



## Development

The construction of 42 residential units and the upgrade of the existing access point to Leopardstown Road. The residential development proposed includes four blocks of 3 storeys in height, consisting of a mixture of 4 no. 1-bed apartments, 12 no. 2-bed apartments, 10 no. 3-bed duplex-apartments and 16 no. 3-bed townhouses with associated balconies on the north and south elevations of the duplex and apartment units. Garden terraces and private gardens are also provided at ground floor level. The development will also include 58 no. car parking spaces at ground level, c. 584sqm of landscaped communal open space including a potential link to adjoining open space at Mount Eagle Park to the south, bin storage areas, boundary treatment works, and all associated site development works above and below ground including site services and landscape works.

<b>Location</b>	Rocklawn, Leopardstown Road, Dublin 18.
<b>Planning Authority</b>	Dún Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0314
<b>Applicant(s)</b>	Bridgeclip Developments Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Bridgeclip Developments Ltd.
<b>Observer(s)</b>	An Taisce Leopardstown Heights Residents Association
<b>Date of Site Inspection</b>	30 <sup>th</sup> October, 2018
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located at Rocklawn, Leopardstown Road, Dublin 18, approximately 350m southeast of Junction 14 on the M50 Motorway, where it occupies a position along the southern side of Leopardstown Road (the R113 Regional Road) between Murphystown Road and Kilboggan Road. The surrounding area is predominantly characterised by conventional suburban housing with Leopardstown Rise to the immediate east of the site comprising a scheme of 12 No. two-storey, detached dwelling houses whilst the Mount Eagle estate to the southwest, south and southeast is dominated by two-storey, semi-detached properties of varying design.
- 1.2. The site itself has a stated site area of 0.7292 hectares, is generally rectangular in shape, and presently comprises an undeveloped parcel of land that was previously occupied by a two-storey private residence known as Rocklawn House. The land rises over the Leopardstown Road on travelling southwards and includes a number of mature trees, particularly along the southern site boundary, although it is somewhat overgrown and unkempt in appearance. It is bounded by Leopardstown Rise to the east, an existing single-storey detached dwelling known as 'Carraig' to the west, a significant expanse of public open space / parkland (including a playground) to the south which serves the wider Mount Eagle estate, and by an area of disused land which fronts onto an existing footpath and cycleway alongside the Leopardstown Road to the north.

## 2.0 Proposed Development

- 2.1. The proposed development involves the construction of 42 No. residential units in 4 No. three-storey blocks (total floor area: c. 4,454.2m<sup>2</sup>) as follows:
- 4 No. one-bed apartments;
  - 12 No. two-bed apartments;
  - 10 No. three-bed, duplex-apartments; and
  - 16 No. three-bed townhouses.

2.2. It also includes for the upgrading of an existing access point onto Leopardstown Road, the provision of 58 No. car parking spaces at surface level, approximately 584m<sup>2</sup> of landscaped communal open space with a possible pedestrian link to the adjoining public open space within Mount Eagle Park to the south, bin storage areas, boundary treatment, and all associated site development works. Water and sewerage services are available via connection to the public mains.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. On 1<sup>st</sup> June, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 4 No. reasons:

- Having regard to the height, scale, design and proximity to the eastern boundary which adjoins the single storey dwelling house, Carraig, and the western boundary which adjoins No. 1 Leopardstown Rise, it is considered that the proposed development would seriously injure the amenities of the property, Carraig, by reason of overshadowing and would result in significant overlooking and have an unacceptably overbearing and intrusive effect on the adjoining properties at Carraig and No. 1 Leopardstown Rise. The proposed development would therefore be seriously injurious to the residential amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
- The proposed public open space provided is considered to be substandard and unacceptable by reason of its size, design, sloping aspect, and usable space and also the loss of category B trees. It therefore does not meet current County Development Plan standards in this regard as set out under Sections 8.2.8.2(i) & 8.2.8.3 of the 2016–2022 Dun Laoghaire-Rathdown County Development Plan. The proposed development would therefore be deficient in terms of public open space and would be seriously injurious to the amenities of future residents. The proposed development therefore does not comply with current County Development Plan requirements and would be contrary to the proper planning and sustainable development of this area.

- The proposed development is deficient in terms of the overall quality of urban design as the development fails to respond to: its surroundings, both adjoining residential properties and existing trees on site, and its detailed design is considered poor by reason of the car dominated central area and substandard public open space provided for the overall development. Ambiguity also exists around the proposed connectivity to the adjoining open space. The proposed development would be contrary to Policy UD1 of the Dun Laoghaire Rathdown County Development Plan 2010-2016 and also fails to comply with the recommendations of both the Sustainable Residential Development in Urban Areas (2009) and the Urban Design Manual - A Best Practice Guide (2009). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- The proposed development is deficient in the quantum of private open space for units 27, 28 and 37-42. The proposed development would, therefore, contravene Section 8.2.8.4 – Private Open Space - Quantity and would, therefore, seriously injure the residential amenity of the future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports:

Details the site context, planning history, and the applicable policy considerations, including the site location approximately 500m northwest of the Luas stop at Glencairn (Murphystown Road). The report proceeds to state that the density of the proposed development at 58 No. units / hectare is acceptable in principle given the site location relative to local services, including the neighbourhood centres at Sandyford Hall and Sandyford Village, and the proximity of the Luas line. It subsequently analyses the proposal having regard to the requirements of the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ and indicates that it broadly complies with the requirements of same, although concerns are raised as regards the potential detrimental impact of the proposed bin storage facility on the residential amenity of the adjacent property

to the immediate east. The report then states that the proposal may result in overlooking of No. 1 Leopardstown Rise to the west of the site whilst there are also concerns in relation to the overshadowing and visually overbearing impact on the property known as 'Carraig' to the east.

In terms of open space, it is stated that the proposed townhouses have been provided with inadequate private open space to comply with the minimum requirements of the Development Plan. Similarly, it has been determined that the public open space is deficient in both qualitative and quantitative terms whilst further clarity is required as regards the proposal to provide a pedestrian link to the existing green area within the adjoining Mount Eagle estate to the south. However, it is stated that the shortfall in public open space could potentially be addressed through the definitive provision of a suitable link to the adjacent green space in Mount Eagle in addition to the payment of a development contribution. At this point, it is also notable that the report considers a grouping of Monterey Pine trees in the north-western corner of the site, which are proposed for removal, as making a positive contribution to the wider streetscape which should be preserved as part of any revised proposal.

In reference to car parking, whilst it is acknowledged that the proposal to provide 58 No. parking spaces on site falls below the requirements of the Development Plan, given the site context, including its 'Intermediate Urban Location' and the availability of public transport in the surrounding area, a relaxation in the parking standard is deemed appropriate in this instance, particularly in light of the provisions of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*'. However, concerns are raised as regards the urban design of the proposal given the overly car-dominated central area of the site and its poor visual appearance.

Consideration is also given to the recommendations of the Transportation Planning and Drainage Planning (Municipal Services) Departments.

The report subsequently concludes by recommending a refusal of permission for the reasons outlined.

### **3.2.2. Other Technical Reports:**

*Housing:* States that the applicant's proposals are capable of complying with the requirements of Part V of the Planning and Development Act, 2000, as amended, the

County Development Plan, and the Housing Strategy, 2016-2022, subject to agreement being reached on land values and development costs and the availability of funding. It is therefore recommended that a suitable condition pertaining to Part V be included in any decision to grant permission.

*Drainage Planning, Municipal Services Department:* Recommends that further information be requested with regard to the surface water drainage and attenuation proposals.

*Transportation Planning:* States that there is a shortfall of 16 No. spaces in the amount of car parking to be provided on site having regard to the requirements of Table 8.2.3: 'Car Parking Standards' of the Development Plan. It also recommends that further information should be sought with regard to a number of matters, including the provision of a pedestrian / cyclist link onto Leopardstown Road, the need for connectivity with the adjacent green area / public open space to the south of the site, the continuation of pedestrian and cyclist priority at the entrance to the site off Leopardstown Road, revised car parking arrangements, the inclusion of charging points for electrically operated cars, and a noise impact assessment prepared by a competent expert as regards mitigating noise levels arising from the M50 Motorway.

*Public Lighting:* Requires a full redesign of the lighting proposals.

### 3.3. Prescribed Bodies

- 3.3.1. *Irish Water:* Refers to the proposal to connect to an existing 3" asbestos watermain on Leopardstown Road and states that it will be necessary to upgrade that section of pipework which extends across the frontage of the site to a 150mm watermain prior to connection. Accordingly, it is recommended that the applicant be required to submit details of the upgrading works to Irish Water for approval.

