



An
Bord
Pleanála

Inspector's Report ABP 302344-18

Development

Residential development of 72 no. units in 4 no. blocks with a single level basement, consisting of the change of use of the existing Verville Retreat building from nursing home use to residential use and change of existing former outbuilding to residential use and all ancillary works.

Location

Verville Retreat, Vernon Avenue, Clontarf. Dublin 3.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

2038/18.

Applicant(s)

MKN Property Group.

Type of Application

Permission.

Planning Authority Decision

To Grant Permission

Type of Appeal

First & Third Party

Appellant(s)

MKN Property Group (First Party)
Brendan Rogers
Gerard Eastwood.

Observer(s)

Sean Haughey TD
Clontarf Residents Association.

Date of Site Inspection

6th November 2018.

Inspector

Breda Gannon

1.0 Site Location and Description

- 1.1. The site is located in Clontarf, Dublin 3 to the northeast of the city centre. The rectangular shaped site accommodates a number of buildings including Verville House, a protected structure, which dates from the 1740's and a number of outbuildings in the northern section of the site. Verville House is a large three-storey over garden level building with an elongated plan. The front elevation faces south beyond which there is an overgrown area of open space which contains a number of trees. All of the buildings on the site are currently vacant.
- 1.2. The site is bounded to the north by Vernon Avenue, to the west by the rear gardens of the houses fronting onto Grosvenor Court, to the south and south-east by the open space associated with Grosvenor Court and to the east by the more recent 3-4 storey apartment block (Verville Court). Vehicular access is off Vernon Avenue and the boundaries of the site are defined by a concrete wall.
- 1.3. With the exception of the Central Remedial Clinic, which occupies a large site to the west, the area is predominantly residential, with a small shopping area on the Howth Road c.500m to the west and Killester station (Dart) a similar distance to the northwest.

2.0 Proposed Development

- 2.1. The proposal is to provide a residential development on the site comprising 72 no. residential units in 4 no. blocks and includes the refurbishment and renovation of the existing Verville Retreat building (Verville House-protected structure) and a former outbuilding. The four blocks would be as follows;
 - Block A would be a four-storey building (fourth storey set-back) and accommodate 14 no. apartments with balconies/terraces to the north and south elevations. It would be positioned to the north side of Verville House and address Vernon Avenue.
 - Block B comprises the change of use of the existing four-storey Verville House building to provide 9 no. apartments. Later additions and extensions

would be removed and modifications/reconfiguration of and refurbishment to the existing building would be carried out to accommodate the new apartment units. A new external stair core would be constructed on the eastern elevation.

- Block C would be a four-storey building (fourth storey set back) and accommodate 48 no. apartments with balconies/terraces to all elevations and a roof garden. It would be located adjacent to the southern and eastern boundaries of the site and have an L shaped configuration.
- Block D comprises the conversion of the existing single-storey outbuilding to a mews dwelling with associated internal/external modifications to accommodate the proposed change. The building is located to the north-west of the site adjacent to the entrance.

It is also proposed as part of the scheme to provide a basement level which would accommodate a total of 69 no. car parking spaces, 80 no. bicycle spaces, ancillary plant room and refuse storage area. It is proposed to demolish the existing single-storey block to the north of Verville House and provide revisions and improvements to the existing vehicular entrance to Vernon Avenue. Communal open space would be provided in the form of a landscaped courtyard extending to approximately 1300m². It is proposed to replace the existing boundary walls to the front and rear of the site with a low wall and railings and to retain the existing side boundaries.

The application is supported by the following;

- Urban Design Statement.
- Photomontages.
- Landscaping Plan.
- Shadow Analysis, Sunlight and Daylight Analysis.
- Architectural Heritage Impact Assessment Report.
- Arboricultural Report.
- Engineering Services Report.
- Traffic and Access Assessment.

- Part V validation letter.

3.0 Further Information

3.1. Further information was sought on the application on 7/3/18 on matters relating to the following;

- more detailed information on the condition and historic fabric of the protected structure, surveys plans, photographic records, methodology for modifications/upgrade works etc,
- light penetration and privacy issues associated with Block A,
- that Block C be relocated to protect the trees along the southern and eastern boundary and to provide public open space adjacent to the southern site boundary, overbearing impacts of western elevation, light penetration, relationship with Verville Court to the east,
- additional parking to prevent overspill on the adjoining road network, layout of cycling parking, cumulative traffic impacts.

The response of 28/8/18 which included revised plans and elevations and a number of reports including a conservation report, daylight/sunlight report, arborist report, traffic assessment report, fire safety strategy etc was considered acceptable by the planning authority.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the development subject to 25 no. conditions. Apart from standard engineering/construction related conditions, the decision contains the following conditions of note;

Condition No 5 -Requires the following revisions to the scheme to be submitted for the written agreement of the planning authority prior to the commencement of the development;

- (a) The west gable of Block C to be two-storeys only in height adjacent to the rear boundaries of the dwellings on Grosvenor Court to the west. This will require the omission of Unit 062 with the resulting flat roof accessed for fire escape and maintenance purposes only.
- (b) The apartments at the northern end of Block C (Units 024, 037 and 050) and the roof terrace at third floor level shall be omitted with the new gable wall located c.11m south from the front elevation of Retreat House. The northern stair and lift core in Block C shall have a bespoke approach to its exterior treatment to compliment the design of Block C and the Retreat House. Within the apartments which now form the northern gable (Units 025, 038, 051 and 063) the units shall have a high level (minimum 1.6m above finished floor level) windows to the living spaces on the gable elevation.
- (c) North facing balcony to Unit 049 at first floor level in Block C shall be screened to its west side by an obscure glazed panel to a minimum height of 1.8m.
- (d) The stair core windows at first, second and third floors at the north end of the eastern arm of Block C facing east shall be fitted with obscure glazing. Any new glazing to the north face of the stair/lift core as a result of Condition 2(b) above shall be agreed with the Planning Authority. The stair core shall not have an opening door at third floor.
- (e) The stair core to Block C located in the 'elbow' of the block adjacent to ground floor Unit 028 shall have glazing at first, second and third floors of a scale and dimensions to integrate visually with the proposed windows to the apartment to either side.
- (f) The stair core to Block C on the southern elevation shall have glazing to their southern side of a scale and dimensions to integrate visually with the proposed windows to the apartments to either side.
- (g) The east facing windows to bedrooms in Units 029, 040, 052, 062 & 065 of Block C shall have angled windows (oriel, box etc) in which any clear glazed sections have views restricted solely towards the southeast over Grosvenor Court. Each window shall include clear glazing but may also include obscure glazing facing to the east.

- (h) The external deck access at first and second floors on the south elevation of Block A shall have clear glazed rain screens provided to their southern side to a height of a minimum of 1.4m above finished floor level. Each deck shall have a suitable roof which covers all parts of the deck including access from the shared core and which shall be lightweight and in keeping with the materials in Block A.
- (i) The roof of Block D (mews/outbuilding) shall be maintained as a hipped roof on the north gable and the irregular window forms to either gable shall be omitted. The window opening sizes and materials shall be agreed prior to commencement of development.

Condition No 7 – The open space area to the north of Block A below street level shall be subdivided proportionally and retained for the sole use of each of the ground floor units which open onto this space. The green areas at ground floor adjacent to the south side of Block A shall have perimeter low level planting provided as privacy screening. The area of green space adjacent to the west elevation of Block A shall also have perimeter low level planting as privacy screening for Unit 001.

Condition No 9 – Boundary wall details.

Condition No 10 – Specifies requirements in relation to works to the Protected Structure.

Condition No 11 – Archaeological assessment.

Condition No 14 – Landscaping scheme.

Condition No 15 – Tree protection. Bond in respect of same.

Condition No 16 – Part V requirements.

Condition No 17 – No additional development shall take place above roof level unless authorised by a prior grant of planning permission.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The **Planning Officer's** report of 23/7/18 considers the details of the planning application and the further information received.

The report notes the poor condition of the Protected Structure, which is of great significance both locally and in terms of the wider city, given its age, history and the intricacy of its principle front (south) elevation. In order to bring about the renovation and to return the building into use, there must be some quantum of development elsewhere on the site. This is supported by the previous planning history on the site.

