



An
Bord
Pleanála

Inspector's Report ABP 302277-18

Development	Seven Residential Units in a four-storey building with entrance from the east off Synge Place, balconies and winter gardens, storage, signage, lighting and site development works
Location	Saint Crispin House, Synge Place, Harrington Street, Dublin 8.
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	3013/18
Applicant	Xanadu Holdings
Type of Application	Permission.
Decision	Refuse Permission
Type of Appeal	First Party X Refusal
Appellant	Xanadu Holdings
Observer	Transportation Infrastructure Ireland.
Date of Site Inspection	30 th October, 2018.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 138 square metres and is rectangular in shape with a narrow frontage facing south and along frontage facing east. It is a corner site at Synge Place at the rear of No 5 Harrington Street which is at the end of a terrace of Victorian houses on the southside of Harrington Street. There are no structures on the site and it is surfaced in hard standing. There is access to Synge Place between houses on the east side of Synge Street. Synge Place extends along the rear boundaries of houses on Harrington Street and at a corner to the rear of No 5 Harrington Street continues northwards as far as a coach arch entrance off Harrington Street.
- 1.2. A four-storey apartment block (Nos 6 and 7 Synge Place) is at the rear of Nos 6 and 7 Harrington Street is located to the west side of the site. A four-storey residential development (Shaw Court) is located to the east on the opposite side of the lane and in a cluster of two storey houses is to the south east to the front of which there is provision for communal parking.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for development of seven dwellings within a four-storey block to be constructed on the site. The dwelling units consist of four studio units, one, one bed apartment and, two, two bed duplex units along with refuse storage facilities, lighting and winter gardens a sedum roof and associated site works. A single shared entrance to the block of Synge Place is also proposed. The stated site coverage is one hundred percent and the stated plot ratio is 3.6.
- 2.2. According to the planning officer report, the applicant has been granted a social housing exemption certificate for the development.
- 2.3. The application includes a design statement, 3D photomontages an engineering report and a fire safety and access report.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a decision to refuse permission on 6th July, 2018 on the basis of the reason reproduced below:

“Having regard to the scale and bulk of the proposed development, its excessive plot ratio and site coverage, its proximity to adjoining properties at number 5 Harrington Street, a protected structure and also the private open space to numbers 5 and 6 Synge Place, it is considered that the proposed development constitutes overdevelopment of this site, would cause excessive overshadowing and have an overbearing impact on the adjoining residential properties. The proposed development would be contrary to Section 16.2.2.2 of the Dublin City Development Plan in relation to ‘infill development’ and would seriously injure the amenities of property in the vicinity. The proposed development would also materially affect the character of the adjoining protected structure at number 5 Harrington Street and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer in his report notes the planning history but considers that the proposed development conflicts with the infill development objectives set out in section 16.2.2 of the CDP and to constitute overdevelopment. Reference is made to the plot ratio and site coverage, height, scale and bulk, to adverse impact on the amenities of the adjoining property by overshadowing of the private open space and to the character, setting and amenities of No 5 Harrington Street. It is stated that a development block in four storeys stepping down to two storeys on an appropriate footprint may be acceptable.

3.2.2. **Other Technical Reports**

The report of the **Roads and Traffic Planning Department** notes the prior planning history for the site, the narrow width of Synge Place, along which there are double yellow lines. However, it is stated that the omission of dedicated parking is acceptable due to the location close to the city centre but that the applicant should be required to provide dedicated cycle parking facilities in accordance with development plan standards. It is also stated that details for refuse storage and a collection point have not been provided in the application.

The report of the **Drainage Division** indicates a recommendation for design for arrangements for disposal to separate foul and surface water systems and combined final connection to the public sewer system. In addition, it is recommended that a climate change factor of twenty percent be provided for in revised storage calculations so that the development would accord with the SFRA for the Dublin City Development Plan.

3.3. **Prescribed Bodies**

- 3.3.1. In a letter received from Transportation Infrastructure Ireland, there is a request for a section 49 development contribution condition to be attached if permission is granted, in respect of the LUAS Cross City. (St Stephens Green-Broombridge line.)

3.4. **Third Party Observations**

A resident at Nos 6 and 7 Synge Place which adjoins the sites indicates concern about potential excessive height and as to potential overlooking and loss of access of light.

4.0 **Planning History**

P. A. Reg. Ref.2324/11: Permission was granted for a part four storey and part two storey block containing three one bed apartments and one two bed apartment with an entrance off Synge Place. This grant of permission remains extent as an extension of the duration of the grant of permission to 12th July 2021 has also been granted.

P. A. Reg. Ref.2922/10: Permission was granted for demolition of a two-storey structure on the site which was in car repair and office use and for construction of a part for storey and part two storey block containing three one bed apartments and one two bed apartment with an entrance off Synge Place.

P.A. Reg. Ref. 1942/98. Permission was refused for the demolition of the existing structures and for construction of a three-storey building for use as a Medical Centre.