### 3.4. Third Party Observations

- 3.4.1. A total of 3 No. submissions were received from interested parties and the principle grounds of objection / areas of concern contained therein can be summarised as follows:

- Concerns with regard to the overall massing and elevational treatment of the proposed development.
- The submitted proposal will result in the loss of a number of notable tree specimens, particularly within the north-western corner of the site, which are visible from Leopardstown Road.
- The four building blocks proposed would be placed in two parallel lines with a central space that would be dominated by vehicle movements and would not be child-friendly.
- With regard to the applicant's reliance on the use of adjacent green space within Mount Eagle Green in order to address a deficiency in public open space provision on site, the submitted plans and particulars only refer to a 'potential' pedestrian link to this green area. No details have been provided to ensure the provision of this link.
- The proposed development will result in a traffic hazard and will give rise to increased traffic congestion due to the inadequate provision of on-site car parking and the potential to exacerbate haphazard parking practices in the surrounding area.
- There is a need to ensure that the proposed access / egress arrangements onto Leopardstown Road will not give rise to a traffic hazard.
- It is unclear whether or not the alternative measures detailed in the 'Quality Audit Form – Feedback on Quality Audit Report' will satisfactorily address the problems identified or if they can be implemented.
- These are discrepancies between the arboricultural details submitted with the planning application and those considered as part of the pre-planning consultations.
- The creation of an uncontrolled access point through the site from an adjoining public open space to the Leopardstown Road will give rise to safety and security concerns and will also increase the potential for anti-social behaviour in the area.



- The inclusion of the link through the site to the green area within Leopardstown Heights has not been justified and will have a detrimental impact on the residential amenity of existing housing.
- The proposed link does not comply with the requirements of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' and the supplementary '*Urban Design Manual – A Best Practice Guide*'.
- There are a number of discrepancies in the submitted plans and particulars as regards the description of the development proposed.
- There are concerns as regards the nature / extent of the works required as regards the excavation of any underlying granite, with particular reference to any blasting operations.
- The proposal constitutes an overdevelopment of the site and should be scaled back to better reflect the prevailing pattern of development and to protect existing residential amenities.

## 4.0 Planning History

### 4.1. On Site:

PA Ref. No. D00A/1203 / ABP Ref. No. PL06D.123953. Was refused on appeal on 20<sup>th</sup> November, 2001 refusing David Leung permission for the demolition of an existing two-storey dwelling and the erection of a new housing development comprising three two-storey (four bedroom) dwellings with additional space at attic level, two two-storey (five bedroom) dwellings with additional space at attic level, new drainage connections, associated site works, boundary treatment, landscaping and a new site access at Rocklawn, Leopardstown Road, Dublin.

- The proposed development would entail an unnecessary duplication of foul and surface water sewers along the Leopardstown Road and would, therefore, be contrary to the proper planning and development of the area.

PA Ref. No. D07A/0010. Was granted on 1<sup>st</sup> March, 2007 permitting Wexele Ltd. permission to demolish an existing two storey dwelling with a gross floor area of 310m<sup>2</sup> and related site clearance works.

PA Ref. No. D07A/1450 / ABP Ref. No. PL06D.227319. Was refused on appeal on 22<sup>nd</sup> July, 2008 refusing Wexele permission for a residential scheme and crèche accommodated in 5 No. blocks (ranging in height from two to six storeys) all arranged around two landscaped courtyards. The scheme will comprise of: 100 No. apartment units (15 No. one bed apartment units, 62 No. two-bed apartment units, 10 No. two-bed duplex apartment units and 13 No. three-bed apartments) which will be provided within each of the five number blocks. All residential units are provided with private balconies or terraces. Total gross floor area of residential floor space is 10,509 square metres. Blocks A and B are three-storeys, Block C five to six storeys, Block D three to four storeys and Block E two to four storeys. A crèche is located within Block A (146 square metres). Communal courtyards (3,520 square metres) will be provided with associated site development, landscaping works and boundary treatments. One hundred and twenty-five car parking spaces are provided in the two single level basements cut into the site contours along with bicycle parking, refuse stores and plant, and are accessed from the existing lane from Leopardstown Road. The gross floor area of the development is 10,655 square metres and on a site of 0.7035 hectares.

- Having regard to the Residential Density Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in September, 1999 and to the provisions of the current Dun Laoghaire-Rathdown County Development Plan, it is considered that the density of the proposed development would be excessive for an outer suburban greenfield site and would be inappropriate at this location. The proposed development would, therefore, contravene the provisions of the development plan and the Guidelines, would constitute overdevelopment of the site, would seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.
- Having regard to the scale, massing and density of the development and its proximity to site boundaries, it is considered that the proposed development would result in some of the proposed apartments overlooking each other within the development and the overshadowing of existing adjacent property to the east of the site. The proposed development would, therefore, seriously

injure the amenities of future occupiers and property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

- Having regard to the numbers of smaller apartments and single aspect apartments within the scheme, it is considered that the proposed development would result in an unsatisfactory mix of apartment types, would conflict with the provisions of the development plan in this regard and would, therefore, be contrary to the proper planning and sustainable development of the area.
- Having regard to the scale of the proposed development and the existing traffic situation in the area, it is considered that the proposed development would contribute to further traffic congestion on the local road network and thereby adversely affect the use of this road network. The proposed development would be premature pending the implementation of measures to relieve traffic congestion in the area and would, therefore, by itself and by the precedent it would set for further development, be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy Context

### 5.1. National and Regional Policy

- 5.1.1. The *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and through the promotion of higher densities in appropriate locations. In general, appropriate locations for such increased densities include city and town centres, 'brownfield' sites (within city or town centres), sites within public transport corridors (with particular reference to those identified in the Transport 21 programme), inner suburban / infill sites, institutional lands and outer suburban / 'greenfield' sites. The proposed development site is located at Leopardstown Road (Dublin 18) on the urban fringe of Dublin City on lands that may be categorised as 'greenfield' and the Guidelines define such areas as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers, and ancillary social and commercial facilities such as schools, shops, employment and community

facilities. Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

Consideration should also be given to the categorisation of the property as an 'infill' site where the provision of additional dwellings, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill. Moreover, in order to maximise the return of investment by the State in public transport under the Transport 21 capital programme, it is important that land use planning underpin the efficiency of public transport services by sustainable settlement patterns – including higher densities – on lands within existing or planned transport corridors. Accordingly, the Guidelines recommend that increased densities should be promoted within 500m walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes.

- 5.1.2. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*' (which update the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2015*') provide detailed guidance and policy requirements in respect of the design of new

apartment developments. Where specific planning policy requirements are stated in the document, these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. Furthermore, these Guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease. They also apply to housing developments that include apartments that are built specifically for rental purposes, whether as 'build to rent' or as 'shared accommodation'. Unless stated otherwise, they apply to both private and public schemes. These updated guidelines aim to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types. They also seek to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

## 5.2. Development Plan

### 5.2.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022:

#### Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective *'To protect and-or improve residential amenity'*.

#### Other Relevant Sections / Policies:

##### *Chapter 2: Sustainable Communities Strategy:*

##### *Section 2.1: Residential Development:*

##### *Policy RES3: Residential Density:*

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- ‘Sustainable Residential Development in Urban Areas’ (DoEHLG 2009).
- ‘Urban Design Manual - A Best Practice Guide’ (DoEHLG 2009).
- ‘Quality Housing for Sustainable Communities’ (DoEHLG 2007).
- ‘Irish Design Manual for Urban Roads and Streets’ (DTTaS and DoECLG, 2013).
- ‘National Climate Change Adaptation Framework Building Resilience to Climate Change’ (DoECLG, 2013).

*Policy RES4: Existing Housing Stock and Densification:*

It is Council policy to improve and conserve the housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

*Policy RES7: Overall Housing Mix:*

It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

*Policy RES14: Planning for Communities:*

It is Council policy to plan for communities in accordance with the aims, objectives and principles of ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual – A Best Practice Guide’. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component

of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.

*Chapter 8: Principles of Development:*

*Section 8.1: Urban Design:*

*Policy UD1: Urban Design Principles:*

It is Council policy to ensure that all development is of high quality design that assists in promoting a 'sense of place'. The Council will promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

*Policy UD2: Design Statements:*

It is Council policy that, for all medium-to-large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq.m. or as required by the Planning Authority) a 'Design Statement' shall be required to demonstrate how the proposed development addresses or responds to the design criteria set out in the 'Urban Design Manual – A Best Practice Guide' (DoEHLG, 2009).

