



An
Bord
Pleanála

inspector's Report ABP-301859-18

Development	The development will consist of the demolition of: two storey over-basement dwelling, construction of 18 apartments
Location	118 - 120, Richmond Road, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4323/17
Applicant(s)	Aidan Glennon
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Aidan Glennon
Observer(s)	None
Date of Site Inspection	11 th January 2019
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site relates to a pair of terraced dwellings on the south-western side of Richmond Road almost opposite Grace Park Road and about 200m east of Drumcondra Road. The site backs on to the Tolka River.
- 1.2. Land-use is mixed along the Road and include Tolka Park football stadium to the north-west and commercial development in the vicinity, in addition to the predominantly residential development. The site is part of a residential terrace of which there are many along Richmond Road. Building typology is a mix of apartments and two storey houses and warehouse type building in the football stadium. The height and form ranges from Victorian Villa (single storey over basement), two-storey, two-storey over basement and more contemporary purpose-built apartment buildings
- 1.3. No120 adjoins a modern apartment block and consists of a two storey over basement dwelling subdivided into multiple dwelling units with many of the original rooms internally divided. The house has been poorly maintained over the years as evidenced by the vegetation in the gutters and chimney and damp penetration. The house is poor condition cosmetically. The back garden is overgrown and is being used for dumping of mattress and general debris from the house and is inaccessible for amenity use.
- 1.4. No. 118 consists of a 2-storey double fronted dwelling. It is the widest in the terrace of 4 dwellings of similar roof profile and ridge height. It has been pebble-dashed to the front and original windows have been replaced with a mix of modern casement and top hung window style. The original door and frame with pilaster and detailing has been replaced with a modern door and side light arrangements. Accommodation and condition is similar to that of 120.
- 1.5. The front gardens have been hard surfaced and the front boundary walls removed providing multiple off-street car parking for each house.

2.0 Proposed Development

- Demolition of two storey over basement dwelling at 120 Richmond Road and two storey dwelling at 118 Richmond Road.

- Construction of 18 apartments in two five storey blocks incorporating undercroft car parking.
- Block A fronts Richmond Road and contains a car park entrance, apartment block pedestrian access and bin storage access, circulation includes stair and lift core. Overhead accommodation includes 5 x 1bed, 6 x 2 bed.
- Block B to the rear of Block A (8.8m at its closest) is sited at the end of the combined original rear gardens and contains 6 x 2 bed and 1 x 3bed units.
- Communal Open space of 146 sq.m. is provided over the car park in a 'T' format. It extends almost 18m deep with varying widths ranging from 3.3m to 5.9m and with a short stretch extending across the two plots to about 11m.
- Car and bike park spaces are provided in the undercroft level.
- Section drawings indicate raising of the ground level by up to 700mm for most of the site. A small area of about 7m deep to the rear boundary is shown as lowered by a similar height up to the boundary. Finished Ground level is proposed at about 5.13mOD.
- In revised plans the ground floor apartment replaces the bin store fronting the street and a front garden.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority issued a notification of a decision to refuse permission for the stated reason:

- The proposed development would require the demolition of two domestic dwellings, Nos. 118 and 1120 Richmond Road. No. 118 forms part of a coherent terrace of dwellings to the west while no. 120 has considerable merit as a Victorian townhouse in its form, scale and materials and both dwellings contribute to the streetscape of this portion of Richmond Road. The loss of these dwellings and their replacement by an apartment building of five storeys would have a detrimental impact on the visual character and form of the streetscape while the new block would constitute incoherent and piecemeal development which continue an undesirable trend of individual sites being unilaterally redeveloped

with no reference to context or an overall vision where there is considerable potential for backland development and deliver in an integrated manner. The loss of these dwellings would have a detrimental impact on the visual character and amenities of the area and would cause serious injury to the residential amenities of the remaining houses in the terrace. The proposed unilateral development of the site and loss of existing buildings would be contrary to the policies and objectives of the current Dublin City Development Plan, in particular section 16.10.17 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report 24th January 2018: In its initial appraisal the report refers to:

- The planning history - notably the permission in 2005 for redevelopment of 3 terraced houses in pre-63 units in the form of 15 apartments.
- The policies and standards in section 16 of the Development plan - notably policy QH23 and section 16.10.17 which discourage demolition of habitable housing and seeks re-use of older buildings such as those that make a positive contribution to the streetscape
- The applicant has not made a particularly strong case to demolish properties.
- The houses have some design merit despite poor condition internally.
- The applicant's description of the streetscape and character as fragmented and transitory and justification for demolition is disputed - it is the planning authority's view that removing houses would add to the chaos in the streetscape in lieu of a strong and coherent terraced streetscape
- Better if part of larger redevelopment.
- The apartment mix is not in accordance with the development plan guidance. Should be 3 rather one three bed apartment.