The proposal seeks a higher density of development than previously proposed, but there is an onus on planning authorities to encourage and promote higher densities within the city as a whole. The proposed plot ratio and site coverage align comfortably within that permitted in Z2 zoned areas in the outer city. Over 26% of the site would be set out in communal open space with total communal space being three times the required standard. These quantitative standards suggest that the scheme is not overdevelopment. The density is high, but not excessive, particularly given the reasonable walking distance to public transport including DART and the high frequency bus corridor on Howth Road. The site is also within walking distance of the amenities of Killester village and is close to St Anne's Park (400m).

The development of apartments would not be in keeping with the character of the area, given that it is typified by semi-detached and terraced private housing. However, given the size of the site, the relationship to existing properties and separation distances and the recognised need to increase densities and introduce a range of housing options in the area, the development is considered acceptable. The proposed apartments are of a size and mix to be attractive to both first time buyers but also to downsizers who would be able to release existing family housing in the area, while remaining in the community.

The heights of the blocks would not be excessive at four-storeys and would be comfortably within the maximum height restriction of up to 24m proximate to the rail hubs and up to 16m for the outer city. Block A forms a continuation of the scale of Verville Court and would be a broadly positive presence on the streetscape with the removal of the existing high boundary and replacement with an active street frontage. Block C would stand alone on the southern boundary addressing the existing public green space and creating its own scale adjacent to this open space.

The renovation of Retreat House would be a central part of the development and brought back into use with dwelling units that respond to the internal layout of the building rather than providing generic units into the spaces.

Subject to relatively minor alterations discussed and the omission of four units and modifications to the layout, the proposed development would not unduly impact on existing residential amenities, would ensure the protection and return to use of an important protected structure and would be consistent with the proper planning and sustainable development of the area.

The report outlines the impacts of the various blocks, which is considered in more detail below in the assessment.

4.2.2. Other Technical Reports

4.2.3. The **Conservation Officers** report of 20/7/18 provides commentary on the further information received and the alterations made. The Conservation Officer remains of the opinion that the height and proximity of Block A to the Protected Structure dominates it adversely. It is also stated that the proximity of the blank gable wall of Block C to the principal elevation of the eastern end of the Protected Structure will have an adverse impact on the building and present a bleak view from the windows on the first and second floors. It is recommended that Block C be set back further and that the proposed top floor level is omitted on the eastern range of Block C to reduce the impact on the character and setting of the Protected Structure. It was considered that the architectural expression of the new building blocks requires further refinement, particularly in relation to full height openings, copings, general detailing to compliment the setting of the Protected Structure.

A grant of permission is recommended subject to conditions.

The **Parks & Landscape Services** report of 17/7/18 notes the submission of additional information and that no changes have been made to the proposal. It objects to a grant of permission as it will have a direct negative impact on the existing trees and fails to provide public open space. It is considered that the proposal would have a negative impact on the amenity of the area and would, therefore, be contrary to the Z2 zoning objective and development plan standards.

The **Roads & Traffic Planning Division** in their report of 16/7/18 note the further information submitted and that the issues raised were satisfactory addressed. A

revised basement plan was submitted which includes the provision of 76 no. cycle parking spaces to serve the proposed 72 no. units. The proposed cycle parking has been relocated beside each stair/lift core serving Blocks A, B and C. The proposed level of parking is considered acceptable. A revised Transport Assessment was submitted which takes into consideration the cumulative impact of existing and permitted development in the vicinity as requested.

The **City Archaeologists Report** of 9/2/18 recommends that a condition requiring an archaeological assessment be attached to any grant of permission.

4.3. **Prescribed Bodies**

Details of the application were forwarded to a number of prescribed bodies including An Taisce, The Heritage Council, Irish Water, Department of Culture, Heritage and the Gaeltacht. No responses were received.

4.4. **Third Party Observations**

A number of observations on the application were received by the planning authority raised similar issues to those raised in the appeal including the following;

- Development contrary to Z2 zoning objective and the provisions of the development plan.
- Inappropriate design, scale and height of the development, which is out of context with established development.
- Impacts on Protected Structure.
- Impacts on the amenity of adjoining residential property.
- Impacts of removal of south boundary wall and existing trees on visual and residential amenities of the area.
- Traffic and parking.

5.0 **Planning History**

1. **3859/14 (PL 29N. 245083)** - permission granted for the provision of 12 no. residential units, the conversion of the existing outbuilding into 1 no. mews

dwelling and the conversion of the existing Verville Retreat building into 6 no. apartments on 28th September 2015.

2. **4660/07 (PL29N.226256)** – permission granted for alterations to a previously approved residential development (involving an increase in the total number of residential units from 43 to 45) and all associated site works.
3. **6371/05 (PL29N.217909)** - permission granted for the provision of 58 no. residential units and the refurbishment of Verville Retreat and outbuildings and all ancillary site works including the provision of 85 no. car parking spaces with access off Vernon Avenue.

6.0 Policy Context

6.1. National Policy/Guidance

6.2. The **National Planning Framework - Project Ireland 2040**, published in 2018 is the Government's plan for shaping the future growth and development of Ireland out to 2040. It is envisaged that the population of the country will increase by up to 1 million by that date and the strategy seeks to plan for the demands this growth will place on the environment and the social and economic fabric of the country. It sets out 10 no. goals, referred to as National Strategic Outcomes.

6.3. Under National Strategic Outcome 1 (Compact Growth), the focus is on pursuing a compact growth policy at national, regional and local level. From an urban development perspective the aim is to deliver a greater proportion of residential development within existing built up area of cities, towns and villages, to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. Relevant policies include NPO 4, 6, 11 13 & 35.

6.4. The **Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (May 2009)**, focus on the delivery of quality residential development. It promotes higher residential densities on residential zoned land in particular locations such as city and town centres, brownfield sites, public transport corridors, inner suburban/infill sites etc, subject to good design, the provision of a

good quality living environment for future occupants and the protection of the amenities of adjoining property.

6.5. The **Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (May 2018)** outlines the need for a significant and sustained increase in housing output and apartment type developments in particular to meet growing demand. It emphasises the need to ensure that apartment living is an increasingly attractive and desirable option for a range of household types and tenures. It stresses that apartments need to become *'more and more the norm for urban housing solutions'*.

6.6. Apartment design parameters addressed in the guidance include, locational considerations, apartment mix in apartment schemes, internal space standards, dual aspect ratios, storage spaces, amenity space,s car parking etc.

6.7. **Development Plan**

The operative development plan is the **Dublin City Council Development Plan 2016-2022**. The site is located in an area zoned Z2, Residential Neighbourhoods (Conservation Areas), with the following objective;

'To protect and/or improve the amenities of residential conservation areas.'

Standards for Residential Accommodation are set out in Section 16.10. Residential Quality Standards for apartments are set out in Section 16.10.1 and 16.10.3.

Volume 4 of the Plan contains the Record of Protected Structures. The policies in relation to Protected Structures are set out in Section 11.1.5.1. The policies in relation to Conservation Areas are set out in Section 11.1.5.4. These policies seek to

protect the structures of special interest which are included in the Record of Protected Structures and the special character of Conservation Areas.

Relevant policies include the following;

CHC1 - Preservation of the built heritage of the city.

CHC2 – Protection of the special interest of protected structures.

CHC4 – Protection of special interest and character of Conservation Areas.

6.8. Natural Heritage Designations

None.

7.0 The Appeal

7.1. Grounds of Appeal Third Party

1. Gerard Eastwood

The submission is made on behalf of the residents of Grosvenor Court and is summarised as follows:

- The proposed four-storey apartment blocks are too high. They are twice the height of the houses in Grosvenor Court which encloses the site on three sides, while the fourth side faces bungalows on Vernon Avenue. Block C which is less than 10m away takes its height reference from Vernon Retreat which is located at twice the distance.
- The removal of trees on the Grosvenor Court green space will impact on privacy and have a negative visual impact on the estate generally.
- The generous communal open space within the development site to the front of Verville House is created by the location of Block C in close proximity to the existing houses in Grosvenor Court. Requests that Block C is moved further away than currently proposed, inwards and westwards from its currently planned position. This would reduce the severe impact on the

existing houses in Grosvenor Court and protect the roots of the trees on the green area, which are liable to damage from the construction of the underground car park.