P. A. Reg. Ref. 4335/09: Permission was refused for demolition of a two-storey structure on the site which was in car repair and office use and for construction of a part for storey and part two storey block containing three one bed apartments and one two bed apartment with a roof garden incorporating SUDS drainage, attenuation storage at basement level, winter gardens and balconies and cycle storage with an entrance off Synge Place.

P. A. Reg. Ref.2457/04: Permission was granted for demolition of a two-storey structure on the site which was in car repair and office use and for construction of a part two storey and part four storey block containing four one bed apartments and one duplex unit. Permission for change of use to use of the permitted apartments as hotel accommodation was subsequently refused under P. A. Reg. Ref 6020/04.

P. A. Reg. Ref. 5129/06: This was a further application for permission for alterations to the apartments relating to staircases and balconies and a split decision was issued by the planning authority.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 According to which the site location is within an area subject to the zoning objective: Z1: *“To protect, provide and improve residential amenities”*.

Indicative plot ratio for Z1 zoned lands is 0.5-2.0 (Section16.5) and Indicative site coverage is 45-60 percent. (Section16.6)

Guidance and standards for infill development are set out in section 16.2.2.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from the applicant's agent, CDP Architecture on 7th August, 2018 attached to which there are appendices comprising copies of documents made available with the application, extracts from the *National Development Plan*, (NDP) and *Project Ireland 2040-National Planning Framework*, (Project Ireland 2040) a historic building report and revised drawings and documents prepared by the applicant's consulting engineer and the applicant's architect.
- 6.1.2. The appeal submission contains extracts from the planning officer's report with observations. The content of these observations overlap with information and remarks within the application and appeal submissions. There is elaboration and clarification on the details of the application, especially with reference to the design statement for proposed development in relation to:
- compatibility of the proposed structure in design, scale and form with the surrounding built environment,
 - the location close to the city with availability of transport, services and facilities and public open space and amenities.
- 6.1.3. With regard to policy for infill development in the CDP, references are made to the fourth-floor setbacks features, and materials and finishes for the proposed development and to the design, scale character and height of surrounding development. It is submitted that the proposed development satisfactorily merges into the existing building environment in which there is no predominant architectural style and, that in returning the vacant site to use, it contributes to vitality and visual interest as illustrated in 3D visualisations included in Appendix E of the appeal.
- 6.1.4. The appeal submission includes revised drawings and details (Appendix 1) indicating proposals that take into account, and, respond to the requirements set out in the report of the Drainage Division's report. A condition, as appropriate can be attached.
- 6.1.5. With regard to the requirements of the roads and transportation department's report the revised site layout plan indicates provision for ten cycle spaces, seven to be

allocated for residents, allocation of an area at ground level for bin storage enclosure from which collections would be during off peak hours.

6.2. The rebuttal of the Reason for refusal of permission can be outlined as follows:

6.2.1. With regard to the site coverage and plot ratio national policy confirms the need for a strategy to build at higher density and scale.

There are insufficient lands in the city and an undisputed housing crisis.

Rebuilding Ireland – Action Plan for Housing and Homelessness (2016) commits the State to increased overall housing supply.

6.2.2. The NDP and Project 2040 provide policy for sustainable growth of compact urban and rural settlements, greater densities that are centrally located and increase in housing output to respond to growth in population and household formation. (Extracts are provided in Appendices L and M and N) The proposed development responds to these policies.

6.2.3. The site has the benefit of permission for a low-quality development which would be redressed by the proposed high quality contemporary scheme at appropriate density. The planning authority supports the potential for residential development the site in view of the prior grants of permission; the current proposal seeks to increase the density without significant impact on the surroundings. It upgrades a derelict site enhance the context and provides vitality and needed housing and provides a sustainable car free development.

6.2.4. With regard to the proximity to No 5 Harrington Street, (Protected Structure), a statement prepared by John Greene, Historic Building Consultant is included with the appeal who concludes that the proposed development would have a positive impact on No. 5 Harrington Street and a neutral impact on the protected structures near the site. In this regard it is stated that the proposed development represents a residential development on a vacant site that is complementary to the surrounding buildings, streetscape and setting of the site.

With regard to the proximity to Nos 6 and 7 Synge Place a shadow analysis is included with the appeal. It indicates minimal impact on Nos 6 and 7 Synge Street. There is negligible impact in March, (9 am to 12 pm and June (9 am to 12 p m.)

6.2.5. It is stated that the concerns about overshadowing in the Observer Submission are addressed in the submitted shadow analysis and that it is shown in the plans (included in Appendix E) that there are no windows facing Ny 6 and 7 Synge Place and that brick deal was included to create movement and visual interest.

6.2.6. The impact on No 5 Harrington Court is not significant relative to the impact of the prior grant of permission.

6.3. **Planning Authority Response**

There is no submission from the planning authority on file.

6.4. **Observations**

In a letter received from Transportation Infrastructure Ireland, there is a request for a section 49 development contribution condition to be attached if permission is granted, in respect of the LUAS Cross City. (St Stephens Green - Broombridge line.)

