construction of a new vehicular and pedestrian access to the site from the Old Bray Road and 3 no. pedestrian entrances (2 no. from Brennanstown Road and 1 no. from Old Bray Road).
- And all other site works above and below ground required to facilitate the development including the formation of 7 no. openings in the existing boundary wall on the Old Bray Road and Brennanstown Road.

The terraced houses and apartment block are a contemporary design. Including canted roof, uniform elevational finishes used throughout the scheme using a palette of materials which includes selected clay brick, timber cladding and green roofs. The terraced houses have rear garden and first floor terraces.

The apartments have terraces at ground floor that use the demesne wall as a backdrop and recessed balconies. Blank flank walls are proposed to the south and western elevations closest to Cherbury and Watermint respectively.

2.2 The breakdown of units is as follows:

Total No. of Units: 57.

12 no. 3 bed terraced houses (gfa c.141 to 146.5sq.m).

Apartment block (3/4 storey):

10 no. 1 bed apartments (gfa c.45.5 to 67sq.m).

26 no. 2 bed apartments (gfa c.73 to 85.5sq.m)

9 no. 3 bed apartments (gfa c.96 to 107.5sq.m).

Of which 34 apartments (76%) would be dual aspect.

2.3 The application also included the following reports:

- Planning Application Report.
- Architects Report.
- Architectural Visualisations.
- Ecology Report.
- Appropriate Assessment Screening Report.
- Arboriculture Assessment.
- Landscape Report.
- Infrastructure Report.
- Flood Risk Assessment.
- Traffic and Transport Assessment.
- Road Safety Audit. Stage 1.
- Sight Lighting Design proposal.
- Archaeological Desktop Report.

- Historical Research Architectural Significance, Condition Survey and Recommendations Report.
- Quality Assessment.
- Energy Strategy Statement.
- Part V correspondence from the Housing Section of Dun Laoghaire Rathdown County Council.

3.0 Planning Authority Decision

3.1. Refuse permission for the following reason:

It is considered that the proposals by reason of their excessive height and abrupt transition in scale relative to the receiving environment, would result in an incongruous and overbearing development along the Old Bray Road and along the Brennanstown Road, and would interfere with the character of the surrounding urban landscape, which is necessary to preserve and would seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to Policy RES3, Section 8.2.3.4 (vii), as well as the Building Height Strategy and related Policy UD6 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and therefore would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

This formed the basis of the Planning Authority's decision, the main points of concern are reflected in the reason for refusal. Points of note include:

- The principle of redevelopment of the site with a high density residential scheme is acceptable.

- The use of a contemporary design for the prominent corner site was considered acceptable. However, the height of the apartment block was deemed excessive relative to its surrounds, resulting in an incongruous and overbearing development and results in an abrupt transition in scale relative to the receiving environment.
- Overlooking and overshadowing of adjoining properties was not a concern. The proposal would not have a detrimental impact on the residential amenities of adjoining properties.
- Acceptable mix of unit types and sizes.
- Vehicular access is proposed off the Old Bray Road, therefore SLO 130 does not affect the proposal.
- The development would not seriously affect the special character of Cabinteely House and Cabinteely Park.
- The development is removed from Brennanstown House, and the land between the House and the Demesne walls have been developed that has led to the impression that the demesne wall are those of Cabinteely House rather Brennanstown House. The development of the site does not detract from the character of either one.
- The reason for refusal refers to inappropriate height and scale and to policy RES3 (residential density), policy UD6 relating to the Council's Building Height Strategy and section 8.2.3.4 (vii) (infill developments).

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

3.2.2. Other Technical Reports

3.2.2.1 Conservation Division (12th March 2018).

Points of note include:

- The stone wall is the former demesne wall associated with Brennanstown House not Cabinteely House as is the common misconception.
- The extent of demolition of the historic wall (a cumulative c.30m) fails to respect the significance of the wall. And would be contrary to the Council's stated objective to protect the architectural heritage of the area.
- Due to the prominence of the site, a balance needs to be struck between the new development and respecting local character. Any new development on this site should be contextual and appropriately scaled.
- The marked transition in scale, height and massing from the established built morphology of the village (two storey) to that of the proposed four storey apartment block is out of keeping with the existing streetscape. Furthermore the repetitive nature of the design, reinforces the sheer scale and massing of the scheme, giving it an imposing presence within the village. It is considered that the proposed roofline will be incongruous in its setting while the style of the proposed development appears generic. The task of reconciling the retention of the wall with providing a development that reflects the specific character of Cabinteely village has not been achieved in this proposal.