3.2.2. Further information was requested in respect of

- Making a more robust case for the demolition of the houses.
- Exploring a more integrated approach to redeveloping the site comprehensively by an integrated masterplan.

- Mix of units given that greater than 15 units wherein 15% should be three bedrooms as compared to proposed 5%.
- Omission of side elevation windows given proximity to boundary.
- Statement of positive impact in terms of urban design and responses to local context, place-making and identity of area, provision of social infrastructure in the provision of a sustainable neighbourhood.
- Internal storage.
- Daylight penetration of the rear/south facing living room areas due to balcony and window arrangement.
- Ground floor elevation to address animation on street.
- Facade detailing in terms of material and profiling.
- Shadow analysis showing impact on adjacent third parties.
- Landscaping of communal space having regard to privacy and siting of stair block
- A revised comprehensive site-specific flood risk assessment to include solutions to mitigate potential risks from coastal, fluvial, pluvial and groundwater sources. Flood risk from Tolka based on 100-year event shall be addressed.
- Detailed drainage layouts.
- Separation distance between block A and B with respect to overlooking.

3.2.3. In further information addresses the issues by way of:

- Justification on basis of site context and services by reference to statutory guidance
- The potential for similar development on adjacent sites and in the football grounds.
- Provision of a ground floor 3 bed unit.
- Removal of windows in flanks of Block B at high level
- Benefits of dwellings to housing provision mix and passive surveillance
- revised plans with storage provision
- Revised plans elevations and section incorporating
 - Modifications to walls and screening of south facing living room windows at upper floor levels in Block A and demonstration of adequate light penetration

- Relocation of bin storage and green space in streetscape
- Sightlines
- Replacement of metal cladding with brick
- Elevational/ façade rationale
- Sunlight and daylight analysis
- Modifications to stair wells and open space landscaping, provision of a link corridor.
- Drainage details to stated satisfaction of the Drainage Division. This includes a Flood Risk Assessment which states that by a combination of levels, tanking and layout (car parking at basement) development is not at risk of flooding (the risk being reduced as far as practicable) and it is to be drained by SUDS principles, the existing surface water sewer and does not therefore pose any additional risk to other property owners.

3.2.4. Other Technical Reports

- Drainage: Site in a flood prone area. Further information required (20-12-17) which was requested and submitted to the satisfaction of the drainage division.
- Road and Traffic Planning: No objection

3.3. Prescribed Bodies

No submissions sought.

3.4. Third Party Observations

None

4.0 Planning History

PA ref. 2941/17 refers to a withdrawn application on the subject site for an apartment scheme and involves demolition of houses

PA ref 3286/05 refer to permission redevelopment of adjacent site at 122, 124 and 126 Richmond Road. This has been constructed and involved the demolition of 3 no. two-storey over basement houses in bedsits.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Sustainable neighbourhood – policies and objectives: SN2: To promote neighbourhood developments which build on local character as expressed in historic activities, buildings, materials, housing types or local landscape in order to harmonise with and further develop the unique character of these places.
- 5.1.2. The site is not within any area designated for strategic development and regeneration which provides for a coherent form and mix of uses appropriate to the sustainable expansion of the city.
- 5.1.3. Chapter 5 refers to quality housing and building at higher densities to make more efficient use of land and energy resources. A range of policies seek to achieve this in a co-ordinated manner which respects existing character.
- **Section 5.5.8** refers to **demolition and re-use of housing** and states that ‘the demolition of existing housing is **generally discouraged on sustainability grounds** and it may lead to **a loss of residential accommodation and streetscape character**.
 - **Policy QH5** promotes residential development addressing any shortfall in housing provision through active land management and a **coordinated planned approach** to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.
 - **Policy QH23 discourages the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied**, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making **efficient use of scarce urban land**.
- 5.1.4. Section 16.2.2.2 refers to infill housing. It is particularly important that proposed development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. As such Dublin City Council will seek:

- To ensure that infill development respects and complements the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape.
- In areas of varied cityscape of significant quality, infill development will demonstrate a positive response to context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.
- Within terraces or groups of buildings of unified design and significant quality, infill development will replicate and positively interpret the predominant design and architectural features of the group as a whole.
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest and have regard to the form and materials of adjoining buildings, where these make a positive contribution to the area.