- The proposal is both incongruous and incompatible with the character of the existing building and the Z2 zoning objective. The site already has the benefit of planning permission for more traditional style houses, which would be more in keeping with the Z2 zoning objective and within the curtilage of an architecturally important building.
- There will be a loss of privacy arising from overlooking windows and apartments. All windows, balconies, screens etc which would overlook Grosvenor Court should be glazed with opaque material to preserve privacy.
- Concerns regarding the risk of fire, pollution and noise from the vents in the underground car park which are located close to the rear garden walls of Grosvenor Court.
- Damage to house foundations and garden walls during construction of the underground car park.
- The development will exacerbate traffic congestion in the area.
- Insufficient infrastructure (drainage and waste water systems) to cope with such a large development. There are on-going problems with these services.
- Vermin control during disturbance of the grounds.
- Restrictions on working hours during construction.
- Access to the site should be via the existing entrance to Verville Retreat and not via Grosvenor Court e.g by use of the public space during the period that the southern/eastern boundary wall is knocked down to enable the building of new wall/railings.

2. Brendan Rogers

- The design, scale and height of the proposal is incompatible with the Z2 zoning objective and would have a negative impact on the amenity of existing residents and on the architectural quality of the protected structure and the area.

- The front elevation of Block A faces north onto Vernon Avenue. It is set back 3.5m from the footpath and 1.8m below street level and is effectively three storeys over basement. Whilst this reduces the impact on the streetscape and on the amenity level of the bungalows opposite, it is 2m higher than the townhouses to the east in Verville Court and about equal the height of the protected structure. Due to its northern orientation and being 1.8m below ground level, the basement will not receive sunlight at any time of the year. There are also privacy issues associated with passing pedestrians having a clear view through the proposed railings down into this level. The balconies and terraces on the upper floors will be north facing and will also suffer from lack of sunlight. This design is incompatible with the Z2 zoning.
- The eastern end of Block A will be very close to the boundary wall with Verville Court (0.8m). Due to the 3.5m set back this would mean that No 1 Verville Court would have a 9.9m wall immediately to the west at the rear of the building. A roof terrace is proposed on the top floor, which would have a clear view into the sitting rooms and main bedrooms of the townhouses in Verville Court. It would also overlook the communal garden space of Verville Court. The overbearing nature of a 9.9m wall and the issue of overlooking does not protect the amenity of the residents of Verville Court.
- The south elevation has a separation distance of 4.79m from Verville House which is insufficient and would have a negative impact on the protected structure. The overbearing nature is exacerbated by the height of Block A with a roof height equal to the protected building.
- Block C will be four storeys with balconies/terraces to all elevations and a roof garden. It will be constructed above an underground car park. The boundary to the south and south east is bounded by an area of public open space. Close the boundary wall is a line of mature mixed species of conifers. The roots of these trees run well within the site area and will be compromised by the construction of the underground car park. This would have a negative impact on the amenity of the residents of Grosvenor Court to the south and east of the site. Should the trees survive, the amenity of the occupants of the apartments on the southern elevation would be compromised with very little nature light. The contention that the development of the site is not compatible

with the retention of the trees as stated is not correct. The current planning permission (3859/14) facilitates development and the retention of the trees. An obvious solution is not to build so close to the boundary of the site.

- The eastern elevation of Block C is four storeys with no set back at fourth floor level. At c.18m from the south boundary wall the east boundary walls steps towards Verville Court by almost 5m. The developer plans to follow this building line and orientate a section of the building towards the open communal space of Verville Court. This exacerbates the overbearing nature of the building which at 13.15m in height already has a significant impact on the amenity level of Verville Court. The height and proximity to the eastern boundary also has a negative effect on the level of light at the communal area of open space. Overall Block C would have a severe negative effect on the amenities of the existing residents in Verville Court.
- The south facing frontage of the protected structure is of architectural importance and is by far the most visually appealing part of the building. The northern elevation of the eastern wing of Block C, at four storeys and c.11 m distance is too high and too close.

7.2. Grounds of Appeal - First Party

- The appeal is against Condition No 5 (b) which requires the removal of apartments at the northern end of Block C.
- The proposed development has been designed to provide a density of c.135 units per hectare consistent with national/local policy and guidance, which seek to support more compact and sustainable urban areas. The location of the site within 500m of Killester DART station and 1km of Harmonstown DART station makes it an ideal location for high density.
- The 3 no. units required to be removed have no impact on Verville House and are in accordance with national and local development plans in terms of design.
- The proposed works to Verville House as well as the proposed new build have been informed by expert advice by a qualified and experienced

Conservation Architect. The later additions to the building are proposed to be removed and appropriate interventions to the existing structure have been proposed to ensure that the building will be suitable for modern day living. The proposed works to Verville House itself, including the new apartments to the north and south of the main house respects its character and setting and will not be injurious to it. There would, therefore, appear to be no reason to omit units 24, 37 and 50 or the north facing roof terrace from Block C.

- It is assumed by the appellants that the anticipated outcome of Condition No 5b would be to improve the residential amenity of Unit 19 and 22, which are located within the eastern wing of Verville House. As shown in Figure 4, the southern facing windows on units No's. 19 and 22 will have a clear and uninterrupted view of the open courtyard within the centre of the development. This area, which will capture the evening sun should be considered as a positive amenity, which will provide an attractive vista for what are 2 no. large triple aspect apartments.
- There are no north facing windows being proposed to units 24, 37 and 50 within Block C and as such the juxtaposition of Block C with Verville (Block B) will not give rise to any overlooking issues. Should the Board consider it necessary, the applicant would be willing to provide a form of 'green wall' on the northern elevation of Block C so as to provide a softer outlook for the future residents of Verville. There are no directly opposing windows from the roof terrace at third floor level of Block C and appropriate screening to the roof terrace would be provided, ensuring that there would be no overlooking from this area.
- This is not a greenfield site and there are significant planning precedents for similar development including 4660/07 and 6371/05.
- Verville House will be restored to its former glory by removing the later additions to the building, which detract from its special character. The provisions of large apartments in the building will add vitality to the building.

- The application has been prepared by a highly qualified and experienced design team. It will restore and refurbish Verville House which is currently vacant and will provide a modern residential development that is suitable for the future of the area and respects residential amenities as well as the character and setting of Verville house itself. The existing aspects of units 19 and 22 will not be materially improved by the imposition of Condition No 5(b). It is not considered that this condition is based on proper evidence-based planning rationale.

7.3. Applicant Response

1. Response to appeal by Brendan Rogers

- The assertion that the ground level of Block A is in effect a basement level is not correct. The ground level of Block A is similar to other blocks throughout the site with a finished floor level of 17.95 for Block A and 18.15 for Block C at the rear of the site. This is a change in level of 200mm, which reflects the topography of the site and will be imperceptible once constructed.
- The ground level of Block A is 1.8m below that of Vernon Avenue so as to allow for a continuous and consistent ground level within the site. This will allow Block A to bed into the site so that it will integrate seamlessly with the ground floor of Verville House and Block C. Whilst it has the appearance on section of sinking the block into the land, this allows for a reduction in the overall height while allowing a coherent site level within the development. The design has been given careful consideration to ensure that this layout will work practically in reality and has been further tested in terms of access to light by ARC, the results of which were positive.
- The layout has been used very effectively in the Seascape development in Clontarf, whereby the site level was dropped to the rear of the land to allow the block to sit into the site and maintain a single level within the site. As seen on the images, the ground floor units are below road level and have their own private terraces which are not visible from the road or footpath.

- Within the Seascape development, the ground floor level is substantially below that of the adjacent Dollymount Park (ground floor at 3.30m with a street level of 6.4m (see section pg 7). Whilst this is a significant differential, the reality is that the design approach works very well and produced a positive design element to this award-winning scheme.
- The differential in levels in Verville is only 1.8m, which along with a set back from the footpath of 3.5m, will ensure that these are attractive and bright apartments with private terraces of high amenity value.
- The finished ground level of Block A also ensures that it does not detract from the visual quality of Verville House itself or be visually overbearing. The ridge height of Block A is below that of Verville House. Planning precedent would suggest that any modern development adjacent to a protected structure should not necessarily be subservient and there are many recent and very successful examples of such an approach (Sheiling Square, Clancy Quay, Mount St Anne's) as well as previous permissions at Verville.
- The appellant raised unsubstantiated claims that the ground level will have no sunlight access. The detailed analysis confirmed that all of the units and the terraces and balconies within Block A (including the ground floor level units) will exceed minimum standards, which is evidence that Block A has been appropriately designed to a high standard that will provide for an excellent living standard for future residents.
- Regarding privacy issues associated with pedestrians passing and having a clear view through the boundary railings, the boundary treatment consists of a low wall and railing which will provide privacy for residents within the block. There is also a set back of c 3.5m between the ground floor windows and the back of footpath/boundary rail, which is significantly greater than the development plan requirement of a 1.5m wide privacy strip for ground floor apartments.
- In light of the fact that Block A follows the same building line as Verville Court, the proposed rear balcony/terrace (south elevation) at the upper levels on Block A cannot directly overlook apartments 1-21 in Verville Court. Should the Board consider it appropriate, there is no objection to the Board attaching a

condition that would require the balcony/terrace to be provided with appropriate glazing to the side to further protect the amenity of the residents of Verville Court.