*Policy UD3: Public Realm Design:*

It is Council policy that all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved.

*Section 8.1.2: Urban Design at the Local Level:*

*Policy UD5: Shared Space Layouts:*

It is Council policy to promote safer and more attractive streets and public realm for all road users throughout the County by pro-actively engaging with, and adhering to, the 'shared space' concept and guidance set out in the 'Design Manual for Urban Roads and Streets' (2013).

*Policy UD6: Building Height Strategy:*

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.

*Policy UD7: Urban Tree Planting:*

It is Council policy to promote urban tree planting throughout the County in accordance with the provisions of 'dlr TREES: A Tree Strategy for Dún Laoghaire-Rathdown 2011 – 2015' and to preserve existing trees where possible and appropriate.

*Section 8.2: Development Management:*

*Section 8.2.3: Residential Development:*

*Section 8.2.3.1: Quality Residential Design*

*Section 8.2.3.2: Quantitative Standards:*

*Section 8.2.3.3: Apartment Development*

*N.B.* The 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018' supersede several of the standards and specifications set out in Section 8.2.3.3 of the Development Plan as regards apartment development.

*Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas: (vii) Infill:*

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.



This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban 'Garden City' planned settings and estates that do not otherwise benefit from Architectural Conservation Area status or similar. (Refer also to Section 8.2.3.4 (v) corner/side garden sites for development parameters, Policy AR5, Section 6.1.3.5 and Policy AR8, Section 6.1.3.8).

#### Section 8.2.3.5: *Residential Development – General Requirements*

*N.B.* The proposed development site is also located within the confines of the non-statutory Stepside Action Area Plan, 2000, however, it is not declared to be within any of the designated development parcels.

### 5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 4.5km northeast of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 4.5km northeast of the site.
- The Wicklow Mountains Special Area of Conservation (Site Code: 002122), approximately 5.9km southwest of the site
- The Wicklow Mountains Special Protection Area (Site Code: 004040), approximately 6.0km southwest of the site.

*N.B.* This list is not intended to be exhaustive as there are a number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*' state that locations close to high

frequency public transport are appropriate for higher density apartment development. The subject site is suitably located in this regard (c. 500m from the Glencairn Luas stop and proximate to Bus Route Nos. 44, 47 & 118) and thus should be promoted for higher density development.

- The overall design and layout of the proposed development accords with the requirements of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*' and the County Development Plan.
- The site is zoned for residential development and is located in an area characterised by housing of a similar nature to the proposal. The proposed public open space provision has been designed to aid with the transition with the adjacent green area in order to provide for proper integration and thus the application of the terms of the '*Transitional Zonal Areas*' of the Development Plan would not be appropriate in this instance.
- The scale and massing of the proposal does not impact on residential amenity or the character of the area and involves the redevelopment of a long vacant site.
- The three-storey construction accords with the Building Height Strategy of the Development Plan and is an appropriate response to the negative planning history of the site.
- The proposal is cognisant of the surrounding built form which is primarily characterised by two-storey, semi-detached dwellings.
- Building heights of 3 / 4 storeys may be permitted in appropriate locations such as adjacent to key transport nodes provided they have no detrimental impact on existing character or residential amenity.
- There are a number of competing objectives for the site including built form, height, density, and open space standards, and the balancing of these issues necessitates an innovative design solution.
- The proposal seeks to achieve a balance between an appropriate density, mix of dwelling types, and building heights, as well as a suitable open space strategy.

- Any impacts on third party properties will be negligible and within acceptable limits given the developing nature of the area.
- The significant difference in the positive reception by the Planning Authority of the subject proposal at pre-planning stage and the subsequent decision to refuse permission is representative of an unacceptable approach to development control in an economy that is experiencing significant shortfalls in residential housing supply. The planning application was lodged on the basis that the proposal was acceptable in principle at pre-planning stage and every effort was made to incorporate the feedback received into the submitted scheme.
- There are concerns that the assessment and understanding of the proposal has not been conducted accurately and that the Planning Authority has misunderstood the principles of connectivity proposed in the scheme. The significant consultations undertaken with the Park and Landscape Services Dept. prior to the lodgement of the application have not been given due consideration in the determination of the subject proposal.
- The Planning Authority has failed to understand the design intent behind the scheme and it is further considered that the decision to refuse permission is an inherent attempt to address third party concerns.
- With regard to the suggestion that the density of the proposed development is excessive, it is submitted that the subject proposal is a direct response to previous refusals on site and that a suitable balance of development control issues must be afforded in this instance given the site location relative to public transport.
- The reasons for refusal are unwarranted and could have been addressed through the planning process (i.e. by way of further information or condition).
- The advisory note included with the decision to refuse permission states that insufficient information was provided on a number of issues, including transport and surface water drainage, however, these issues were not raised during the course of pre-planning consultations which further demonstrates a poor approach to the Section 247 pre-planning process, notwithstanding that

the issues in question could have been addressed by way of further information and have been addressed in this appeal.

- An alternative design option has been included with the grounds of appeal which responds to the specific issues raised by the Planning Authority and the Board is requested to consider these amendments accordingly.
- In order to achieve the required density, scale of development, and the protection of residential amenity, there is limited opportunity to retain the existing trees on site.
- The density and scale requirements limit the quantum of open space that can be provided on site and, therefore, it is proposed to utilise existing open space at Mount Eagle Green. This will ensure the greater connectivity, usability and safety of existing open spaces in the area. Compensatory planting will also be provided on site.
- On the basis of the accompanying shadow impact analysis, the proposed development will not adversely impact on neighbouring lands or buildings by reason of a loss of sunlight. All windows with a reasonable expectation of sunlight, and rear garden areas, will continue to receive levels of sunlight in excess of those recommended by the BRE's '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*'.
- Whilst a certain level of overlooking is to be expected in a suburban context, the proposed development has been designed and orientated to avoid direct overlooking of adjacent properties whilst any impacts can be further mitigated by screen planting along the intervening site boundaries (Unit Nos. 12-14 present a blank gable to the dwelling known as 'Carraig'. Unit No. 27 presents a blank gable to No. 7 Leopardstown Rise).
- The unit type and building heights are a clear response to the existing built environment and for these reasons the suggestion that the proposal fails to respond to its surroundings is rejected.
- The owners of the adjacent properties at 'Carraig' and No. 1 Leopardstown Rise have supplied correspondence in support of the subject application.

- The suggestion that the proposal will result in a devaluation of property is rejected and should be dismissed by the Board.
- Given the site constraints, it was agreed during the course of pre-planning consultations with the Planning Authority and the Parks and Landscape Services Dept. that a reduction in public open space provision would be acceptable where a connection to the green area within the adjoining Mount Eagle estate, and the management of the Local Authority open space to the front of the site, could be incorporated into the proposal.
- A total of 583m<sup>2</sup> of communal open space is to be provided in the scheme i.e. 8% of the site area. This was discussed with the Local Authority and was considered to be acceptable given the wider public open space available to the south and factoring the direct planning gain secured from the publicly accessible link between the site and the wider area secured by the grant of permission.
- Having regard to the density requirements for the site, the available open space in the surrounding area, and the links proposed to Mount Eagle Green to the south and those lands in the ownership of the Local Authority to the front of the site, it is considered that the provision of c. 8% of the site as open space should be sufficient. The applicant has also agreed in principle to maintain the council lands to the front of the site at Leopardstown Road as part of the development which is a significant planning gain.
- Due to the constraints related to the density and height requirements for the subject site, it is not possible to provide 10% open space in one unified location. The provision of a link to the open space adjoining the site assists with breaking down the massing of the built form and provides access to open space for all occupants of the scheme.
- In the interest of clarity, the applicant is amenable to a special development contribution in lieu of public open space provision.
- A comprehensive landscaping plan for the site has been prepared which should be read in conjunction with the arboricultural assessment that indicates those trees proposed to be retained or removed. This plan incorporates a

quality open space that will be linked to a wider open space network via pedestrian routes.