Recommendation to refusal permission for the following reason:

It is considered that the proposed development by virtue of scale, height and massing would be visually dominant and overbearing and it, therefore, not considered appropriate to the character of the area. The proposed development is considered at variance to the stated objective of the County Development Plan.

3.2.2.2 Parks and Landscape Services (9th March 2018). The Division outlined a number of issues ranging from 1) permeability, 2) lack of frontage onto Cabinteely Park, 3) inadequate public open space and 4) retention of existing trees on site.

Points of note included:

- The proposed development, in terms of height and plot coverage, would visually amputate the village from the Park. It would also eliminate the potential to have any physical access or permeability between the two. There is an opportunity to create a stronger link but this proposal fails to address that in any meaningful way.
- The site is at an important location, straddling the village and the Park. This proposal does not offer an arrangement that benefits this relationship in any way. The only usable open space is dominated by car provision despite the fact that there is an underground carpark proposed. There is not the requisite amount of green space provided in the proposal. The loss of the existing Grade B trees and the lack of usable space within the proposed development is not considered to be in accordance with the County Development Plan requirements.
- Recommended that permission be refused as the development does not comply with Policy OSR7 (trees and woodlands), Section 8.2.8.6 (trees and woodlands), Policy ORS5 (public open space standards), Section 8.2.8.2 (public/communal open space quantity).

3.2.2.3 Biodiversity Officer (12th March 2018). Recommended 5 conditions: 1) mitigation measures outlined in the Ecological Impact Assessment Report to be implemented, 2) vegetation clearance and tree removal to be carried out outside bird breeding season, 3) bats (illumination), 4) badgers and 5) hedgehog nest boxes.

3.2.2.4 Transportation Planning (13th March 2018). Further Information was recommended on the following points: 1) carparking, 2) footpath along Brennanstown Road, 3) Traffic and Transport Assessment, 4) footpath and parallel parking along Old Bray Road, 5) set back perimeter boundary by 4.5m to facilitate future works and taking in charge by the Planning Authority, 6) revised setback for vehicular access, 7) relocation of motorbike parking, 8) traffic management signage, 9) charging points for electrical cars, 10) cycle parking and covered/secured spaces, 11) wider turning area at the bottom of

the basement carpark ramp, 12) gas/water meter room (inward opening doors), 13) letter of consent from utility company, 14) lighting.

- 3.2.2.5 Drainage Division (14th March 2018).** Further Information recommended in relation to 1) attenuation, 2) permeable paving, 3) green roofs, 4) flood risk assessment, 5) potential of flood risk to carpark, 6) flood risk warnings
- 3.2.2.6 Housing Section (9th February 2018).** Proposal and conditions to be attached.
- 3.2.2.7 Public Lighting (13th March 2018).** No objection subject to conditions.

3.3. Prescribed Bodies

- 3.3.1 Irish Water (14th March 2018).** No objection subject to conditions.
- 3.3.2 Department of Culture, Heritage and The Gaeltacht (28th February 2018)** No objection subject to pre-development archaeological testing and monitoring and nature conservation conditions relating to bats, badgers and hedgehogs.
- 3.3.3 An Taisce (27th February 2018)** The main points of concerns noted related to the demesne wall, traffic, impact on Cabinteely village, access to Cabinteely Park and archaeological heritage.

3.4. Third Party Submissions

The Planning Authority recorded 98 submissions. These included the submission from the Department of Culture, Heritage and The Gaeltacht and a political representation, to the Planning Authority at application stage.

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

4.0 Planning History

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

Adjoining the site, 'Watermint': Planning Authority Reference No. D06A/0341 refers to a 2006 grant of permission for a mixed used three storey plus penthouse building comprising commercial units at ground floor and residential on the upper three floors and provision of 15 no. carparking spaces, etc at basement level.

Planning Authority Reference D08A/0319, D10A/0548 and D12A/0526 refers to alterations and changes to the ground floor commercial units.

Recent Strategic Housing Development decisions of note in the area:

An Bord Pleanala Reference No. ABP 301044-18 refers to a 2018 grant of permission for 115 residential units at Doyles Nursery along the Brennanstown Road.

An Bord Pleanala Reference No. ABP 301614-18 refers to a grant 2018 of permission for 136 residential units along the Brennanstown Road.

5.0 Policy Context

5.1 Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives (Objectives 26 to 37) among which **Objective 27** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. **Objective 33** seeks to prioritise the provision of new

homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. **Objective 35** seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2 Dun Laoghaire-Rathdown County Development Plan 2016-2022

Land Use Zoning Objective: **A'** with a stated objective '*to protect and/or improve residential amenity*'.