- The separation between Block A and the main Verville building is considered acceptable and has been carefully and sensitively designed to ensure that there are no directly opposing windows between habitable rooms for both blocks. The majority of the windows on the northern elevation of Verville House are for non-habitable rooms, such as bathrooms and as such there is no impact on the amenity of future residents. There are a number of previous permissions granted on the site that have permitted similarly located blocks and separation distances with Verville.
- The inter-relationship between Block A and the Verville building has been discussed in detail in the planning application documents and further information response, including reports by the Conservation Architect and the Planning Officer.
- The issue regarding the interrelationship between Block C and the existing trees at the southern boundary was assessed. The planning authority considered that permitting Block C in its current location would be in accordance with National policy in terms of the correct utilization of this zoned and serviced site and achieving an appropriate level of density in this urban area. A Tree Bond has been attached to the permission requiring that any tree that may be damaged as a result of the development shall be replaced at the expense of the developer. The trees are not of particularly high quality or biodiversity value.
- It has been consistently accepted by Dublin City Council and An Bord Pleanála to approve apartment blocks adjacent to the southern boundary as part of the redevelopment of the Verville site (Section 5.4 of Inspector's report PL29N.21790). Under Ref No 4660/07, Block C was also permitted to be located along the southern site boundary and would have resulted in the removal and replacement of existing trees. The basement permitted under 4660/07 is at an identical location to that currently proposed. The impact that

the proposed development will have on the trees is no different is no different to that previously permitted on multiple occasions (Fig 9).

- The appellant would prefer the development granted under Ref No 3859/14 to be implemented, but such a development would represent the significant underutilization of this zoned and serviced site and as such would not be in accordance with current planning policy, including Objective 11 and Objective 35 of the National Planning Framework. The recently *published 'Urban Development and Building Heights: Guidelines for Planning Authorities Consultation Draft August (2018)* also encourage increased building heights and densities and that in suburban area or outside of towns/city centres, heights of at least 3 to 4 storeys should be considered. The proposed development would be in accordance with the new national planning policy document.
- The lands within Verville Court to the immediate east of the proposed development contains the vehicular access and parking area and is not used for private or public open space and as such is considered to have little amenity value or development potential. Notwithstanding this, the previously proposed balconies have been omitted from the eastern elevation of Block C and no windows will habitable rooms will overlook the space. This ensures that there are no grounds for overlooking onto Verville Court from the proposed development. On two separate occasions the siting of an apartment block at this location was approved. The setting and location of Block C is also in keeping with the planning precedent set by both Dublin City Council and An Bord Pleanala.

2. Response to appeal by Grosvenor Court Residents Group

- The overall height of the development is below the maximum height permitted under the development plan and is in keeping with the height of the previous apartment schemes that were permitted by both Dublin City Council and An Bord Pleanala. The development is in accordance with the new Draft guidelines on building heights.
- Every effort has been made to ensure that the development is not overbearing to neighbouring properties. The top floors of the new blocks are set back

where appropriate and will further ensure that the development will successfully integrate with the surrounding context.

- The height of the new apartments is not twice that of the houses in Grosvenor Court as stated as the apartments are of a flat roof design whereas the houses have a traditional pitched roof, which increases their overall height (Fig 10).
- The appellants concern regarding overlooking was addressed at further information stage when it was clearly illustrated that the gable end wall of Block C would not have any glazed element that would give rise to overlooking. The planning authority has attached a condition to their decision that reduces the western gable end of Block C to two-storeys. While the applicant is willing to accept this condition, it is not considered that it will have a detrimental impact upon the architectural coherence of the internal courtyard which sought to continue the parapet of Verville House around the courtyard.
- Given the separation distance between the development and the bungalows on the opposite side of Vernon Avenue, as well as the lowered ground level of Block A, it is submitted that the development will not give rise to any impact on the properties to the north of the site.
- The issue of the potential of the removal of trees on the southern site boundary within the open space of Grosvenor Court has been addressed above. The introduction of the apartments at Block C will also increase the passive surveillance of this area of open space, which can be seen to constitute a planning gain. Draws the attention of the Board to the Planning Officer's report which notes that a balance has to be struck between encouraging developments of higher densities whilst seeking to maintain biodiversity and recreational value of green spaces. *'The planning authority considered that relocating Block C providing 10% public open space and ensuring the retention of existing trees would be unreasonable and would result in an unsatisfactory standard of development'*.
- The proposed development is permitted in principle under the zoning objective. Whilst the appellant is of the opinion that a more traditional housing

development (as granted under Ref No 3859/14) would be more in keeping with Grosvenor Court, this does not reflect the existing apartments to the east at Verville Court, or more importantly national policy which supports appropriate densities on zoned and serviced urban sites.

- The development permitted previously under Ref No 3859/14 was for 19 no. units which represents a density of just 38 units/Ha. It cannot be argued that such a density represents the sustainable use of this zoned and serviced land within a public transport corridor. The proposed development for 72 no. units and which would include the restoration of the protected structure is an appropriate form and scale of development for the site and is in accordance with the *'Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (2009)*, which seeks to achieve minimum net densities of 50 units/Ha in this type of location.
- There are no windows proposed in the western elevation of Block C and as such there is no potential for overlooking. The windows in the southern elevation of Block C will overlook open space and the public road within Grosvenor Court. They will be approximately 30m from the front building line of the houses with Grosvenor Court. There will be no overlooking into the private open space of Grosvenor Court from the eastern elevation of Block C and accordingly it would be completely unnecessary to require that balconies and windows be fitted with opaque glazing.
- It is common practice within urban areas that apartment developments are provided with basement level car parks. The construction of such basements is carried out by skilled and experienced contractors without giving rise to structural impacts on nearby properties. Site investigations would be carried out prior to construction to ensure the correct construction method is used. The Construction Management Plan required under Condition No 12 (b) would provide details of the construction methodology.
- The basement level has been designed with the correct quantum of ventilation, which is clearly indicated on the plans submitted to the planning authority and is designed so as not to impact on adjoining properties.

- The traffic assessment confirmed that there is sufficient capacity within the surrounding road network to facilitate the development without giving rise to traffic congestion. Furthermore, the site is located within walking distance of high-quality public transport including Dublin Bus and DART, which will help to support a modal shift to public transport.
- There are sufficient parking spaces within the basement level to facilitate at least 1 space per residential unit which is in accordance with local and national planning policy.
- The site is served by all necessary utilities. In relation to concerns regarding capacity, it is noted that Irish Water issued a Confirmation of Feasibility for a larger residential development approximately 350m to the north-east of the site at St Anne's Park Raheny (ABP 300559-18). This would confirm that there is capacity for this smaller development.
- With regard to construction, it is a requirement of the planning authority's decision that a Construction Management Plan be submitted prior to commencement and this will address the concerns raised by the appellant.
- With regard to the protected structure, it will become the centre point of the development and will be restored and refurbished and put into sustainable use.

7.4. Planning Authority Response

No response to the grounds of appeal was submitted by the planning authority.

7.5. Observations

1. Clontarf Residents Association

- Would welcome a development that is in keeping with the character of the protected structure and that is similar in terms of height and scale to neighbouring properties and does not detract from the amenities of local residents.
- Surrounding a protected structure that dates back to the mid-18th century with modern style apartment blocks does not preserve or protect its curtilage.

- Any decision in relation to the development of the site must consider neighbouring properties and development. The current proposal is vastly different from that previously approved not only in terms of the number and type of units proposed but also in terms of the height and location of the development on the overall site.
- If the rationale for the height of Block A is its proximity to Verville House then the height of Block C should be determined by its proximity to Grosvenor Court.
- Urge the Board to uphold the part of Dublin City Council's decision that requires the gable of Block C to be set back 11m from the elevation of Verville House.
- If 11m separation is determined as the level required to protect the curtilage of Verville House, then Block C should be relocated away from the boundary wall and further into the site. This would protect the trees in Grosvenor Court and maintain the privacy afforded by the trees. It would also move the basement car park further away from the boundary wall removing concerns regarding damage during construction.
- Block A as proposed is set back from Vernon Avenue, presumably to allow extra light into the ground floor apartments. This brings it to within 5m of the protected structure. If Block A was relocated on the basis of an 11m separation distance the ground floor apartments would not have sufficient light, and it would overshadow the properties on Vernon Avenue. Block A is obtrusive in terms of its impact on Verville Court and at its size and scale is inappropriate on this part of the site.
- The properties surrounding the site which currently enjoy a great deal of privacy will be overlooked by the windows and balconies of the upper floor apartments. There will also be overbearing impacts.
- Parking in Clontarf is already a problem and any new development must include sufficient on site resident and visitor parking. The proposal does not include any visitor parking.