- A low wall and railing is proposed along the southern edge of the open space on site and the Local Authority Parks Service has indicated that it is amenable to the removal of a section of trees along the intervening boundary with Mount Eagle in order to provide for more passive surveillance. This would offer the opportunity for this green area to be 'opened up' and to be spatially more inviting and less of a 'transition' space.
- The proposed development provides an opportunity to improve the roadside margin along Leopardstown Road which is currently in a state of neglect.
- Every effort has been made to ensure that the open space is Part M compliant and offers full access and permeability to the adjoining green space in the Mount Eagle estate. Level landings with seating zones have been proposed as part of the scheme, albeit they are sloping in nature.
- With regard to the removal of trees, it should be noted that 70% of the trees surveyed within the site are Category 'U' and such trees are recommended for removal for sound arboricultural reasons as their existing value would be lost within ten years. Compensatory tree planting is proposed.
- In light of the required density and the tree removal / retention strategy, a total of 4 No. Category 'B' trees were put forward for removal to facilitate the development. The amended proposals submitted with the grounds of appeal allow for the retention of the aforementioned trees.
- With regard to concerns that the proposed development could lead to increased anti-social behaviour in the area, it is felt that the presence and appropriate design of the units would assist in improved passive surveillance.
- Sustainable planning practices advise a reduction in the level of car parking at locations accessible by public transport whilst the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*' also promote a reduction in the number of car parking spaces in new development. Although the subject proposal would require the provision of 74 No. car parking spaces as per Development Plan standards,

given the availability of public transport in the surrounding area, the reduced parking provision of 58 No. spaces is considered to be acceptable in the context of current guidance.

- The proposed car park is well designed, predominantly screened from the public road, less than the development plan requirement, and will be suitably landscaped to soften its appearance. Therefore, it is unreasonable to suggest that the car park dominates the layout or design of the scheme.
- The accompanying design rationale compiled by the project architect details the urban design merits of the scheme and cognisance should be taken of the following:
  - While the proposal can be altered slightly to remove the hammerheads previously included for fire tender access thereby allowing for more 'softscape' within the car park, the applicant stands over the original design as submitted.
  - Due to a number of competing elements, including density, dwelling mix, car parking provision, and open space requirements, it has not been possible to further reduce the level of car parking proposed. The provision of underground car parking would jeopardise the financial viability and feasibility of the project due to the presence of underlying granite.
  - Whilst the proposed car parking provision is at a reduced rate from the Development Plan standard, it accords with national guidance.
  - The proposal to link the development with the wider established open space network makes the best use of existing resources.
  - An increase in open space provision on site would necessitate an apartment scheme, notwithstanding that a comparable level of development was previously refused permission.
  - A reduction in unit numbers and the proposed density would represent an unacceptable outcome for a residential development at this location.
- Conflicting development parameters on site have necessitated a reduction in private open space for a limited number of units which is permissible in certain

circumstances. The quantum of open space is acceptable given the quality of the scheme and the direct linkages to surrounding open space.

- The proposed development complies with the provisions of *Policy UD1: 'Urban Design Principles'* of the Development Plan, including the following:
  - It provides for an increased level of permeability and route choice through the inclusion of a linked open space that connects Leopardstown Road to Mount Eagle Green.
  - It has been purposely designed to provide for 'own-door' street-level entrances to each of the units. It is also seen as adding vitality to the area through an improved linkage through the site and to surrounding areas.
  - The provision of a clear access strategy through the site from Leopardstown Road to Mount Eagle Green makes this site very legible for any visitor to navigate.
- Whilst the balconies for the 2 No. one-bedroom apartments fall below Development Plan standards, they exceed the design standards for new apartments. The remainder of the development accords with the Development Plan standards.
- With regard to the proposed townhouses, it is considered that the minor shortfall in private open space provision for Unit Nos. 27-29 & 37-42 is acceptable in the context of the wider open space strategy for the site and the link proposed to Mount Eagle Green.
- The accompanying inputs (as supplemented further by the grounds of appeal) from Muir Consulting Engineers address those issues raised in the reports of the Transportation Planning and Drainage Departments of the Local Authority.

*N.B.* The grounds of appeal have also been accompanied by revised proposals which have sought to address the concerns of the Planning Authority as regards the protection of residential amenity and the preservation of existing trees on site.

This revised design consists of the following:

- The replacement of Townhouse Nos. 27 & 42 with two-storey maisonette apartment units (with two units in each), including reduced fenestration to the east and west boundaries;



- The relocation of Unit Nos. 1 & 2 (which include Unit Nos. 24-26 above) further south to negate the need to remove 4 No. Monterey Pine trees within the north-western corner of the site and a reduction in height from three-storey apartments to two-storeys; and
- The revision of the car parking layout to remove the hammer-head arrangements thereby allowing for the inclusion of landscaping strips.

## 6.2. Planning Authority's Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## 6.3. Observations

### 6.3.1. An Taisce:

- It is acknowledged that the site in question is due for development and that the subject proposal represents a substantial improvement on the previous application refused under PA Ref. No. D07A/1450 / ABP Ref. No. PL06D.227319, however, it is considered that the submitted design does not make the best use of the land.
- The proposal will result in the loss of at least 4 No. notable specimens of Monterey Pine (Nos. 182-1827) within the north-western corner of the site which are visible from Leopardstown Road.
- The four building blocks are to be placed in two parallel lines with a central space that will be dominated by vehicle movements which will not be child-friendly.
- With regard to the applicant's reliance on the use of adjacent green space within Mount Eagle Green in order to address a deficiency in public open space provision on site, the submitted plans and particulars only refer to a 'potential' pedestrian link to this green area. No details have been provided to ensure the provision of this link.

- Whilst the grounds of appeal make extensive reference to pre-planning discussions, the applicant's agents do not appear to give weight to Section 247(3) of the Planning and Development Act, 2000, as amended, which states the following:

*'The carrying out of consultations shall not prejudice the performance by a planning authority of any other of its functions under this Act, or any regulations made under this Act and cannot be relied upon in the formal planning process or in legal proceedings'.*

Pre-planning consultations cannot be allowed to determine the outcome of the planning process as this would preclude public input in its entirety.

- With regard to the alternative proposals provided with the grounds of appeal which include for the retention and incorporation of the 4 No. Monterey Pine trees (Nos. 1824-1827) into the open space to the north of the development, although these revisions are welcomed, it is regrettable that the layout has not been amended further to respond better to these trees. The central space will remain car-dominated and will not be child-friendly.

#### 6.3.2. Leopardstown Heights Residents Association:

- With regard to the alternative proposals submitted with the grounds of appeal, whilst the proposed amendments are welcome insofar as they reduce the impact of the development on local amenities, there are a number of fundamental issues which arise (e.g. traffic hazards, inadequate car parking, and the potential for anti-social behaviour) which have not been fully addressed and thus permission should be refused.
- At present, the Mount Eagle estate experiences significant traffic congestion attributable to non-residents parking their cars along both sides of the narrow estate roadways in order to avail of the Luas at Glencairn or to walk to work in the Sandyford Industrial Estate. This has led to a situation where the available carriageway has been reduced to a single lane thereby preventing two-way traffic and giving rise to congestion. The problem is quite severe and there are concerns that the proposed development will exacerbate the situation, particularly if access is permitted from the site to the parkland within the Mount Eagle estate.

- Having regard to the requirements of the Development Plan, there will be a shortfall of 16 No. car parking spaces on site which could lead to increased pressure for on-street parking within the Mount Eagle estate, particularly if pedestrian access is provided from the site, thereby exacerbating existing traffic congestion.
- The continued prevalence of non-resident parking within the Mount Eagle estate has resulted in emergency vehicles experiencing difficulties. The proposed development could potentially contribute to these problems.
- Whilst acknowledging the provisions of the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018'* wherein it is stated that *'in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced, or wholly eliminated in certain circumstances'*, it should be noted that the subject site is zoned Objective *'A: Residential'* (i.e. it is not a major town centre), is surrounded by lands zoned as Objectives *'A' & 'F'*, is not near or within a major town centre where a reduction in parking provision may be acceptable, and is located in an area which is already struggling to accommodate the overspill parking demands of non-residents. Moreover, the proposed development is not composed entirely of apartments whilst the guidance as regards the provision of car parking is not a *'Specific Planning Policy Requirement'*.
- Planning Authorities are only required to *'have regard to'* guidelines issued under Section 28 of the Planning and Development Act, 2000, as amended, and, therefore, the Board is not bound by the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018'*. Accordingly, the reduction in the level of car parking proposed should not be permitted by reference to the Guidelines in isolation, particularly in circumstances when local residents advise of the following:
  - Due to continued development, many residents have to let 2 - 3 No. trams pass before getting a seat on the Luas at peak times due to overcrowding and this is without the majority of the *'Clayfarm'* development on the

Ballyogan Road being completed / occupied or the Cherrywood development.