5.2. Statutory Guidance.

- 5.2.1. Policies and standards for apartment development are contained in, “*Sustainable Urban Housing: Design Standards for New Apartments*”) (2015) as updated in 2018.
- 5.2.2. Guidance for design approach to residential schemes in an urban context are contained in ‘Sustainable Residential Development in Urban Areas’ and associated ‘Best Practice Urban Design Manual’ (2008)

5.3. Natural Heritage Designations

- 5.3.1. The closest Natura 2000 sites to the appeal site are the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024) located approximately 1.8 km to the east, and the North Bull Island SPA (Site Code: 004006) and the North Dublin Special Area of Conservation (SAC) (Site Code:000206), both located approximately 4.6km to the east. Other Natura 2000 sites within 15km of the appeal site include; Malahide Estuary SAC (000205), Malahide Estuary SPA (004025), Ireland’s Eye SAC (002193), Ireland’s Eye SPA (004117), Rockabill to Dalkey Islands SAC (003000), South Dublin Bay SAC (000210), Rogerstown Estuary

SAC (000208), Rogerstown Estuary SPA (004015); Howth Head SAC (000202), Howth Head Coast SPA (004113), Lambay Island SAC (000204) and Lambay Island SPA (004069).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Overview

- Site is zoned sustainable Residential Neighbourhoods where the **objective is Z1** 'to protect, provide and improve residential amenities' and so provides for **residential development**
- The houses at nos.118 and 120 make **negligible contribution to streetscape** in the area and their replacement would not have a detrimental impact on visual character and form of streetscape.
- Apartment scheme appropriate to **emerging character of Road** which includes contemporary apartments.
- Design provides for **high standard of residential amenity** in its urban context while protecting that of adjoining residents
- The proposed development is consistent with the policies and objectives of the development plan including section 16.10.17 and the proper planning and sustainable development of the area.

6.1.2. Building Condition Report

- This is based on a non-invasive based visual appraisal and describes the building elements relating to structure, fire proofing, moisture penetration, sound, ventilation, hygiene, energy rating and accessibility and concludes generally that the se Victorian buildings are in **poor condition and ill-suited to conversion**. The floor is presently below the flood level.

6.1.3. Architectural Heritage Report

- The Planning Authority was encouraging in its approach given that it sought a higher grade of materials and modifications to design.

- Properties are described as a form of extremely low-level housing with deteriorated frontage and a streetscape without merit.
- Net increase of dwellings more sustainable use of land.
- The Architectural Impact Assessment address the need for demolition.
- The planning authority's view that the units comfortably exceed requirements of the Plan clarifies the contribution to upgrading of residential amenity on site.
- No access to rear without demolition.
- Disputes that it is piecemeal, rather, it sets a precedent for a coherent form of redevelopment in the adjacent sites. These sites are outside the ownership of the applicant and to refuse on the basis of other properties is not, it is submitted, to be reasonable.
- The stated inherent value of the property by the planning authority is disputed due to loss of original fabric.
- Three 1830s houses were demolished at the Five Lamps Junction in Drumcondra to make way for a five storey apartment development notwithstanding NIAH listing.
- No reliable evidence in this case by planning authority to actively seek retention and re-use of buildings as they have no significant merit.
- The varying building typology is the character of the streetscape.
- It is explained that the applicant has owned the properties for 20 years and despite efforts to maintain and upgrade the dwellings there is no potential for restoration and the proposal is a very considered response to replace the dwellings.

6.1.4. Photographs of the interior, exterior and street context are attached to the above accompanying reports submitted as part for the grounds for appeal.

6.2. **Planning Authority Response**

- No further comments are made in response to the grounds of appeal.
- Further details are provided in respect of social and affordable housing exemption, managers order and site location map. No written traffic planning report is available.

6.3. EIA Screening

- 6.3.1. Notwithstanding the location of the site adjacent to the Tolka River, having regard to the nature of the proposed development which is informed by a flood risk assessment to the satisfaction of the drainage division of the planning authority and the overall scale of the development in an urban area, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.4. Appropriate Assessment Screening.