Specific Local Objective: **SLO 130** *To limit development along Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommended implementation.*

RES3: refers to the density requirements for the county. Higher densities at a minimum of 50 units per hectare will be encouraged where a site is located within a 1km pedestrian catchment of a priority QBC and/or 500 metres of a Bus Priority Route, and/or 1 km of a town or District Centre.

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

RES 8 refers to the provision of social housing.

Relevant Development Management Standards

Of particular relevance is **Section 8.2.3.4 (vii)** as this is referred to in the Planning Authority's first reason for refusal.

Section 8.2.3.4 (vii) refers to infill developments.

I consider that the application site is a brownfield site rather than an infill site and the application of Sections 8.2.3.2 and 8.2.3.3 are more appropriate.

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

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

Section 8.2.4 Sustainable Travel and Transport

Section 8.2.4.5 refers to carparking standards.

Table 8.2.3 sets out the carparking standards for residential land uses.

Section 8.2.4.9 refers to the use of electronic gates.

Section 8.2.4.10 refers to underground carparks.

Section 8.2.8 Open Space and Recreation

Of particular relevance is **Policy UD6** as this is referred to in the Planning Authority's first reason for refusal.

Section 8.1.1.1. Urban Design Policy **UD6** refers to the Council's Building Height Strategy (Appendix 9).

Appendix 9. Building Height Strategy

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

Chapter 3

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

Chapter 4

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

Section 4.8.1 Upward Modifiers

In particular (a) and (f):

- (a) The development would create urban design benefits, for example:
- It would enclose public or green spaces to their benefit.
 - It would enclose a main street or mark a major cross-roads and/or transport interchange to the benefit of the legibility, appearance or character of the area.
 - It would beneficially frame an important view.
- (f) The site should have an area of 0.5 hectares or higher and height should be sited away from residential boundaries.

Section 4.8.2 Downward Modifiers

In particular item no. 1

- (1) The proposal would adversely affect residential living conditions through overlooking, overshadowing or excessive bulk and scale.

5.3 Guidelines

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

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

Sustainable Urban Residential Development Guidelines (DoEHLG 2009) and its companion, the **Urban Design Manual - A Best Practice Guide (DoEHLG 2009).** These include detailed advice on the role of Urban Design and planning for new sustainable neighbourhoods. In cities and larger towns, appropriate locations for increased densities, are identified, including outer suburban greenfield sites and public transport corridors.

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

5.3 Natural Heritage Designations

The nearest European sites are:

Wicklow Mountains SAC (site code 002122) c. 8km from the site.

Rockabill to Dalkey Island SAC (site code 003000) c. 3km from the site.

Dalkey Island SPA (site code 04172) c. 4km from the site.

6.0 Appeal

6.1 Grounds of Appeal

The appeal sets out a rebuttal of the reasons for refusal. The grounds of appeal are summarised as follows:

6.1.1 General

A general summary is included of the Planning Authority's favourable comments pertaining to the application, these refer to: design, density, treatment of the demesne wall, SLO 130 not applicable to the proposal, development is within walking distance of high frequency public transport links, reduction in public open space provision is acceptable due to the proximity of Cabinteely Park, the Transportation Divisions' recommendation to remove the boundary wall is not supported by the Conservation Division or the Area Planner, traffic congestion should not stymie development.

6.1.2 Design

- The development as designed is architecturally appropriate and to a high architectural standard in terms of its form. The gables are distinctive. The manner in which the building fills the corner and retains the old boundary wall is a bold yet sensitive approach.
- The design deals effectively with the presence of the former demesne wall that partially encloses the site in retaining and adapting it as part of the design.
- The building has a contextually appropriate relationship with the street. The entrances and exits are carefully positioned to animate the street level and to ensure permeability on the block.
- Views into the courtyard will be possible from the street and this articulation and activation is both considered and important.
- The elevations have been designed with rigour and consideration, the balanced and interesting positioning and number of openings is important to the overall composition onto the street. The height of the building is a contributor to this – the balance of four storeys with the gables has been crafted and assessed in terms of proportion and rhythm. The materials proposed are appropriately and finely gauged –

the buff brick proposed gives weight to the building while the muted colour reflects light and is welcoming and warm.