- When the new 'Bus Connects Dublin' plan comes into operation, the No. 47 bus route will be withdrawn which will result in more people choosing to use their cars to get to work etc.
- By way of comparison, in its assessment of a broadly similar scale of residential development in Carrickmines Village under PA Ref. No. D18A/0066, the Local Authority Roads Department determined that a proposed shortfall in car parking provision was unacceptable on the basis that the scheme in question was not located within or near a Major Town Centre where such a reduction could be considered. The parking shortfall in the subject case is greater than that rejected in PA Ref. No. D18A/0066 and it is difficult to see how a significant departure from the accepted parking standards could be justified in this instance, particularly in circumstances where Mount Eagle is already experiencing problems with non-resident parking.
- There are concerns that streets within the Mount Eagle estate will be used as an unofficial overflow car park for future residents of the proposed development and / or visitors to the site which will serve to compound existing traffic congestion etc.
- Permitting such a level of under-provision of car parking could set an undesirable precedent for further development in the area with associated consequences for traffic congestion etc.
- Consideration should be given to alternative proposals whereby the requisite car parking requirements would be met (e.g. by reducing the scale of development proposed or through the provision of additional underground parking on site).
- It is unclear whether or not the alternative measures detailed in the '*Quality Audit Form – Feedback on Quality Audit Report*' will satisfactorily address the problems identified or if they can be implemented.

- The proposal to remove a significant number of trees on site is contrary to the Development Plan and will undermine the sylvan setting of part of the green area at Mount Eagle that adjoins the site whilst the removal of several specimens has not been fully justified.
- Having regard to Policy ORS7: '*Trees and Woodland*' of the Development Plan, it is submitted that the mature Category 'B' trees along the southern site boundary form a significant feature in the landscape which should be preserved.
- A revised design omitting that part of the development which involves the removal of the Category 'B' Tree Nos. 1824-8127 could enable the applicant to increase the level of car parking on site, contribute to future residential amenities on the site, and bring the density of the scheme more in line with surrounding development while retaining the site's sylvan setting.
- No explanation has been provided for the removal of those trees which formerly occupied positions within the centre of the site and along its eastern boundary. These trees contributed to the setting of the site and should be reinstated in the event of a grant of permission.
- Although the alternative scheme provided with the grounds of appeal represents an improvement on the original proposal insofar as the submitted drawings indicate that a cluster of mature trees along the north-western site boundary will be retained, it is regrettable that this still requires the removal of several trees along the southern site boundary to facilitate access to the green space in Mount Eagle.
- Whilst the Development Plan encourages permeability, it does not follow that the subject proposal is consistent with the proper planning and sustainable development of the area or the policies and objectives of the Plan. For example, Policy UD1 of the Plan states that the Council will promote the guidance principles set out in the '*Urban Design Manual – A Best Practice Guide, 2009*' which in turn states that new connections should be planned by reference to 'desire lines' and should provide safe and secure routes that connect with existing movement networks. The Urban Design Manual also

states that isolated footpaths can become havens for crime / anti-social behaviour and cautions against their provision.

It is not accepted that the provision of an uncontrolled access point to a part of the green area within Mount Eagle that is at a considerable remove from existing housing, which will not be directly overlooked by the proposed development, is appropriate.

There are further concerns as regards the potential for anti-social behaviour attributable to the uncontrolled access point from the adjoining green space and playground through the site to Leopardstown Road.

- There is no evidence of a need for the new through-route to a largely unsupervised open space linking to an existing lonely pathway. The residents of the Mount Eagle estate, and future residents of the proposed development, can easily walk to bus / Luas services without the need for the proposed through-route.
- There are safety and security concerns as regards the provision of an uncontrolled access point to the recently constructed playground in Mount Eagle.
- The Board is advised that access was not provided from the development at Leopardstown Rise to the green area within Mount Eagle.
- The provision of the proposed uncontrolled access point will serve to diminish the existing open space within the Mount Eagle estate and will have a serious adverse impact on local residential and recreational amenities and on the safety of children using the recently constructed playground.
- In the event of a grant of permission, at a minimum, conditions should be attached requiring any access from the Leopardstown Road through the site to the parkland to the south to be controlled by a gate, keys to which should be restricted to residents of Rocklawn only. Alternatively, access through the site should be restricted by a gate which is closed between 20:00 and 08:00 hours (*N.B.* Access from the residential estate at Mount St. Annes in Milltown, Dublin 6, which also includes a large green space, to the nearby Luas stop is controlled by way of key cards).

- Site investigations have determined that there are granite deposits on site, however, it is unclear how it is proposed to remove these deposits as part of the excavation of foundations. In addition, the Noise Impact Report provided with the grounds of appeal does not appear to include any details on whether blasting will be required or the likely effect of same on nearby properties. Therefore, the Board is requested to require further information as regards the foregoing or to impose strict conditions regulating any blasting operations.
- Whilst there is no objection in principle to the development of the site, it is considered that the subject proposal represents overdevelopment of the lands and should be scaled back to better reflect the surrounding pattern of development and to protect existing residential amenities.
- A reduction in the scale of development proposed is warranted in light of the following:
  - The established pattern of low density development in the surrounding area.
  - The shortfall in car parking provision.
  - The inadequate provision of public open space having regard to the minimum standards prescribed by the Development Plan.
  - The identification in the Planner's Report via-à-vis the amount of private open space to be provided for the houses and apartments.
  - Concerns as regards the adequacy of the storage space provided in the 2 & 3 - bedroom units to facilitate family living.
  - The potential for overshadowing of No. 1 Leopardstown Rise and those lands to the east at 'Carraig' – the removal of some units might reduce any 'moderate' impacts thereby better protecting the residential amenity of the affected properties.
  - The omission of a number of units would allow for the retention of some mature trees in the north-western corner of the site and the resulting vacant area could be used to provide for additional car parking and / or public open space.

#### 6.4. Further Responses

None.

### 7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Appropriate assessment
- Environmental impact assessment (screening)
- Other issues

These are assessed as follows:

#### 7.2. **The Principle of the Proposed Development:**

7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'. In addition to the foregoing, it should also be noted that the wider area is primarily residential in character and that the prevailing pattern of development in the immediate vicinity of the application site is dominated by conventional housing construction. Furthermore, it is apparent from a review of the planning history that the application site has previously been used for residential purposes that it was historically occupied by Rocklawn House (until its demolition post-2007 pursuant to PA Ref. No. D07A/0010). In this respect I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area where public services are available, including key public transport links i.e. Dublin Bus services to the City Centre and the Luas at Glencairn, and that the



development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

(N.B. Given the site location relative to the urban fringe of the wider Dublin City area, the Board may also wish to consider if the proposed development site could be considered to comprise an 'outer suburban / greenfield' location, however, it should be noted that the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' define such areas as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers, and ancillary social and commercial facilities such as schools, shops, employment and community facilities. For the purposes of clarity and completeness, I would further advise the Board that studies have indicated that the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and thus the Guidelines generally encourage such densities (involving a variety of housing types where possible). Development at net densities less than 30 dwellings per hectare are to be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares).

- 7.2.2. Further support is lent to the proposal by reference to Policy RES4: '*Existing Housing Stock and Densification*' of the Development Plan, which aims to increase housing densities within existing built-up areas having due regard to the amenities of established residential communities, wherein it is stated that the Planning Authority will actively promote and facilitate the development of infill accommodation which is in harmony with existing buildings. This is similarly reflected in Policy RES3: '*Residential Density*' which seeks to promote higher residential densities, subject to ensuring a suitable balance between the reasonable protection of existing residential amenities, the established character of areas, and the need for sustainable

residential development. These policy provisions are further supplemented by the guidance set out in Section 8.2.3.4: '*Additional Accommodation in Existing Built-Up Areas*' of the Plan which details the criteria to be used in the assessment of proposals which involve infill development.

7.2.3. Therefore, in light of the foregoing, I am satisfied that the wider principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the character of the surrounding area.

7.3. **Overall Design and Layout:**

7.3.1. **The Density of the Proposed Development:**

The proposed development site is located in an established residential area, which is characterised by considerable pressure for development arising from its location proximate to key public transport routes and the M50 Motorway, on lands which are zoned for residential purposes and where public services and other local amenities are readily available. In this regard I would draw the Board's attention to Policy RES3: '*Residential Density*' of the Development Plan which seeks to promote more compact, good quality, higher density forms of residential development by reference to the policies and objectives set out in the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'. Section 2.1.3.3 of the Development Plan proceeds to state that where a site is located within a circa 1km pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and / or 500 metres of a Bus Priority Route, and / or 1km of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged (*N.B.* It is also stated that, as a general rule, the minimum default density for new residential developments in the county (excluding lands on zoning Objectives 'GB', 'G' and 'B') will be 35 units / hectare and that although this density may not be appropriate in all instances, it will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas). Notably, these provisions reflect the recommendations of Section 5.8 of the aforementioned guidelines which specifically state that increased densities should be promoted within a 500m walking distance of a bus stop or within 1km of a light rail stop or a rail station and that, in general, minimum net densities of 50 dwellings per hectare, subject to appropriate

design and amenity standards, should be applied within public transport corridors (N.B. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*' also state that '*Intermediate Urban Locations*' proximate to public transport are generally suitable for medium-high density residential development of any scale that includes apartments to some extent (broadly >45 dwellings per hectare net) whilst '*Peripheral and/or Less Accessible Urban Locations*' are generally suitable for residential development of any scale that will include a minority of apartments at low-medium densities (broadly <45 dwellings per hectare net), including sites in suburban development areas that do not meet proximity or accessibility criteria).