- 6.4.1. The site borders the Tolka River at point about 1.6km upstream of the Estuary.
- 6.4.2. A report Screening for Appropriate Assessment was not submitted as part of the planning application or appeal.
- 6.4.3. The nearest pathway from the appeal site is the Tolka river, which flows in an easterly direction towards Dublin Bay. Which includes the South Dublin Bay and River Tolka Estuary SPA, the North Bull Island SPA and the North Dublin Special Area of Conservation SAC. The other sites within 15km of the appeal site can be 'screened out' on the basis that significant impacts on these European sites could be ruled out because of separation distance from the appeal site and given the absence of any pathway to the appeal site.
- 6.4.4. The Conservation objectives for the South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA seek to maintain the favourable conservation condition of various estuarine and coastal bird species and wetland habitats. The Conservation objectives for North Dublin SAC seek to maintain the favourable conservation condition of petalwort and the following habitats: mudflats and sandflats, annual vegetation of drift lines, salicornia and other annuals colonizing mud and sand, Atlantic salt meadows, Mediterranean salt meadows, embryonic shifting dunes, shifting dunes along the shoreline with ammophila arenaria ('white dunes'), fixed coastal dunes with herbaceous vegetation ('grey dunes') and humid dune slacks.

- 6.4.5. The site is serviced and is connected to the drainage network. Flood risk has been addressed in the design as have drainage issues to the satisfaction of the planning authority. Accordingly the only potential for risk of contamination is indirectly by construction but this if standard best practice is not adhered to. There will not be a direct pathway between the proposed development and the Natura 2000 sites. surface water attenuation is proposed within the site. Given the distance from the Natura 2000 sites through built-up urban lands and the proposed connection to existing foul network, I am satisfied that the proposals would not result in a reduction in the quality of the water and reliant habitats and species are not impacted, and the proposed development would not have any likely significant effect on the conservation objectives of the designated sites.
- 6.4.6. The proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the North Bull Island SPA (Site Code: 004006) and the North Dublin Special Area of Conservation (SAC) (Site Code:000206) in light of the sites' Conservation Objectives,
- 6.4.7. Having regard to the scale and nature of the proposed development in a serviced urban area, no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site. Accordingly, a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not therefore required.

7.0 Assessment

7.1. Issues

- 7.1.1. This is a first party appeal against a refusal of permission for an apartment scheme which relies on the demolition of two mid terrace Victorian houses to the north of the Tolka River. The key issues relate to the principle of demolition works and consequent loss of historic fabric and impact on the streetscape. Other issues of principle relate to piecemeal development. At a more detailed level issues have been raised about internal standards and impact on residential amenity.

7.2. Principle

- 7.2.1. One of the key elements to a sustainable neighbourhood is building on the local historic character for the area which builds on the indigenous and unique identity of the area. This is supported in the development plan policy which seeks to avoid demolition in the first instance and to re-use existing building stock. Respecting existing heritage is a key principle of good practice in urban design. In this case the demolition of the historic fabric would be in direct conflict with this underlying and justifiable policy.
- 7.2.2. The applicant argues that the proposal is justified on the basis of building condition and standards and that it provides additional quality housing in a format that is of modern standards and respectful of the scale and character for the area which is defined by a chaotic and varied typology.
- 7.2.3. While I accept that contemporary buildings can be worked into this area it should not be at the expense of further eroding the indigenous historic streetscape.
- 7.2.4. The extensive gardens do, I accept, provide for densification for the area however I agree with the planning authority that a more comprehensive back land development approach with adjoining sites would provide a greater degree of flexibility in providing a coherent residential scheme in the longer term. In this approach, retention of the Victorian terrace and streetscape could, for example, be incorporated.
- 7.2.5. The applicant argues that the site is a standalone site and alternative access at present is not an option. I note that the subject site is almost 6m narrower than the adjacent redeveloped site and is not directly comparable. To the west the site is adjoined by similar narrow deep gardens and a laneway runs alongside the end of the terrace and also another lane is further west by the football grounds. Strategically, there would appear to be alternative options for a more sustainable redevelopment.
- 7.2.6. While the proposal seeks to provide additional contemporary housing, I do not consider that there is sufficient basis to do so in the format proposed. The buildings have fallen into disrepair and show signs of poor maintenance - I refer in particular to the roof, damp penetration, the communal areas and external area used for what appears to be dumping and storage. There is nothing to prevent the upgrade of these buildings to provide quality accommodation without eroding the character of

the area. Furthermore, the precedence of a demolition on grounds of a building falling into disrepair would be undesirable for many Victorian and other tradition clay brick areas in the city. While the apartment scheme allows for an increased density by exploiting the rear gardens, it is does so at the expense of being visually incongruous and impacting on amenities.