- Traffic is also a serious issue and the traffic assessment does not take into account a number of important issues including the presence of the Central Remedial Clinic and the needs of the community it serves. There is increased traffic on the road due to the recently constructed Ardilaun development on Sybil Hill Road and the fact that there is no right hand turn from Howth Road onto Sybil Hill, its estimated that 70% of evening commuters will access this development from Vernon Avenue.
- The proposal will not sit well within the existing landscape of the site given the presence of the protected structure. A smaller scale development of housing units, similar to the permission that currently exists would be more in keeping with the receiving environment.

2. Sean Haughey TD

Fully supports the local residents and endorses all the points made in their submission. Considers that the proposed development is contrary to the proper planning and sustainable development of the area.

7.6. Third Party Submissions on First Party Response

1. Brendan Rogers

- Is of the opinion that the proposed development is not a suitable development for such a sensitive site.
- The present proposal largely follows the footprint of the previous proposed development from 2005/2007. Block C is sited tight to the south and east of the site. While this reduces the impact of the building on the fragile frontage of Verville House and on the amenity of the residents of Grosvenor Court, it shows no regard for the amenity of the residents of Verville Court to the east.
- To suggest that the communal garden area has little amenity value is incorrect. Block C would visually loom over the garden and shade the area from afternoon sun. If as requested Condition No 5(b) was omitted it would reduce the amenity even more.
- Previous proposals for 4 storey blocks on the site were reduced to three-storeys mainly because of the negative impact on the architectural integrity of Verville House. The building is unchanged so the same reasoning applies

making the current proposal unsuitable for the site. The previous proposal was for 45 units or 85 units/Ha and compared to other developments cited by the appellant, the current proposal of 136/ha constitutes overdevelopment.

- Notwithstanding a Tree Bond, the future amenity of residents on the south side of Block C would be compromised because of the proximity of the building to the boundary.
- The inclusion of north facing balconies in Block A constitutes poor design and provides poor amenity for future residents.
- The statement that Block A follows the same building line as Verville Court is factually incorrect. Attached is a copy of the site layout plan and have calculated that there is a 4m difference between Block A and Verville Court. This means that the residents in Verville Court would be facing a brick wall 9.9 m high, which would be overbearing. There would be a roof terrace on top with clear views over the communal garden and into the bedrooms and living rooms in Verville Court.
- Concludes that the proposed development is unsuitable on such a unique site. While the restoration of Verville House is highly desirable, the height of Block A and Block C would seriously detract from the architectural character of the building.

8.0 Assessment

I consider that the main issues that arise for assessment by the Board in relation to this appeal relate to the following:

- Principle of the development
- Impacts on Protected Structure
- Impacts on residential and visual amenity.
- Impacts on trees on adjoining property
- Traffic and parking.
- Appropriate Assessment.

8.1. Principle of the development

Having regard to the Z2 zoning objective, where residential uses are permissible, the proposed development is considered acceptable in principle on the subject site.

The proposed development accords with national policy/guidance which seeks to secure compact growth in urban areas, deliver higher densities in suitable locations and ensure that apartment type living is an increasingly attractive option to meet housing demand. The proposal is wholly compliant with NPO 35 of the National Planning Framework the objective of which is to;

'Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area of site-based regeneration and increased building heights'.

The proposed development of this underused site would provide sustainable use of urban land served by good transport networks and deliver a high density of residential development within a builtup area of the city in line with national policy/guidance. It would also secure the renovation of a protected structure which is failing into disrepair and return it to active use consistent with conservation principles.

The appeal site is located in a residential conservation area and the general objective in the development plan is to protect these areas from unsuitable new developments or works that would have a negative impact on the or architectural quality of the area. The site is surrounded by lands which are zoned Z1 with an objective to 'Protect, provide and improve residential amenities'.

The primary consideration is therefore to ensure that the proposed development will not impact negatively on the architectural quality and the residential amenities of adjoining property and will deliver a high quality urban environment, which is discussed in more detail below.

8.2. Impact on Protected Structure

Verville House is listed in the Record of Protected Structures (No 8202) with the main house and eastern and western frontage extensions listed for protection.

An Architectural Heritage Impact Assessment submitted in support of the application provides details of the building. It documents its evolution into its present form, with the earlier central five-bay house dating back to c.1740. Later additions include the bow fronted wing to the east of the main building which is thought to date from early around 1800, and the west wing which was added at a later date. The three main elements of the building appear on the 1837 OS map.

The building is predominantly two-storey over basement with a second floor to the original house. The front of the building has a brick façade and the rear elevation has a predominantly sand and cement render finish. The building functioned as a private hospital/ nursing home from 1857 until it closed in the early 2000's. During this period a number of additions were made to the building as well as modifications to its interior. The extensions included a conservatory feature to the east wing and an access ramp, a small rear return to west, a two-storey bathroom block to the rear elevation, and fire escapes along the rear and side elevations.

Despite the modifications and interventions made to the building, it is noted in the architectural assessment that a reasonable amount of early fabric and detail remain. The building has, however, been vacant over an extended period and has been impacted by water damage and vandalism.

In response to further information a detailed inventory of surviving historic fabric supported by a room-by-room photographic record was submitted together with a detailed methodology of the sequence of repair, upgrade works, modifications etc., to be carried out to the Protected Structure. This information was considered broadly acceptable by the Conservation Officer subject to certain details to be agreed prior to commencement of development. Subject to the works being supervised by a professional with specialised conservation expertise, in accordance with standard practice, I consider that the works can be executed without impacting significantly on the historic fabric of the building and its overall character.

All of the later inappropriate additions to the Protected Structure will be removed as part of the proposal, including the conservatory and access ramps to the front and returns/extensions and fire escapes on other elevations. The out-building to the north will also be removed. These structures both individually and cumulatively detract from this important building and their removal will significantly enhance the character

and appearance of the Protected Structure. The building will be converted to apartments, which will return it into active use, which is recognised in the Architectural Heritage Guidelines as the best method of conserving an historic building.

The development includes the construction of two blocks of apartments within the curtilage of the Protected Structure and issues have been raised regarding the impact of this new build on the character and setting of the building. This is discussed in more detail below.

8.3. **Impact on residential and visual amenity**

Many of the issues raised in the submissions relate to the impact of the development on both the residential amenities of adjoining property and the level of amenity that will be afforded to future occupants of the scheme.

Impacts on the residential and visual amenity of adjoining property

The main concerns raised relate to overlooking, overbearing impacts, overshadowing and access to sunlight and daylight. Each block is considered separately below for the information of the Board.

Block A

Block A, would be located on the north side of the site. It would be three-storey in height with a set back fourth floor. It would accommodate 14 no. units comprising a mix of two/three bedroom apartments with balconies and terraces. The building would be set lower than existing ground level to ensure that floor levels correspond with Verville House. It would be set back from the footpath by c.3.4m and a strip of private amenity space would be provided between the front of the building and the boundary retaining wall.

Relationship to Vernon Avenue: This part of Vernon Avenue is currently dominated by the high boundary wall along the site frontage, beyond which there are glimpses of a deteriorating building on an upkept site. The removal of the wall and its replacement with a building that addresses the streetscape with a more open and permeable frontage, would contribute positively to the character and amenities of the area. The recessed upper floor reduces the overall mass and scale of the building allowing it to integrate within the surrounding context. Whilst the proposal is a

departure from the more established pattern of residential development on Vernon Avenue, which is comprised of predominantly single/ two storey dwelling, there is precedent for higher buildings established by Verville Court to the east.

I considered that the site has the capacity to accommodate the proposed development and its design and scale is not incompatible with the Z2 zoning. I consider that the redevelopment of the site will make a contribute positively to the streetscape and will not detract from the character of the residential conservation area. Having regard to the generous separation distance between the new building and the houses on the opposite of Vernon Avenue (30m), I do not consider any significant potential arises for overlooking or overshadowing which would be detrimental to the amenities of these dwellings.