Given the site location within an approximate 250m walking distance of bus stops served by the 47 & 118 routes, and the proximity of the Luas Green line (c. 600m walking distance away), it is clear that the proposed development site can be considered to be located within a public transport corridor pursuant to the definitions contained in both the Development Plan and the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'.

Accordingly, higher densities at a minimum of 50 units per hectare are to be encouraged on site, subject to appropriate design and adherence to relevant amenity standards.

Following a review of the available information, and having conducted a site inspection, in my opinion, given the site context, there is sufficient scope for a suitably designed proposal to achieve the minimum density requirements of 50 dwelling units per hectare on site whilst also adhering to the relevant development standards (e.g. car parking, open space, etc.) and avoiding any undue detrimental impact on residential amenity.

The subject proposal involves the development of 42 No. units within a site area of 0.7292 hectares which equates to a net density of 58 No. units per hectare and thus accords with the minimum requirements of both the Development Plan and national guidance.

### 7.3.2. Building Height:

In terms of building height, the proposed development involves the construction of a series of three-storey blocks comprising a combination of townhouses, duplex units

and apartments with a maximum ridge height of 11.055m in an area which is predominantly characterised by conventional two-storey housing. In this respect it is of relevance to note that the site perimeter is bounded by two-storey, detached housing to the west, a single-storey bungalow to the east, and an area of parkland / public open space to the south which forms part of the wider Mount Eagle estate that is dominated by two-storey, semi-detached properties of varying design, and that the applicant has sought to emphasise that in order to achieve a suitable density for the site and to contribute positively to the housing stock of the area, it is necessary to develop buildings of a higher scale in the interests of land efficiency and to avoid a continuation of urban sprawl.

The policy approach set out in Section 4 of the *'Building Height Strategy'* contained in Appendix 9 of the Development Plan states that the appropriate vehicle for identifying specific sites with the potential to accommodate increased building heights at a number of key centres in the county is by way of statutory (and non-statutory) local plans. This section further demonstrates the extensive area of the county which is covered by either an explicit or implicit building height policy, extant or planned, and introduces a new generic *'Building Height Policy'* (Section 4.8) for those residual areas of the County not covered by any existing policy or plan based height criteria.

Although the proposed development site is located in an area covered by the non-statutory Stepside Action Area Plan, 2000, it is of relevance to note that the Plan does not set any benchmark or recommended building height and instead focuses on achieving minimum residential densities for identified development parcels. Therefore, in the absence of any specific policy provision pertaining to building height as regards the subject site, I would suggest that it is appropriate in this instance to revert to the generic provisions of Section 4.8 of the *'Building Height Strategy'* as regards *'Residual Suburban Areas not included within Cumulative Areas of Control'* wherein it is stated that apartment / townhouse schemes of up to 3-4 storeys in height may be permitted at appropriate locations, including at large redevelopment sites or adjacent to key public transport nodes, provided they have no detrimental effect on existing character and residential amenity.

Having regard to the specifics of the site context (including its size, infill nature, and relationship with neighbouring properties), the proximity of accessible public

transport, and noting the prevailing pattern of low density and low scale development adjoining the site, in my opinion, the overall height and three-storey construction of the subject proposal would not unduly impact on the character of the surrounding area and is generally acceptable, subject to the protection of the residential amenity of neighbouring properties.

**7.3.3. Compliance with the Design Standards for New Apartments:**

It is necessary to consider the detailed design of the proposed apartment units having regard to the requirements of both local planning policy and the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*'. In this respect it is of particular relevance to note that where specific planning policy requirements are stated in the Guidelines, these are to take precedence over any conflicting policies or objectives contained in the development plan. Therefore, in accordance with Section 3.0 of the Guidelines I propose to assess the subject scheme as regards compliance with the relevant planning policy requirements set out in the Guidelines in relation to the following:

- Apartment mix within apartment schemes
- Apartment floor areas
- Dual aspect ratios
- Floor to ceiling height
- Apartments to stair / lift core ratios
- Storage spaces
- Amenity spaces
- Aggregate floor areas / dimensions for certain rooms

**7.3.4. *Apartment Mix within Apartment Schemes:***

The proposed development provides for the construction of 4 No. one-bed apartments, 12 No. two-bed apartments, 10 No. three-bed duplex-apartments, and 16 No. three-bed townhouses, and in this respect I am satisfied that the subject proposal achieves a suitable mix of unit sizes / types in accordance with Specific Planning Policy Requirement Nos. 1 & 2 of the Guidelines.

### 7.3.5. *Apartment Floor Areas:*

It is a specific planning policy requirement of the Guidelines that the minimum apartment floor areas previously specified in the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2007*' continue to apply as follows:

- 1 bedroom apartment: Minimum 45m<sup>2</sup>
- 2 bedroom apartment: Minimum 73m<sup>2</sup>
- 3 bedroom apartment: Minimum 90m<sup>2</sup>

In this respect I would advise the Board that each of the proposed apartment and duplex units has a stated floor area which exceeds the minimum requirements of the Guidelines.

Furthermore, in the interest of safeguarding higher standards of accommodation by ensuring that apartment schemes do not provide for units being built down to a minimum standard (in reference to Section 3.8 of the Guidelines which states that the majority of all apartments in any proposed scheme of 10 or more apartments should exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types by a minimum of 10%), from a review of the submitted details, I am satisfied that the subject proposal accords with the applicable requirements.

### 7.3.6. *Dual Aspect Ratios:*

The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement of the Guidelines that in more central and accessible urban locations the minimum number of dual aspect apartments to be provided in any single apartment scheme will be 33% (where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate), whereas in suburban or intermediate locations the foregoing requirement is increased to 50%.

All of the proposed apartment units are dual-aspect and, therefore, the proposed development accords with this specific requirement of the Guidelines.

### 7.3.7. *Floor to Ceiling Height:*

The Guidelines state that floor-to-ceiling height affects the internal amenities of apartments (in terms of sunlight / daylight, storage space, and ventilation) and that this is of most significance at ground level where the potential for overshadowing is greatest, although it is also noted that ground level floor-to-ceiling height will also influence the future adaptability of individual apartments for potential alternative uses, depending on location. Whilst it is acknowledged that the Building Regulations suggest a minimum floor to ceiling height of 2.4m, the Guidelines also state that from a planning and amenity perspective, applicants and their designers may consider the potential for increasing the minimum apartment floor-to-ceiling height to 2.7m where height restrictions would not otherwise necessitate a reduction in the number of floors. It is also a specific planning policy requirement that ground level apartment floor to ceiling heights should be a minimum of 2.7m.

From a review of the submitted drawings, I am satisfied that the floor-to-ceiling height of each of the proposed apartment units accords with the Guideline requirements.

### 7.3.8. *Apartments to Stair / Lift Core Ratios:*

Given the nature and design of the development proposed, the subject proposal satisfies the requirements of the Guidelines in this regard.

### 7.3.9. *Storage Spaces:*

#### *Internal Storage:*

The Guidelines state that apartment developments should include adequate provision for general storage and utility requirements in order to accommodate household utility functions such as clothes washing and the storage of bulky personal or household items. In this regard I would refer the Board to the minimum requirements for storage areas set out in Appendix 1 of the Guidelines as follows:

- One-bedroom apartment: 3m<sup>2</sup>
- Two-bedroom (3 No. person) apartment: 5m<sup>2</sup>
- Two-bedroom (4 No. person) apartment: 6m<sup>2</sup>
- Three-bedroom (or more) apartment: 9m<sup>2</sup>

Notably, this storage provision is to be in addition to kitchen presses and bedroom furniture (although it may be partly accommodated within these rooms provided it is also in addition to the minimum aggregate living/dining/kitchen or bedroom floor areas). The Guidelines also state that no individual storage room within an apartment should exceed 3.5m<sup>2</sup>.