- The large courtyard that is open to Cabinteely Park has architecturally appropriate elevations designed to reflect the orientation and function of the rooms that address this aspect

6.1.3 Building Height

- Part of the perceived height of the proposed block relates to its innovative architectural approach in terms of gables. It is submitted that the undulating line of the gables would in fact provide a great deal of interest and character along the elevation that is not fully perceived in near side-on views of the building. The building is not a solid mass but rather a rippling flowing elevation with many penetrations and views of sky from inside to outside. Reducing the height of the gables along the street frontage but keeping them on the inner face would simply result in a great deal of roof visible.
- Reference and images are included of large scale contemporary developments, such as the Blackrock Further Education Institute building along Main Street in Blackrock village, a mixed use development along Enniskerry Road in Stepside. It is submitted that the true character and energy of the villages of Dun Laoghaire Rathdown lies in this mixed scale with buildings interspersed with open space. And international references (London scheme).
- Cabinteely village already has a variety of building in terms of height and design, such as the Watermint building adjacent to the site. Furthermore, the proposed building would integrate into the street; it folds down to join the parapet line of the Watermint and form a continuum with it in the streetscape.
- The density is appropriate as the site is located within 500m of a QBC (on the N11) and other transport links. Its located within the village where they are the necessary services.

6.1.4 Building Height Strategy for the County

- The reason for refusal states that the proposal is contrary to the Building Height Strategy and related policy UD6 of the County Development Plan.
- The strategy provides for 3-4 storeys on prominent corner sites or adjacent to key public transport nodes. The applicants are of the view that the apartment building responds to its context and as a consequence does knit into the existing streetscape without having serious and adverse effects on the existing character.
- It is submitted that the following upward modifiers should apply and justify the form, height and scale proposed at this location:
 - It encloses a main street and marks a major crossroads that benefits the legibility, appearance or character of the Cabinteely area.
 - It beneficially frames an important view along Old Bray Road from east and west.
 - It facilitates significant improvements to the public realm in terms of pedestrian footpaths along the road frontages.
 - It enables the retention and enhancement of an important cultural and historic feature in the area, namely the former demesne boundary wall.
 - It contributes to the promotion of higher densities in an area with exceptional public transport accessibility whilst retaining and enhancing high quality residential environments.
- Downward modifiers set out in the Strategy do not apply. In particular the proposed apartment block does not adversely affect residential living conditions through overlooking, overshadowing or excessive bulk and scale.

6.2 Planning Authority Response

Its position in relation to the proposed development as expressed in the Planning Reports and related decision remains unchanged.

Notwithstanding the Planning Authority's decision, it requests that if the Board is minded to grant permission, 8 specific conditions should be included:

- Revised end-of-terrace dwelling nearest Cabinteely Park to provide passive surveillance of open space by providing windows to habitable rooms to the gable/flank wall of the dwelling.
- A financial contribution of €2000 for the shortfall in public open space.
- Attenuation system, including hydrobrake.
- Attenuation.
- Green roofs.
- Site specific flood risk assessment.
- A stage 2 detailed design stage stormwater audit. (policy EI9).
- Within 3 months a stage 3 – completion stormwater audit – SUDs Measures.

6.3 Observations

6.3.1 11 Observations have been received, some of which contain correspondence from other parties:

1. Ciara and David Tone, An Gleann Mor, Old Bray Road, Cabinteely, D18.
2. Fintan McEvoy, Apt. 12, The Watermint, Bray Road, Cabinteely, D18.
3. Patricia Lynch, 9 Old Bray Road, Cabinteely, D18.
4. Cllr Donal Smith c/o County Hall, Marine Road, Dun Laoghaire.
5. Cabinteely and District Residents Association c/o M. O'Brien, Cedar Lodge, Brennanstown Road, Cabinteely, D18.
6. Residents of Holmwood Estate, Cabinteely, D18 (Includes submissions from 10 other residents of Holmwood estate).

7. Karen Keaveney, 51 Lambourne Wood, Cabinteely, D18 (includes submissions for 5 other residents of Lambourne Wood).
8. Caroleann and Joseph Buckley, 'New Lodge', Brennanstown Road, Cabinteely, D18 (includes submissions from 4 other residents of Brennanstown Road and a copy of a notification of decision to a fifth resident).
9. Imelda Gavin, 7 Carrig Glenn, Brennanstown Road, Cabinteely, D18 (includes submissions from 12 other residents of Carrig Glenn estate).
10. Michael O'Brien, 'Cedar Lodge', Brennanstown Road, Cabinteely, D8 (includes submissions from 5 other residents of Brennanstown Road).
11. The Watermint Management Company DAC c/o Wyse Property Management Limited, 94 Baggot Street Lower, Grand Canal Dock, D2.