Relationship to property to west/east - The west elevation, containing predominantly bedroom and bathroom windows (kitchen on the third floor), faces the rear of the houses (No's 1-4) on Grosvenor Road. Having regard to the separation distance to the site boundary (16m) and the rear elevations of the houses (24m) no issue arise regarding overlooking or overshadowing, which would impact on the residential amenity of these properties.

The east elevation would be built up close to the boundary with the adjoining apartment development at Verville Court (< 1m). The en-suite windows on the lower levels (which would be fitted with obscure glazing) and the kitchen windows on the third floor (which overlooks a section of the roof) do not generate any privacy considerations. Whilst it is accepted that the proposal will result in some additional overshadowing of the adjacent development, particularly during the afternoons and evening throughout the year, the analysis conducted by ARC indicates that the residences will continue to receive a level of sunlight access well in excess of that recommended in the BRE Guide '*Site layout planning for daylight and sunlight ; A guide to good practice*'. The residential amenities of the apartments would not, therefore be adversely impacted by overshadowing.

Issues have also been raised regarding the overbearing impacts on the eastern elevation of Block A, which will be located close to the boundary and protrude beyond the rear building line of Verville Court. I note that similar projections were proposed in previous proposals (PL 29N.217908 and PL. PL29N.226156) with the lift

core and stairwell proposed in this location and no issues were raised by the Board. I note that in both these proposals, the elevation included glass to the stairwell, which would have helped to reduce the mass of this side of the building and result in a more acceptable elevational treatment to Verville Court than the solid wall now proposed.

Relationship to Verville House – Block A would be located to what was originally the rear of the Protected Structure. There are minimal separation distances between the two buildings (4.7m – 8.5m). The closest windows to the rear of the protected structure serve non-habitable rooms, beyond which there is a balustraded access deck. This limits the potential for overlooking with impacts on the privacy of the apartments in Verville House. The orientation of Block A to the north of the protected structures ensures that there is no potential for overshadowing.

A previous proposal (6371/05) on the subject site included similar proposals for a three-storey apartment block with a set back fourth floor and balconies to the front and a deck area to the rear. The reporting Inspector noted the concerns expressed by the DoEHLG regarding the height of Block A, which was considered would obscure the view of the protected structure from the public road. It was also noted that the principle of erecting a building to the rear of the protected structure is open for consideration, provided the proposed building is subordinate in scale and height to the protected and that a view of the roof profile is maintained from the public domain. The Board's order included a condition (Condition No 2 (c) of PL 29N.217909) requiring that the height of the block be reduced by one-storey, to involve the removal of an intermediate floor and not the top floor.

The height of Block A as currently proposed is similar to the previous proposal and will obscure the roof of Verville House from public view. The floor layout also means that is closer to the protected structure. Whilst the Conservation Officer recommended a grant of permission, she expressed concerns regarding the proximity and height of Block A relative to Verville House.

The removal of an intermediate floor would result in the loss of 4 no. apartments. This, in my opinion has to be balanced against the requirements of national policy to increase residential density in suitable locations, whilst also recognising the need to afford protection to the character and setting of the protected structure. I am not

persuaded that the loss of views of this secondary elevation, which presents as a monotonous and uninteresting façade, would be so significant to warrants a reduction in the height and the level of accommodation provided in Block A. I recommend, therefore, that the height of Block A be maintained as proposed.

Verville House does not address the streetscape of Vernon Avenue and as such I do not consider that Block A would result in significant adverse impacts on the character or setting of the Protected Structure.

Block B

Block B comprises the Protected Structure which will be refurbished and converted into 9 no. apartments,

Relationship to Block A- As noted above the separation distance between the rear of Verville Retreat and the south elevation of Block A is minimal. Many of the windows in the ground elevation of the newly renovated building will be associated with non-habitable rooms such as bathrooms, stores, stairwells etc. While there are a limited number of windows serving kitchens, these face the access deck, which I consider creates minimal potential for impacts on the privacy of the opposing apartments.

Relationship to properties to east/west - The eastern elevation will be dominated by the new staircase which will replace an existing fire escape and provide access to 2 no. apartments. There are no windows in this gable that would result in overlooking of the adjoining Verville Court apartment complex.

With the exception of an increase in the size of an existing ope at third floor level to match the other windows in the west elevation of the protected structure, no new windows are proposed. This elevation faces the rear of house fronting onto Grosvenor Court and enjoys a significant separation distance (c 22m), ensuring that there is no potential for overlooking which would impact on the privacy of these dwellings.

There are no structural changes to the existing building which would create any additional overshadowing/overbearing impacts which would impact on the residential amenities of adjoining property.

The renovation and refurbishment of the Protected structure is entirely positive ensuring that historic fabric is restored. The return of the building to active use as proposed is essential to its conservation.

Block C

Block C is the largest block and would accommodate 48 no. apartments comprising a mix of studio and one/two/three-bedroom units. This L-shaped block would be constructed close to the southern/ southern eastern boundaries of the site abutting the open space associated with Verville Court to the east and Grosvenor Court to the south. The block is predominantly three-storeys with a fourth floor set back.

Relationship to Verville House – The primary elevation of the protected structure faces inwards into the site and the northern section of Block C would address its eastern wing. The block will be stepped down to three-storeys with a blank end façade c.10m in height. The blank façade is proposed to reduce the potential for overlooking. The buildings would be separated by a distance of 4.2m.

I share the views of the planning authority regarding the height and proximity of Block C to the main façade of Verville House. The building would obscure a significant proportion of the east wing which would significantly detract from overall character and setting of the Protected Structure. Whilst the applicant's rebuttal notes the previous planning history on the site, where a link between Verville House and Block C was permitted (PL 29N 217909), the linked section was limited to two-storey. Its design and scale ensured that it would not negatively impact on the Protected Structure.

In other precedents referred to be the applicant such as Sutton Castle, Bushy Park etc, the new build remains subordinate to the main elements of the protected building, which is not the case with the current proposal. I am therefore of the opinion that the planning authority's requirement that the separation distance between the buildings be increased to 11m is entirely reasonable. Whilst I accept that this would result in the loss three apartments (units 024, 037 and 050), I consider this is justified in terms of the overall protection of the character and setting of Verville House. Should the Board be minded to grant permission for the development, I recommend that a similar condition be attached.

Relationship to property to east/west and south. Block C will be positioned close to the eastern, southern and western site boundaries (1m - 4m). To the east, the rear elevation of the proposed development will be positioned c 26m from the rear of the houses in Grosvenor Court (No's 65-68) and by a similar distance from the apartments in Verville Court, which significantly reduces potential impacts on privacy. The windows will overlook open space associated with both developments. Whilst there is a line of trees along the southern boundary which provides a significant visual screen between the subject site and the adjacent development, this would be compromised by the proposed development and is discussed in more detail below.

No overlooking impacts will be generated by the western section of Block C, due to the absence of windows in this elevation. However, the planning authority has raised concerns regarding the overbearing nature of the blank wall presentation to the rear of No's 10-12 Grosvenor Court, which is c 9m in height and c 3.5m from the rear boundary of the houses. The omission of Unit 062 as required by the planning authority would reduce the height and mass of the opposing elevation, which is considered reasonable in terms of protecting the outlook from these dwellings. Should the Board be minded to grant permission for the development, I recommend that a similar condition be attached.

There are windows in the other elevations of Block C serving habitable/non-habitable rooms. In response to further information, the balconies on the east elevation were omitted but there are bedroom windows on each floor which directly overlook the open space and car park associated with Verville Court. Whilst bedroom windows do not generate similar overlooking issues as habitable rooms, a minor alteration to the design of the windows, as required by the planning authority (Condition 5 (g)) ensures that potential impacts are mitigated.

The Board will note that the planning authority's decision also includes other measures to protect the privacy of adjacent property including the provision of opaque glass to stairwells, which can be achieved without any significant alterations to the design of the proposal (Condition 5 (c)(d) (e) (f)). This is considered reasonable.

The windows in the southern elevation of Block C, the majority of which are bedroom windows will overlook the public open space associated with Grosvenor Court. The existing tree screen will be removed and I note that it is proposed to replace these as part of the proposal.