From a review of the available information, including the floor plans and the schedule of floor areas provided with the application, adequate storage space has been provided for each of the apartment units to satisfy the requirements of the guidelines.

*Additional Storage:*

Section 3.32 of the Guidelines states that apartment schemes should provide for the storage of bulky items outside of individual units (i.e. at ground or basement level) given that secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful as it may be used for equipment such as bicycles, children's outdoor toys or buggies. However, whilst planning authorities are to be encouraged to seek the provision of such space in addition to the minimum apartment storage requirements, this would not appear to be mandatory.

Regrettably, the subject proposal does not include for any additional ground level storage areas for the individual apartments (excluding the external storage areas expressly allocated to the ground floor apartments), save for the provision of 2 No. communal refuse / bin storage areas. In my opinion, the absence of any such additional storage space does not warrant a refusal of permission in this instance and I would suggest that any concerns in this regard could potentially be addressed by way of condition in the event the Board were considering approval of the proposal.

**7.3.10. Amenity Spaces:**

*Private Amenity Space:*

It is a policy requirement of the Guidelines that adequate private amenity space be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. In this respect I would advise the Board that a one-bedroom apartment is required to be provided with a minimum amenity area of 5m<sup>2</sup> whilst two-bedroom (3 No. persons) & two-bedroom (4 No. persons) apartments are



to be provided with 6m<sup>2</sup> and 7m<sup>2</sup> of private amenity space respectively. Three-bedroom apartments require a minimum of 9m<sup>2</sup> of private amenity space.

Consideration must also be given to certain qualitative criteria including the privacy and security of the space in question in addition to the need to optimise solar orientation and to minimise the potential for overshadowing and overlooking.

(*N.B.* The adequacy of the private open space serving the townhouse element of the proposed development will be assessed elsewhere in this report).

From a review of the submitted drawings, it can be confirmed that the overall private open space provision for each of the apartment units satisfies the minimum requirements of the Guidelines.

*Communal Amenity Space:*

The Guidelines state that the provision and proper future maintenance of well-designed communal amenity space is critical in meeting the amenity needs of residents, with a particular emphasis being placed on the importance of accessible, secure and usable outdoor space for families with young children and for less mobile older people, and in this respect the minimum requirements set out in Appendix 1 of the guidance are as follows:

- One-bedroom apartment: 5m<sup>2</sup>
- Two-bedroom (3 No. person) apartment: 6m<sup>2</sup>
- Two-bedroom (4 No. person) apartment: 7m<sup>2</sup>
- Three-bedroom apartment: 9m<sup>2</sup>

Accordingly, on the basis of the foregoing, the apartment element of the proposed development would necessitate the provision of 198m<sup>2</sup> of communal open space in order to satisfy the minimum requirements of the Guidelines, although I would stress that this figure does not take into account any demands arising from the 16 No. townhouses.

*7.3.11. Aggregate Floor Areas / Dimensions for Certain Rooms:*

Having reviewed the submitted drawings, I am satisfied that the overall design of the proposed apartment units generally accords with the required minimum floor areas

and standards (including the dimensions of certain rooms) as appended to the Guidelines.

**7.3.12. Overall Design of the Proposed Apartment Units:**

On the basis of the foregoing, it is my opinion that the design of the submitted proposal generally accords with the minimum requirements of the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018'* and provides for a satisfactory level of residential amenity for the future occupants of the proposed apartment units.

**7.3.13. Open Space Provision:**

*Public / Communal Open Space:*

In accordance with Section 8.2.8.2: *'Public/Communal Open Space – Quantity: (i) Residential / Housing Developments'* of the Development Plan, the wider development (inclusive of the apartments, duplexes, and the townhouses) necessitates the provision of between 1,725m<sup>2</sup> and 2,300m<sup>2</sup> of public / communal open space based on an occupancy rate of 115 No. persons and the provision of 15-20m<sup>2</sup> of open space per person, however, it is emphasised that a lower quantity of open space (i.e. at a rate of less than 20m<sup>2</sup> per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site and that any such development proposal may also necessitate the payment of a financial contribution as set out in Section 8.2.8.2 (iii) of the Plan (*N.B.* An absolute default minimum of 10% of the overall site area for all residential development is required to be reserved for use as public open and/or communal space irrespective of the aforementioned occupancy parameters).

Communal open space to serve the proposed housing is detailed on the site layout plan as amounting to 8% of the site area (584m<sup>2</sup>), and although it is stated as being provided across the site, it will effectively comprise two principle areas, namely, an elongated open space located within the north-western corner of the site (which is intended to function as part of a wider amenity area encompassing the currently vacant / disused lands in the ownership of the Local Authority situated between the northern site boundary and the Leopardstown Road), and that area between Units Nos. 35 & 36 which will link the proposed development to the wider expanse of public open space within the adjacent Mount Eagle estate to the immediate south.

In assessing the adequacy of the quantity of open space to be provided on site, I am inclined in the first instance to suggest that the quality of the communal open space proposed is not of such an 'exceptionally high' value as to permit a relaxation of the requirement to provide open space at a rate of 20m<sup>2</sup> per person. Therefore, on the basis that the subject proposal necessitates the provision of 2,300m<sup>2</sup> of public / communal open space pursuant to Section 8.2.8.2(i) of the Development Plan, it is apparent that there is a considerable shortfall in open space on site (i.e. in the region of 1,700m<sup>2</sup>).

In an effort to address the foregoing deficiency, the applicant has sought to emphasise that the proposed development will be linked directly to the substantial green area (and its associated play facilities) within the adjacent Mount Eagle estate to the immediate south and that this will serve to compensate for the shortfall in open space provision on site. Furthermore, it has been suggested that the open space proposed within the north-western corner of the site could form part of a new amenity area encompassing those lands in the ownership of the Local Authority alongside the northern site boundary which the applicant is willing to maintain into the future.

Although the Planning Authority would appear to be amenable in principle to the foregoing proposals, subject to the additional payment of a financial contribution in lieu of providing the full quantum of open space, it nevertheless had wider qualitative concerns as regards the proposed open space provision and thus permission was refused accordingly. In this respect, whilst I would acknowledge that Section 8.2.8.2(iii) of the Development Plan does allow for consideration to be given to a financial contribution in lieu of providing the full quantum of open space in instances where a new development is located in close proximity to an established high specification public park, I would advise the Board that a subsequent paragraph to this section of the Plan places a 'caveat' on the foregoing in that, irrespective of any relaxation, *'the default minimum 10% open space requirement must be provided on site'*. Therefore, given that the subject proposal only provides for 8% of the site area (584m<sup>2</sup>) to be used as public / communal open space, it does not satisfy the qualifying criteria for a reduction in the applicable open space standard (i.e. 2,300m<sup>2</sup> based on an occupancy rate of 115 No. persons) and the associated payment of a financial contribution in lieu of same.

In effect, it is apparent from the foregoing that the submitted proposal does not satisfy any of the quantitative requirements of Section 8.2.8.2:(i) of the Development Plan, including the provision of an absolute default minimum of 10% of the overall site area as public / communal open space irrespective of the occupancy parameters. By extension, the proposal does not qualify for consideration under Section 8.2.8.2(iii) of the Plan as regards the payment of a financial contribution in lieu of the provision of open space, notwithstanding the proximity of the parkland area within the adjacent Mount Eagle estate and the inclusion of a direct link to same.

(*N.B.* Whilst it may be possible to address the deficit in open space through the inclusion of those lands alongside the northern site boundary, given that said lands are located outside of the site and are not within the control of the applicant, it would not be appropriate to consider same in the context of the proposal as lodged. However, this would not preclude reconsideration of the matter in any revised application).

From a qualitative perspective, I am inclined to concur with the reservations expressed by the Planning Authority that the area of open space proposed between Unit Nos. 35 & 36 will be of limited recreational value given that its primary purpose will be to serve as a link from the proposed development (and Leopardstown Road) through to the Mount Eagle estate. Furthermore, notwithstanding the inclusion of some side fenestration within the gable ends of Unit Nos. 35 & 36 and the positioning of Unit Nos. 6, 7, 19 & 20 on the opposite side of the car park, I would suggest that the level of passive surveillance offered to this space and its pedestrian pathway is not ideal. Accordingly, it would appear that the proposed development is perhaps overtly reliant on a connection to the parkland within Mount Eagle and its ancillary amenities (i.e. equipped play facilities etc.).