7.0 **Assessment**

7.1.1. The desirability of development of the vacant serviced site and the references in the appeal in this regard to The National Development Plan (NDP) and *Project Ireland 2040-National Planning Framework* ((Project 2040) are undisputed. Sustainable and high-quality development in residential or other appropriate use on the site that contributes to the consolidation of the city is fully consistent with national strategic policy as reflected in the NDP and Project 40. In principle, high intensity, or a high density residential development is appropriate in this regard and is consistent with the zoning and related policy objectives of the Dublin City Development Plan, 2016-2022. There is an over-representation of one bed-units in the dwelling mix which is a consideration not to be dismissed even though it is a small infill development in view of the desirability of achieving good mix of household formation and size within the area and encouragement of longer term occupancy.

- 7.2. The current proposal is for a larger development than the previously permitted development in respect of which there is an extant grant of permission under P A. Reg. Ref 2324/11 for a part four storey and part two storey block containing three one bed apartments and one two bed apartment with an entrance off Synge Place. that expires in July 2021. However, it is noted that prior applications for a larger block have been unsuccessful. (Details in section 4 above refer.)
- 7.2.1. The block is in effect a five storey, block, (four floors over a ground floor) with a step down by one floor at the northern boundary with the rear of No 5 Harrington Street. The five-storey element is excessive in height to the parapet and in scale at the corner site location. It dominates and is overbearing and excessive in proportion in visual impact relative to the adjoining lower height four storey apartment development to the west side (Nos 6 and 7 Synge Place) and No 5 Harrington Street in views from the public realm. As a result, the proposed block constitutes overdevelopment.
- 7.2.2. The integrity and character of No 5 Harrington Place, which is included on the record of protected structures would also be adversely affected by the impact of the proposed structure on its setting, notwithstanding the prior severance of the original historic plot. It is understood the structure on the application site that was demolished was a two-storey building which would not been dominant in the relationship with the house at No 5 Harrington Street.
- 7.2.3. The residential amenities of the adjoining structures which are subdivided into multiple and relatively small individual dwelling units and their private open space would be diminished by the impact of the disproportionate height and scale of the proposed block which would also give rise to significant sense of enclosure and poor outlook from these properties. The rear windows of the units in No 5 Harrington Street are circa twelve metres from the proposed north elevation and some diminution on access to daylight and to sunlight from the south at these windows may occur.
- 7.2.4. The block is to be located to the east side and north of No 6 Synge Place whereby the overall potential impact in terms of loss to sunlight and daylight is significant, but it is acknowledged that the previously permitted development which would have

enclosed this space to a lesser degree should be considered. While the precise methodology applied for the shadow study submitted with the application and appeal is not available, it is considered that relative to the impact of the previously permitted development, there would be an increase in impact on the properties to the west and north of the appeal site that would be attributable to the proposed development.

7.2.5. The negative impact on the residential amenities of the adjoining properties is more significantly attributable to the overbearing impact and enclosure due to height mass and scale of the proposed development than it is to overshadowing effect. The stated plot ratio for the proposed development is 3.6 and site coverage is one hundred percent. They significantly exceed the plot ratio and site coverage for 'Z1' zoned lands in the CDP of 0.5- 2.0 and 45-60% respectively. To this end, it can be concluded that the plot ratio and site coverage for the proposed development is excessive and unacceptable. Notwithstanding the scope provided for in the CDP for flexibility in the application of the indicative plot ratio and site coverage in section 16.5 and 16.6. the proposed development, given the foregoing, constitutes overdevelopment that is substandard and is unacceptable.

7.2.6. In view of the foregoing, the view of the planning officer that the proposed development does not accord with the requirements for infill development set out in section 16.2.2 of the CDP for complementarity with the prevailing scale and positive contribution to the area and as to adverse impact on the protected structure and residential amenity is supported.

7.3. There is no objection to the proposal for no on site carparking provision given the site location close to the city centre and services and facilities and public transport. The proposal to provide for some dedicated cycle parking facilities and a collection point for refuse collections indicated in the appeal is satisfactory.

7.4. **Environmental Impact Assessment Screening.**

Having regard to the minor nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.5. **Appropriate Assessment.**

- 7.5.1. Having regard to limited scale and nature of the proposed development, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. In view of the foregoing, it is recommended that the decision of the planning authority be upheld and that the appeal be rejected. Draft reasons and considerations follow.

9.0 **Reasons and Considerations**

It is considered that the proposed development constitutes overdevelopment by reason of the height and scale of the proposed block and to the site coverage at one hundred percent and to the plot ratio at 3.6 which would be over dominant and excessive in proportion in views from the public realm relative to the protective structure at No 5 Harrington Street and to existing surrounding development, would give rise overbearing impact and sense of enclosure overshadowing of the adjoining private open space at the rear of No 5 Harrington Street and No 6 Synge Place. As a result, the proposed development would adversely affect the setting of a protected structure, would , would seriously the visual amenities and character of the area and fail to have regard to the form of the existing buildings which is contrary to the provisions for infill development set out in section 16.2.2 of the Dublin City Development Plan, 2016-2022 would seriously injure the residential amenities of adjoining properties in the vicinity and would be contrary to the proper planning and development of the area. .

Jane Dennehy
Senior Planning Inspector
26th November, 2018.