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

6.3.1.1 Design.

- The proposal would damage the character of Cabinteely village. It does not reflect the built form of the area. The height, bulk and mass is inconsistent with the existing single storey and two storey developments opposite the site and the scale and form of the detached house to the rear.
- The height would result in an unacceptable transition in scale and height between the site and its environs. The site is located in a transition zone between land use objective 'A' (residential) and 'F' (open space), therefore it is important to avoid abrupt transitions.
- The current proposal overwhelms the corner and should be no more than 3 storey in height.

- The design jars with the existing built environment. The area can accommodate sensitive contemporary developments through the use of setbacks for upper floors, setting back the building from the site boundaries, use of materials, variation in heights etc.
- Any building on this site should have a maximum height of 3 storeys.
- Would set an undesirable precedent for development of this scale in the village.
- No shadow analysis submitted.

6.3.1.2 Impact on adjoining properties

With particular regard to adjoining developments (Cherbury and the Watermint building).

- The height and scale of the proposed apartment block would interfere with access to sunlight from the windows to habitable rooms in Watermint facing the site and affect the amenity value of the terraces at third floor level.
- The height of the building would have a direct impact on the views from Apt. No. 12 The Watermint, would also result in loss of privacy.
- Noise nuisance during the construction phase would have a negative impact on the amenities of Apt. No. 12 Watermint.
- Cherbury would be overlooked from the terraces to the rear of the three storey houses and the windows at upper floor levels due to the limited set back from the boundary.
- Overbearing and overshadowing impact on adjoining properties which are smaller in scale and lower in height. In particular, Cherbury to the south and the single storey cottages on the northern side of Old Bray Road.

6.3.1.3 Compliance with the County Development Plan.

- The proposed development is inconsistent with the land use zoning objective 'A' to protect and/or improve residential amenity.

- It does not comply with RES3 as the density is too high.
- Does not comply with Section 8.2.3.4 (vii) for infill developments which sets out that new development should respect the height and massing of existing residential units.
- Does not comply with SLO130 which seeks to 'limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme has been completed and its recommendations implemented'.
- The suggestion by the Area Planner that, as there is no vehicular access proposed off Breannstown Road, the proposal would not contravene SLO 130 is not accepted as the SLO refers to limiting development along Brennanstown Road, not accesses.

6.3.1.4 Traffic.

- It would result in additional traffic congestion and traffic hazard for existing residents and future ones of the scheme.
- It is considered that the proposed development is more than a minor infill along Brennanstown Road, and includes pedestrian access to Brennanstown Road. And is premature pending the adoption and implementation of a Traffic Management Scheme for the area as required under SLO 130.
- The development of this site cannot be considered in isolation. If granted it would prevent the objective (SLO 130) being achieved.
- Brennanstown Road needs to be widened at its junction with Cabinteely village in a way that is architecturally sensitive to the historic core of the village.
- The Traffic study submitted is inadequate.
- References to applications that have been refused permission on traffic grounds:
 - PA Reference D15A/020 (ABP PL.06D.244873) at Doyles Nursery & Gardens for 26 houses and 89 Apartments in 2015.

- PA Reference D06A/0713 (ABP PL.06D.218627) at Lehauston Lane) in 2007.
- Weight restriction on Brennanstown Road should be retained.
- The negative impact of block C on Lehaunstown Lane.
- Too Close to Cherrywood, the cumulative impact of the new residential development will clog up the substandard road network in the area.
- Locating the proposed vehicular and pedestrian access beside the existing service area for the Watermint building will give rise to health and safety and traffic issues.
- Inadequate sightlines at the proposed entrance.
- Parking does not comply with the County Development Standards.
- Footpaths along the site frontage are inadequate and will not cater for the additional footfall generated by the development.
- Photographs of the existing carparking situation along Old Bray Road, the proposed development would put additional pressure on the limited parking available in the area.
- Do not accept the applicant's argument that traffic congestion should not stymie the provision of housing units in the area to meet the Council's obligation in areas accessible by sustainable modes of public transport.

6.3.1.5 Other

Heritage.

- The demolition of part of the historic demesne wall associated with Cabinteely House is unacceptable. It would irrevocably undermine and diminish the special character of Cabinteely village and the setting, curtilage and attendant grounds of Cabinteely House, a protected structure.
- The setting back of the boundary to improve the junction of the Brennanstown Road and Old Bray Road is not an option as this would

require the removal of the boundary wall which is the old Demesne wall of Cabinteely House. The proposed opening are not acceptable either.

Services

- The sewerage system in the village is under constant pressure and requires regular attention to remove blockages. The size of the development would add an unacceptable level of load on this already overloaded system.