With regard to the area of open space located within the north-western corner of the site, I would also suggest that the overall usability of this area is somewhat limited when taken in isolation from the adjacent lands in the ownership of the Local Authority which do not form part of the application site and are outside of the applicant's control (*N.B.* The grounds of appeal have been accompanied by a revised proposal which provides for the relocation of Unit Nos. 1 & 2 (and Unit Nos. 24-26 above same) further south in order to negate any requirement to remove the 4

No. Monterey Pines trees in the north-western corner of the site. This will have the effect of increasing the overall amount of open space on site, although it will continue to fall short of Development Plan standards).

*Private Open Space:*

The proposed development, as initially submitted to the Planning Authority, includes for the construction of 16 No. three-bedroom townhouses and in this respect I would advise the Board that Section 8.2.8.4: '*Private Open Space – Quantity*' of the Development Plan requires all types of 3-bedroom dwelling houses to be provided with a minimum of 60m<sup>2</sup> of private open space located behind the front building (*N.B.* Any provision of open space to the side of dwellings will only be considered as part of the overall private open space calculation where it comprises useable, good quality space. Narrow strips of open space to the side of dwellings will not be included within the calculation).

In the subject instance, it is apparent from a review of the submitted plans and particulars that Townhouse Nos. 27-29 & 37-42 have been provided with rear garden areas of less than 60m<sup>2</sup> (ranging between 38-59m<sup>2</sup>) and that Unit No. 30 is also likely to have marginally inadequate private open space.

Whilst the Development Plan states that a relaxation in the applicable private open space standard may be considered in instances where an innovative design response is provided on site, in my opinion, the attempt by the applicant to justify the deficiencies in the subject proposal on the basis that the limited rear garden areas will not be overlooked and as the shortfall in private open space will be compensated by the provision of access from the wider scheme to the public open space within the neighbouring Mount Eagle estate, is misguided and cannot be held to warrant a deviation from the normal development management standards.

It has already been established that the proposed development does not satisfy the minimum requirements of the Development Plan as regards the provision of public open space on site and, therefore, the failure to provide sufficient private open space for up to 10 No. of the proposed townhouses further serves to demonstrate that the proposal will not provide for an adequate level of residential amenity for the future occupants of the proposed housing.

7.4. **Impact on Residential Amenity:**

7.4.1. Having regard to the site context, concerns have been raised that the proposed development may have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, and / or an overbearing visual impact. In this respect, I would suggest that particular consideration needs to be given to the overall design, orientation and positioning of the proposed development relative to the adjacent housing to the immediate east and west of the application site.

7.4.2. **Overlooking:**

With regard to the potential for overlooking of the adjacent property to the east, which comprises a single storey, bungalow-style dwelling house known as 'Carraig' and its associated grounds, it is notable that the absence of any fenestration within the gable end of the townhouse identified as Unit No. 42 (save for a minor corner window detail) will preserve the existing levels of privacy to the rear of that property. However, whilst I would acknowledge that factors including the positioning of the apartment block comprising Unit Nos. 7-19 forward of the front building line of 'Carraig', the absence of any windows within the eastern gable of same, and the oblique angle of the front of the apartment building relative to that of the existing dwelling, will all serve to limit the potential for undue overlooking of the adjacent residence, I would have some reservations as regards the proximity of the balcony areas at first and second floor levels within the south-facing elevations of Unit Nos. 13 & 14, although this could likely be mitigated through the inclusion of suitable screening as part of the balcony construction.

In relation to the potential for overlooking of those properties within Leopardstown Rise to the west of the site, whilst I would have some reservations as regards the proximity and positioning of the balconies serving Apartment Nos. 25 & 26, I would suggest that particular concerns arise with regard to the limited separation distance between Unit No. 27 (a three-storey townhouse) and the rear elevation and garden area of No. 1 Leopardstown Rise to the north / northwest of same.

(*N.B.* Although the revised proposals provided with the grounds of appeal have reduced the overall height of those units adjacent to the eastern and western site boundaries to a two-storey construction, in my opinion, these revisions do not

satisfactorily address my concerns as regards the potential for overlooking of neighbouring properties and the associated loss of residential amenity).

7.4.3. Overshadowing:

Given the site context, and having reviewed the ‘*Sunlight Access Impact Analysis*’ provided with the grounds of appeal, which includes an examination of the overshadowing impact of the initial proposal as lodged with the Planning Authority and the revised design submitted with the appeal itself, I am generally satisfied that whilst both versions of the scheme will result in some increased overshadowing of neighbouring properties, this will not give rise to such a loss of residential amenity as to warrant a refusal of permission.

7.4.4. Overbearing Impact:

Due to the change in levels across the site, it is apparent that the overall scale and height of the proposed three-storey construction will be most pronounced when viewed from within the grounds of the existing single storey bungalow (‘Carraig’) on those lands to the immediate east of the site. In this respect, I am inclined to concur with the Planning Authority that the extent of the three-storey gable construction proximate to the shared site boundary would likely result in an unacceptably visually dominant and overbearing outlook when viewed from within ‘Carraig’ which would be detrimental to the enjoyment of that property.

*N.B.* The reduction in the overall scale and massing of the proposed development as detailed in the revised proposals provided with the grounds of appeal (through the substitution of the outermost three-storey construction proximate to the eastern and western site boundaries with a two-storey design) would likely satisfactorily address the potential overbearing impact of the proposal when viewed from within neighbouring properties, however, I would reiterate my earlier concerns as regards the overlooking implications associated with these revisions.

7.5. Traffic Implications:

7.5.1. The Proposed Access Arrangements:

The proposed development includes for the upgrading of an existing access point onto Leopardstown Road and in this regard I am satisfied that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes

consequent on the proposed development and that the subject proposal will not pose a risk to traffic / public safety.

7.5.2. Car Parking Provision:

In accordance with Table 8.2.3: '*Residential Land Use - Car Parking Standards*' of the Development Plan, car parking should be provided at the following rates (depending on design and location):

*Residential Dwelling:*

- 1 space per 1-bed unit and per 2-bed unit
- 2 spaces per 3-bed unit+

*Apartments:*

- 1 space per 1-bed unit
- 1.5 spaces per 2-bed unit
- 2 spaces per 3-bed unit+

*N.B.* The car parking standards set out for residential land uses in Table 8.2.3 are generally to be regarded as 'standard' parking provision and include for both residents and visitors parking (although there should be a clear distinction between the two types of parking).

Therefore, on the basis that the proposed development, as initially submitted, comprises 4 No. one-bed apartments, 12 No. two-bed apartments, 10 No. three-bed duplex-apartments and 16 No. three-bed townhouses, it would typically generate a demand for 74 No. parking spaces, although consideration may be given to a reduced parking requirement depending on a number of factors such as the proximity of the proposed development to public transport.

The proposed development provides for a total of 58 No. car parking spaces and thus there is a moderate shortfall in the general parking requirement. In this respect, whilst I would acknowledge the concerns of local residents as regards the prevalence of haphazard parking in the surrounding area, particularly along the service roads within the Mount Eagle estate, given the site location within an approximate 250m walking distance of bus stops served by the 47 & 118 routes, and the proximity of the Luas Green line (c. 600m walking distance away), it is clear that



the proposed development site is located within a public transport corridor as defined in both the Development Plan and the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'. Accordingly, I am amenable to a relaxation in the applicable parking standards in this instance given the availability of public transport.

7.6. **Appropriate Assessment:**

Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.7. **Environmental Impact Assessment (Screening):**

Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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.

7.8. **Other Issues:**

7.8.1. **Supplementary Development Contribution:**

The proposed development site is located within that area subject to the Section 49 Supplementary Development Contribution Scheme for the extension of Luas Line B1 from the Sandyford Luas Depot to Cherrywood and in this regard I would recommend the attachment of an appropriate condition in the event of a grant of permission.

7.8.2. **Loss of Trees:**

Whilst the loss of mature tree specimens on site as part of the proposed development is regrettable, I am not of the opinion that this would warrant a refusal

of permission, although it would be preferable if the design of the scheme could accommodate the retention of those more notable examples.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. Having regard to the design and scale of the proposed development, it is considered that the proposed development by reason of its inadequate provision of both private and communal open space, would conflict with the provisions of the current Development Plan for the area, would offer a poor standard of residential amenity in terms of quality open space provision for the occupants of the proposed housing, and would be contrary to the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in May, 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its overall design, scale, height and proximity to the site boundaries, would constitute an overbearing form of development and would seriously injure the residential amenities and depreciate the value of adjoining properties to the immediate east and west by reason of visual obtrusion and overlooking.

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Robert Speer  
Planning Inspector

12<sup>th</sup> February, 2019