7.3. Residential Amenity

- 7.3.1. Layout – Privacy and open space: The internal standards as revised are generally acceptable and notably the layout provides for all (except the ground floor unit fronting Richmond Road in revised drawings) apartments to have south-westerly oriented balconies with those in Block A overlooking the communal open space and those in Block B oriented to the River. Separation distances are adequate and privacy between the units within the development is not at issue. The external relationship however raises some issues. Overlooking, for example, will arise from the upper floor balconies into adjacent sites – more notably to the north west.
- 7.3.2. It is proposed to raise the ground levels from a prevailing range of 4.4m to 5.4mOD to 5.84m OD throughout the entire site at croft level and to 9.09m at communal open space level over the car parking area. This extends almost across the entire width of the site and will generate overlooking of the adjoining private gardens particularly that of no. 116. I do however note a stepping back from the boundary and incorporating of tree planting although the soil depths are questionable in terms of sustaining the proposed tree heights and spans and these measures are not adequate to mitigate privacy impacts.
- 7.3.3. Loss of light: A detailed sunlight and daylight analysis report was prepared as part of further information. Table 3.2 illustrates and quantifies the impact. The report analysis summarises that the impact in terms of additional overshadowing of properties each side will be moderate. For example, there will be additional overshadowing of the rear garden of no.116 from early morning to early afternoon on 21st March and this impact shifts to the overshadowing of Riverwood amenity area during afternoon evening. It is stated that given that the neighbouring gardens will remain capable of achieving a level of sunlight more than that recommended by the BRE Guide after the construction of the proposed development the impact of shadows cast on neighbouring rear garden does not meet the threshold for adverse

impacts on sunlight access suggested in the BRE Guide. It is concluded by the consultants that the proposed development in this context will not result in any undue adverse impacts on sunlight access to neighbouring gardens throughout the year within the meaning the BRE Guide.

7.3.4. I do however consider that in this outer city suburban location that greater degree of overshadowing coupled with the overbearing aspect generated by the raised site levels (and consequent levels of open space and circulation area) and height of the proposed development, that is based on undesirable demolition, places the overall quality of the scheme in an unfavourable light. An improve qualitative standard is more likely to be better achieved in an amalgamation of sites to the rear.

7.3.5. As a contemporary standalone piece of architecture, the building façade, more so at upper levels, is generally elegant and the revision to materials and to the ground levels incorporating an active residential frontage at ground level are an improvement. If the Board is of mind to grant permission I would consider a remodelling of Block A such that it would be stepped down in part, with the roof profiling reflecting the plot grain of the historical streetscape, for example the omission of half of the third floor and stepping of the front building line would achieve this.

7.3.6. On balance however, I concur with the planning authority that the case for demolition is not sufficiently justified and would be contrary to the provisions of the current development plan and best practice for urban design and accordingly to the proper planning and development of the area.

8.0 Recommendation

8.1. I recommend that the decision of the planning authority be upheld and that permission be refused for the proposed development based on the following reasons and considerations.

9.0 Reasons and Considerations

1.	The proposed development would require the demolition of two domestic Victorian dwellings, Nos. 118 and 120 Richmond Road which contribute to
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	<p>the streetscape of this portion of Richmond Road. No. 118 forms part of a coherent terrace of dwellings to the west while no. 120 has considerable merit as a Victorian townhouse in its form, scale and materials. The loss of these dwellings and their replacement by an apartment building of five storeys in height would have a detrimental impact on the visual character and form of the streetscape. The loss of these dwellings would accordingly have a detrimental impact on the visual character and amenities of the area and would cause serious injury to the residential amenities of the remaining houses in the terrace. The proposed development of the site which wholly relies on loss of existing Victorian buildings of streetscape character would be contrary to the policies and objectives of the current Dublin City Development Plan, which seek the retention and re-use of older buildings, in particular policy QH23 which seeks to discourage the demolition of habitable housing and to the proper planning and sustainable development of the area.</p>
2.	<p>The proposed development by reason of scale, form, height and layout and consequent overlooking, overshadowing and overbearing impacts would seriously injure the amenities of the dwellings to the west of the properties. Furthermore, it is considered that the new block would constitute an incoherent and piecemeal development and set an undesirable precedent of individual sites being redeveloped in the absence of a coherent design framework where there is considerable potential for backland development and its delivery in an integrated manner. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.</p>

Suzanne Kehely

Senior Planning Inspector

16th April 2019