Block D

Block D comprises a single-storey outbuilding to the northwest of the site, which will be converted into a mews dwelling (101m²). The building is positioned tight up against the western site boundary close to the site entrance and much of it is currently obscured from view by large containers. Being single-storey and small in scale compared to the other blocks, the refurbishment of the building does not create any issues in terms overlooking/overshadowing or overbearing issues that would impact on the residential amenity of adjoining property. The renovation of the building and its return to active use will make a positive contribution to the site's development, subject to the requirements of the Conservation Officer regarding the roof profile, external finishes, window sizes etc. Should the Board be minded to grant permission for the development, these matters can be addressed by condition.

Level of amenity afforded to future residents of the scheme

The recently published *Sustainable Urban Housing: Design Standards for New Apartments*, while noting the need to significantly increase housing supply to include a dramatic increase in apartment development, places significant emphasis on qualitative standards to ensure a satisfactory level of residential amenity is provided. The aim is to ensure that apartment living is an increasingly attractive and desirable housing option for a range of household types.

In terms of the level of amenity that would be afforded to future residents of the scheme, the housing quality assessment submitted as part of the application (submitted in more legible format at further information stage) indicates that all of the individual apartments comply with the *Sustainable Urban Design Standards for New Apartments* (DoHPLG, 2018) in terms of aggregate floor areas, rooms sizes, storage areas and floor to ceiling heights. The guidelines also encourage the provision of storage space for bulky items outside the apartments i.e. at ground level/ basement level, which does not form part of the scheme. In line with the presumption against significant car parking associated with schemes proximate to transport routes,

consideration should perhaps be given to a reduction in the level of car parking provided as part of the scheme and an increase in remote storage space at basement level.

With the exception of the upper floor apartments (7 no.) in Block B, each of the apartments is provided with private amenity space in the form of a small garden area, balcony, terrace in accordance with the required standard., No balconies/terraces are proposed on the upper levels of the Protected Structure in order to minimise intervention into the fabric of the protected structure, which is considered reasonable. This is compensated to a degree by the size of the apartments, all of which are dual aspect, and the amenity afforded by the outlook over the landscaped area to the front of the building.

Communal open space would be provided in the form of a landscaped courtyard, located centrally within the site and at a level which exceeds requirements. It will provide a quality and usable outdoor space which will be accessible and secure and will provide a play area for children. Whilst issues were raised by Parks & Landscape Services regarding the lack of provision of public open space, the proposed development is within reach of St Anne's Park, which is a significant amenity in the local area.

I consider that the site is a prime location for residential development located within an accessible urban location and proximate to good transport networks. The renovation of the protected structure and its return to active use is a significant benefit of the scheme. The proposal complies with all development plan parameters in relation to site coverage and plot ratio and building height. It also adheres to the guidance for apartment development resulting in generous sized apartments. The total combined floor area of the apartments is 5776 m² which is in excess of the minimum floor area, plus 10% required by the guidelines. The proposal provides a good mix of unit types, which will address different housing needs.

The Board will note that the majority of which are dual aspect (72%). There are some north facing balconies to Block A and Block C which will have a reduced level of light penetration. However, the analysis conducted by ARC indicates that all of the apartments will receive adequate light in accordance with recommendations. I note that all of the affected apartments are dual aspect.

8.4. Impacts on trees on adjoining property

Concerns have been expressed in the submissions regarding the potential impact of the development on the trees located on the open space associated with Grosvenor Court. The Arboricultural Assessment carried out by CMK Horticulture and Arborists notes that the southern boundary of the site is overhung by a number of trees which now form a dense mature stand. The main species is Monterey cypress (*Cupressus macrocarpa*), in addition to one mature ash (*Fraxinus excelsior*) which is located within the line of cypress. It also noted a number of cracks in the adjacent boundary wall, which were assumed to be caused by root impacts from the larger trees.

Trenches were dug within the site, which exposed a significant number of large roots. Tree crown spread over the site was also considerable (average 8m). Various options were considered in the initial assessment including the retention, removal, or selective removal of the trees. However, following the site investigations the conclusion reached was that the proposed development was incompatible with the retention of the trees and that the only option to facilitate the development is to remove them.

The trees create a significant screen obscuring views from the appeal site towards Grosvenor Court. They also add maturity to the scheme and it is understandable why the residents argue for their retention. However, the trees are identified as non-native, of low ecological value and unsuitable for most urban areas due to strong growth potential. Whilst I accept that the removal of the trees will impact on the amenity of the open space associated with Grosvenor Court, I also accept that it offers an opportunity for more suitable native species to be provided which would improve biodiversity within the site. I would point out to the Board that the removal and replacement of the trees was anticipated in previous permissions on the subject site. I note that under the provisions of Condition No 15, the applicants are obliged to replace any damaged trees in the public realm and it requires financial security in respect of same, which is considered reasonable.

The assessment also considered the trees on the open space adjacent to the eastern boundary and noted the presence of Austrian pine (*Pinus nigra*) and to a lesser extent Scots pine (*Pinus sylvestris*). No damage to the boundary wall was observed which suggests that roots do not extend into the site and could be retained.

I note that the landscaping plan submitted indicates that these trees would be retained.

8.5. Traffic & Parking

Concerns have been expressed in the submissions regarding the impact of the proposed development on the existing road network in the locality and the cumulative impact when taken in conjunction with other recently permitted development.

A traffic assessment was submitted with the application which assesses the impact of the proposed development for both the AM/PM weekday peak hours. The analysis includes an assessment of the impact of the development during the opening year (2019) and the design year (2035).

Traffic surveys were conducted on Vernon Avenue in the vicinity of the site in 2017. These were used to establish peak commuter hour traffic conditions and the current usage of the road. The traffic surveys which were carried out for the weekday AM/PM peak established that Vernon Avenue is lightly trafficked. The use of the TRICS database based on apartment developments in Ireland suggests that the development will generate very low numbers of car trips. Growth factors were applied for future years and it has been established that the proposed development can be accommodated on the local road network without impacting on road or junction capacity. There is adequate visibility in both directions from the site access to ensure that it can operate safely and autotrack analysis indicates that it has the capacity to accommodate service vehicles.

The traffic assessment was updated at further information stage to take into account traffic associated with permitted development in the area, including the construction of 76 units at Sybil Hill, new extension to Nolan's supermarket (further south close to Clontarf Road) and larger residential development at St Paul's Raheny. The results of the assessment confirms that the proposed development, taken in conjunction with other permitted development in the locality, will not impact significantly on road capacity or safety in the wider area. I would point out to the Board that the junction analysis is confined to the site access, with no consideration for example of the potential implications for Vernon Avenue/ Clontarf Road junction, which may

experience capacity issues during peak times. However, I note that the Roads & Traffic Planning Division have accepted the conclusions reached in the assessment.

Car parking would be provided within the basement for 76 no. spaces (increased from 69 no. spaces in response to further information) in addition to 82 no cycle spaces. Both are in excess of development plan standards, which requires 1. no space per residential unit (Area 2 Map J) for both modes. I note that the Roads & Traffic Planning Division are satisfied with these arrangements.

Whilst I accept that the proposal is wholly compliant with development plan parking standards, the level of provision is excessive having regard to the provisions of the recently published *Sustainable Urban Housing: Design Standards for New Apartments* guidelines and the proximity of the site to urban transport networks.

Having regard to the accessible urban context of the site, the proximity to DART and Dublin Bus Services and Government policy to promote modal shift away from private car usage to alternative modes, it is considered that the number of car parking spaces should be reduced to not more than 40 no. spaces and that the remaining basement space should be dedicated to the provision of remote storage space for each apartment.

9.0 **Appropriate Assessment**

- 9.1. A Natura 2000 Screening Report was submitted with the application which identifies the Natura 2000 sites within 15km of the appeal site. All of these sites are associated with the coastal area to the east and include North Bull Island SPA, North Dublin Bay SAC, Howth Head SAC, Howth Head Coast SPA and Baldoyle Bay SAC & SPA.
- 9.2. Having regard to the location of the development within a serviced built up area, the connection of the site to public collection systems, the nature of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

10.0 EIA Screening

10.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

11.0 Conclusion

- The proposed development is acceptable in principle in this location. It will secure the sustainable use of residential zoned land and achieve a compact high density residential development in close proximity to urban transport networks consistent with national and local policy and guidance.
- The proposal will secure the refurbishment and renovation of a protected structure and its return to active use, consistent with conservation principles.
- Subject to increasing the separation distance and reducing the height of Block C, it is not considered that the proposed development would impact on the character or setting of the Protected Structure.
- It is considered that the design, scale and height of the development is generally acceptable and will not detract from the amenities of the Residential Conservation Area or the amenities of adjoining property.
- It is considered that the individual apartments which comply with the qualitative standards of the *Sustainable Urban Housing: Design Standards for New Apartments* and the layout of the overall scheme will provide a reasonable level of amenity for future residents.
- The quantum of car parking is considered excessive having regard to the location of the site in an accessible urban location proximate to good transport corridors and having regard to the provisions of the apartment guidelines. The

Board may wish to consider reducing the number of spaces provided and allocating space to remote storage facilities for the individual apartments.