Open Space

- It is considered that the quantity and quality of communal open space within the subject development is seriously deficient and below the standard required in the Development Guidelines. This in conjunction with the failure to provide a children's play space, as required under the guidelines, constitutes valid grounds for a refusal of permission.
- Areas of external open space range in depth from 2.5m to 3m, wedged between the development and the boundary wall fail to meet the qualitative criteria for private open space and would be seriously injurious to the amenities of the prospective occupants of these residential units.
- The open space should be redesign to open out into the village and any buildings in the development should be set behind it. It could create a village green which could enhance the amenity of the site and the village.
- The Parks & Landscape Service recommended that the development be refused permission for a number of reasons including the inadequate level of public open space and quality of the space.
- The proposal does not comply with policy ORS5.

Trees

- The large mature trees to the front of the site should be retained and incorporated into the open space.

Energy Impact

- The Watermint incorporates ECO technologies in its design which facilitates, inter alia, the use of sunlight as a primary source of heating and the retention of heat within individual apartments. The height and scale of the proposal will have an adverse impact on the access to sunshine from the east and south to the watermint building, especially in the wintertime, which will have a serious negative impact on the apartments heating system.

Other

- Existing schools in the area are at capacity.
- Archaeological important area.
- Depreciation of property.
- Site would be better suited for a nursing home.
- The appeal has not addressed the Planning Authority's reasons for refusal or the concerns raised in the submissions.
- Observations noted that reference a Block C do not appear to refer to the current proposal.

6.4 Prescribed Bodies

None.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal which seeks to address the Planning Authority's reasons for refusal. The issue of appropriate assessment and environmental impact assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Density.
- Design & Height.

- Impact on adjoining properties.
- Other Issues.
- Appropriate Assessment.
- Environmental Impact Assessment.

7.1 Residential Density

7.1.1 The Planning Authority's reason for refusal referenced policy **RES3** of the County Development Plan. RES3 sets out the Council's policy relating to residential density. It notes that a minimum net densities of 50 dwellings per hectare should be applied within public transport corridors, which are defined as including sites within 1 km pedestrian catchment of a priority BBC and/or 500m of a Bus Priority Route. They also infer that higher densities should be encouraged on sites that exceed 0.5 hectares in area.

7.1.2 There is a Quality Bus Corridor (QBC) along the N11, c.110m north of the site. There is a bus stop adjacent to the site on the opposite side of the Old Bray Road that connects to the Brides Glen LUAS station and Blackrock (84A bus service). Carrickmines LUAS station and carpark is c.2km from the site.

7.1.3 The Observers raised concerns that the proposed density is excessive for the area and would result in the overdevelopment of the site. Notwithstanding that RES3 was included in the reason for refusal I note that the Area Planner in their report was satisfied that a density of 104 units per hectare (57 apartments) was acceptable at this location.

7.1.4 I consider given the location of the site on lands zoned under land use objective 'A' and its proximity to a QBC stop and its location within the village centre that the proposed density is acceptable subject to compliance with the development management standards for residential developments and the protection of the residential amenities of adjoining properties.

7.1.5 The development as proposed complies with RES3 of the Development Plan and Section 5.8 of the Sustainable Residential Development in Urban Areas Guidelines.

7.2 Design & Height

7.2.1 Cabinteely is a mature residential suburb where a general recommended height of two storeys applies, with a maximum of three/four storeys for apartment developments adjacent to public transport nodes subject to the application of the upwards and downwards modifiers set out in section 4.8.1 and 4.8.2 of the Dun Laoghaire Rathdown Building Height Strategy.

7.2.2 The development refused by the Planning Authority consisted of the construction of a four storey apartment block over a basement carpark and a terrace of 12 no. three storey houses to the southern section of the site. The focus of the Planning Authority's concerns related to the height and scale of the apartment building.

7.2.3 I note that computer-generated images of the proposed development have been submitted. They show the relationship of the scheme with the existing built environment. The Planning Authority concluded that taking into account the abrupt transition in height between the existing built environment the overall height was not considered acceptable. While I accept that the development would introduce taller buildings along the western side of Brennanstown Road and the southern side of Old Bray Road, I do not consider that the proposed height is the main concern, the nature and context of the site could accommodate a development higher than two storey subject to an appropriate site sensitive design.

7.2.4 The applicant has stated that 'the scheme is designed to activate the fourth corner on the crossroads in Cabinteely Village. In my view the application site lends its self to a landmark building and requires a design of high calibre that reflects the prominent and sensitive location of the site within the core of Cabinteely village. While I have no objection to a modern intervention at this

location and I consider the overall height of the proposal acceptable. In my opinion the current proposal is a missed opportunity. It does not respond to or address the context and sensitivities of the site. Any development of this prominent site should maximise its street frontage while also respecting the character of the area. Connectivity and permeability throughout and within the site with linkages from Brennanstown Road and Old Bray Road to Cabinteely Park should be explored further and the potential for linking into the Park maximised. I consider the current proposal for opes in the Demesne wall and pedestrian accesses acceptable in the context of architectural heritage and retaining the streetscape character.

7.2.5 The applicants have referenced national and international architectural precedents and submitted images of developments. In particular I noted an image of a development stated to be in London by +pH Architects and the use of a similar roof profile. In this instance I notice that the architects used a staggered building lines which assisted in breaking up the overall form and bulk of the building, unlike the current proposal.

7.2.6 I consider the use of brick is acceptable, however the form and bulk of the apartment block results in a dominant monolithic form at this location. In my view, the introduction of either a wider palette of materials and finishes or a staggered building line would assist in breaking up the overall bulk of the structure. Furthermore the roof profile does not articulate itself to enhancing the streetscape at this location. It is not considered appropriate however, to address this issue by way of condition given the material amendments to the development that would be required.

7.2.7 The proposed terrace of 12 three storey houses along the southern section of the site is considered acceptable in principle and would not detract from the residential amenities of Cherbury to the south. Any new application may wish to reconsider this configuration as a whole in any revised design and layout for the site.

7.2.8 Whilst the apartments themselves have been designed in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2015) in terms of unit size and private open space, there are some concerns regarding other design aspects of the proposal. It is noted that a basement carpark and surface parking is proposed with a total of 78 spaces. Whilst a reduced level of parking is considered acceptable having regard to the town centre location of the site and its proximity to public transport links, there are concerns regarding the proposed surface car parking, bicycle parking and bin storage area located within the central courtyard. It is considered that this layout would give rise to a significant degree of dis-amenity to future residents. This issue could be addressed by the removal of the surface carparking and a reconfiguration of the courtyard. It is not considered appropriate however, to address this issue by way of condition given the material amendments to the development that would be required.

7.2.9 In terms of communal open space, this is provided by way of an internal courtyard on a podium with an area of c. 943 sq. metres. The area is likely to be overshadowed given the extent of development around its perimeter and the level of amenity is likely to be poor. It is acknowledged however, that having regard to the location of the site adjacent to Cabinteely Park that reduced quantum of public open space is considered acceptable in this instance.

7.2.10 Notwithstanding the requirements of density, regard must also be had to the quality and design of the proposal. In this regard, I have serious concerns, particularly in relation to the 4 storey apartment block proposed on the northern portion of land. The proposal, in my opinion, is devoid of any architectural quality. A block lacking any articulation or variation is proposed. The design is bland and monotonous and fails to integrate or respond to its context. I am not satisfied that this is the optimal architectural solution for this site and proposals to address the relationship of the site to its surrounds (both streetscape and Cabinteely Park) should, in my view, form part of a cohesive design response for the overall site. I consider the changes

required would be material in nature and therefore beyond the scope of a planning condition, therefore permission should be refused.

7.3 Impact on adjoining properties

- 7.3.1 The Planning Authority concluded that the proposed development would not detract from the residential amenities of adjoining properties in terms of overlooking or overshadowing. The Observers have, however, raised these as points of concern, and I shall consider them in assessing the impact of the proposed development.
- 7.3.2 The site boundaries consist of high walls and mature screening with additional screen planting proposed. The site is bounded to the rear (south) by a dormer dwelling and to the northwest by a three storey mixed use development (Watermint).
- 7.3.3 The proposed four storey apartment block occupies the northeastern portion of the site, it tapers in height towards the southern boundary with 'Cherbury'. It is set back between c.0 and c.4m from the southern boundary with 'Cherbury' and built up to the western boundary with the Watermint building.
- 7.3.4 The terrace of 12 no. three storey houses are set back c. 9.9 m and 16.1m from the southern boundary and the closest dwelling, Cherbury, would be set back, at an angle, c. 13m from the end of terrace house. All the houses would back onto the private amenity space (rear garden) of Cherbury.
- 7.3.5 I consider the design of the elevations of the apartment block, wherein balconies are recessed into the buildings, the irregular form of the terraced houses, the relationship of the buildings to the site boundaries and the separation distance from the nearest adjacent residential properties serve to mitigate the potential for overlooking. Privacy would be further enhanced with proposals for screening along the boundaries to reduce the impact on adjoining properties.
- 7.3.6 The proposed apartment block would be sited to the east of the adjacent Watermint building at a setback between the buildings ranging from c.1 to 10m, both structures have similar depths. I acknowledge that the proposals

would lead to some overshadowing but I consider that this would have an imperceptible impact on the shadow environment of Watermint. The development would have limited potential to overshadow 'Cherbury' or the houses on the opposite side of Old Bray Road. I consider that while it is inevitable that the new development on a largely vacant site would result in areas of new shadow, the impact of the proposed development on sunlight and daylight access is predicted to be consistent with emerging trends for development in the area. Shadows cast by the proposed development would not result in an undue adverse impact on sunlight access to lands surrounding the application site.