Note: The planning authority has imposed a condition (Condition No 3), requiring the payment of a special financial contribution under Section 48(2)(c) of the Planning and Development Act, 2000 as amended, in respect of public open space. Condition No 3 is in addition to Condition No 2 which is imposed under the adopted general development contribution scheme. The adopted Dublin City Council Development Contribution Scheme includes as part of its calculation of the projected costs of the provision of public infrastructure a figure of € 26.7 per m² of development for 'Parks & open space facilities and amenities'.

Where works are specifically required to accommodate a specific development which are not covered by the adopted general development contribution scheme the only mechanism open to the planning authority within the statutory framework is to apply a special contribution under section 48(2)(c). Such a condition would require identifying specific significant exceptional cost not covered by the general scheme and these specific works should be specified in the condition. No works are specified and there is no rationale for the amount levied. Having regard to the foregoing, I recommend that this condition be removed.

12.0 Recommendation

12.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to;

(a) the residential zoning objective for the subject site,

- (b) the objectives of the National Planning Framework-Project Ireland 2040 issued by the Government in 2018, which seeks to pursue a compact growth policy and to deliver a greater proportion of residential development within existing built up areas,
- (c) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May 2009, which promotes higher residential densities on residential zoned land in suitable locations,
- (d) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March 2018, which outlines the need for apartment type developments in particular to meet growing demand,
- (e) the location of the site within close proximity of public transport corridors, and
- (f) the pattern of existing and permitted development in the area and wider area,

it is considered that subject to the conditions set out below, the proposed development would be an acceptable density and scale in this location, would not detract from the character or setting of the protected structure, would not detract from the character or amenities of the residential conservation area, or of neighbouring property, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 26th day of June 2018 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

- 2 The proposed development shall be amended as follows;
 - a) The west gable of Block C shall be two-storeys only in height adjacent to the rear boundaries of the dwellings on Grosvenor Court to the west. This shall require the removal of Unit 062 with the resulting flat roof accessed for fire escape and maintenance purposes only.
 - b) The apartments at the northern end of Block C-units 024,037 and 050 and the roof terrace at third floor level shall be omitted and the new gable located c 11m south from the elevation of the Protected Structure (Verville House). The northern stair and lift core in Block C shall have a bespoke approach to its exterior treatment to compliment the design of Block C and Verville House. The windows to the living spaces within the apartments which now form the northern gable -units 025, 038, 051 and 063 shall have high level windows (minimum 1.6m above finished floor level).
 - c) The north facing balcony to Unit 049 at first floor level in Block C shall be screened to its west side by an obscured glazed panel to a minimum height of 1.8m.
 - d) The stair core windows at first, second and third floors at the north end of the east arm of Block C facing east shall be fitted with obscure glazing. Any new glazing to the north face of the stair/lift core as a result of Condition 2 (b) above shall be agreed with the planning authority. The stair core shall not have an opening door at third floor level.
 - e) The stair core to Block C in the 'elbow' of the block adjacent to ground floor unit 028 shall have glazing at first, second and third floors to a scale and dimension to integrate visually with the proposed windows to the apartments on either side.

- f) The stair cores to Block C on the southern elevation shall have glazing to their southern side of a scale and dimension to integrate visually with the proposed windows to the apartments on either side,
- g) The east facing windows to bedrooms in units 039,040,052,064 & 065 of Block C shall all have angled windows (oriel, box etc) in which any clear glazed sections have views restricted solely towards the southeast over Grosvenor Court. Each window shall include clear glazing but may also include fixed obscure glazing to the east.
- h) The external deck access at first and second floors on the south elevation of Block A shall have clear glazed rain screens provided to their southern side to a height of a minimum of 1.4m above finished floor level. Each deck shall have a suitable roof which covers all parts of the deck including access from the shared core and which shall be lightweight and in keeping with the materials of Block A.
- i) The roof of Block D (mews/outbuilding) shall be maintained as a hipped roof on the north gable and the irregular window opes to each gable shall be omitted. Details of the materials and size of the window opes shall be agreed prior to commencement of the development

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of visual and residential amenity and to protect the character and setting of the protected structure.

- 3 The number of car parking spaces shall be reduced and not more than 40 no. spaces shall be provided. The redundant space within the basement shall be allocated for remote storage purposes associated with the apartments.

Revised drawings showing compliance with this condition shall be submitted to the planning authority for written agreement prior to the commencement of the development.

Reason: To promote use of alternative methods of transport having regard to the proximity of public transport networks.

- 4 Details of the materials, colours and textures of all the external finishes, to the proposed development including samples shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

- 5 A comprehensive boundary treatment and landscaping plan shall be submitted to and agreed in writing with the planning authority prior to commencement of the development. The plan which shall be designed by a landscaping professional shall include the following;

- (i) Details of all proposed hard surface finishes including samples of proposed paving slabs, materials for footpaths, kerbing and road surfaces within the development,
- (ii) details of the location, number, type and spacing of all species proposed,
- (iii) Details of any street furniture including bollards, lighting fixtures and seating.
- (iv) Details of proposed boundary treatment at the perimeter of the site, including heights, materials and finishes, and
- (v) Play space shall be in accordance with the requirements of the planning authority.

The boundary treatment and landscaping shall be carried out in accordance with agreed scheme. The approved scheme shall be completed prior to the occupation of the buildings.

Reason: In the interests of visual and residential amenity.

6. The open space area to the north of Block A shall be divided proportionally and retained for the sole use of each of the ground floor units which open onto this space. The green area at ground floor level adjacent to the south

side of Block A shall have perimeter low level planting provided as privacy screening. The area of green space adjacent to the west elevation of Block A shall also have perimeter low level planting as privacy screening for Unit 001.

Reason: In the interests of residential amenity.

- 7 A suitably qualified conservation architect Grade 1 or 2 shall be employed to manage, monitor and implement works on the protected structure and ensure adequate protection of historic fabric during the works. All permitted works shall be designed to cause minimum interference to the building structure or fabric. The works shall be carried out in accordance with best conservation practice as detailed in the 'Architectural Heritage Protection Guidelines for Planning Authorities', issued by the Department of Arts Heritage and the Gaeltacht in October 2011. Items that have to be removed for repair shall be recorded, catalogued and numbered prior to removal to allow for authentic reinstatement. All original features not part of the works shall be protected during the refurbishment.

Reason: To ensure that the integrity of the Protected Structure is maintained and protected from unnecessary damage or loss of fabric.

8. Water supply and drainage arrangements including the disposal of surface water, which shall be adequately attenuated on site prior to discharge, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interests of public health and to reduce the potential for flooding.

- 9 Public lighting shall be provided in accordance with a scheme details of which shall be submitted to, and agreed in writing with the planning authority prior to

commencement of development. Such lighting shall be provided prior to the making available of occupation of any unit within the scheme.

Reason: In the interests of amenity and public safety.

10 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be placed underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11 No additional development shall take place at roof level including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: In order to protect the visual amenities of the area and to permit the planning authority to assess any such development through the statutory planning process.

12 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The plan shall provide details of the intended construction practice for the development including, hours of working, noise mitigation measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

13. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of the waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interests of orderly development and sustainable waste management.

14. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Thereafter the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment.

15. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 16 Proposals for a development name, apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of the development. Thereafter, the development name, signs and apartment numbers shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

- 17 (a) The communal open spaces, including hard and soft landscaping, car parking and access way, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority shall be maintained by a legally constituted management company.
- (b) details of the management company contract and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interests of residential amenity.

- 18 The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard the developer shall:

- (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) Employ a suitably qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) The nature and location of archaeological material on the site, and
- (ii) The impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any future archaeological requirements (including if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement of any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist on the site.

- 19 Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development.

20 Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the replacement of any trees within the public realm damaged or removed in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory reinstatement of trees within the public realm which are damaged or removed arising from the proposed development.

21 Prior to the commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act, 2000 as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the provisions of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

22 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act, 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act, 2000, as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

Breda Gannon
Planning Inspector

22nd November, 2018