7.4 Other Issues

7.4.1 Traffic

7.4.1.1 Carparking would mainly be accommodated in a communal basement carpark with a limited number of surface car spaces and bicycle parking. Overall, having regard to the location of the site, the proximity of public transport linkages, I am satisfied that the proposed parking provision would generally accord with the requirements of the County Development Plan and national guidance issued in 2018. I note that the landscaping plan and the site layout plan do not correlate as 4 no. car parking spaces are not shown demarcated on the landscaping plan.

- 7.4.1.2 **SLO 130** refers to the need to limit development along Brennanstown Road until a Traffic Management Scheme is approved and recommendations implemented. The principle behind this SLO refers to the requirement to limit new vehicular accesses on the Brennanstown Road, I consider that the applicants have addressed the requirements of the SLO by proposing to locate the only vehicular access to the site off the Old Bray Road.
- 7.4.1.3 The Observers also highlighted concerns that the additional traffic associated with the proposed development would result in excessive traffic movements along a busy road which is already the subject of excessive congestion.
- 7.4.1.4 The site is located on lands zoned for residential use as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The impact of the land uses zonings and permitted densities on public infrastructure is taken into consideration during the Development Plan process. I am satisfied the proposal would not constitute a traffic hazard due to increase traffic movements.
- 7.4.1.5 Any future application should address outstanding issues raised by the Transportation Division.

7.4.2 Trees

- 7.4.2.1 The Observers raised concerns that the proposal requires the removal of an extensive number of mature trees from the site. There are no Tree Preservation Orders indicated for trees on site. The Parks and Landscaping Division are of the view that the Grade B trees on site should be retained.
- 7.4.2.2 A tree survey and arboricultural report was submitted with the application. I have examined the reports and I am satisfied that the Grade B trees to be removed are not of such merit to warrant their retention and protection.

7.4.3 Noise

- 7.4.3.1 The observers have raised concerns that the amenities of local residents and the adjoining properties would be impacted by noise during the construction phase of the proposed development.
- 7.4.3.2 I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration. I am satisfied that any outstanding issues could be required by condition if the Board is of a mind to grant permission.
- 7.4.3.3. The Construction Management Plan would address how it is proposed to manage noise, vibration and other impacts arising at the construction phase to ensure the construction of the basement car park is undertaken in a controlled and appropriately engineered manner to minimise intrusion.

7.4.4 Nature Conservation

- 7.4.4.1 In its submission to the Planning Authority the Department of Culture, Heritage and the Gaeltacht noted that a number of conditions should be attached relating to badgers, hedgehogs and bats.
- 7.4.4.2 An Ecological Report was submitted with the application and included the relevant surveys. The report concluded that there was no record of badger setts currently active on site, a historical one was noted. No evidence of bats or hedgehogs were recorded. I consider that this matter could be addressed by condition.

7.4.5 Flooding

- 7.4.5.1 In relation to the concerns relating to the possible flooding of the site and the basement carpark, in particular. I am satisfied that this issue can be addressed by condition.

7.5 Appropriate Assessment

- 7.5.1 The applicant submitted a screening report for appropriate assessment and an ecology report. The Planning Authority carried out screening and also concluded that a stage 2 appropriate assessment was not required.

7.5.2 The site is a serviced suburban site, which neither lies in or near a Natura 2000 site. The nearest such sites are at a considerable distance and there are no direct connections between them and the development site. Having regard to nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.5 Environmental Impact Assessment

7.6.1 Having regard to the nature of the development, comprising the construction of 47 apartments in one block and a terrace of 12 houses and the urban location of the site, there is no real likelihood of significant effects 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.

8.0 Recommendation

I recommend therefore that planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the prominent location of the site, to the established built form and character of Brennanstown Road and the Old Bray Road, in particular, and to the existing buildings in the immediate vicinity to the site which are considered to be of importance to the streetscape, it is considered that the proposed development, with particular reference to the proposed four storey apartment block and its roof profile, would be incongruous in terms of its design, bulk and form which would be out of character with the streetscape and would, therefore, seriously injure the visual amenities of the

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

Dáire McDevitt
Planning Inspector
30th November 2018