



An
Bord
Pleanála

Inspector's Report

ABP-302394-18

Development	Demolition of the Addison Lodge and Erection of 42 dwellings
Location	'The Addison Lodge' and 'Glasnevin Lodge', Botanic Road, Dublin 9
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4554/17
Applicant(s)	Glasnevin SPV Ltd
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	First Party
Appellant(s)	Glasnevin SPV Ltd
Observer(s)	
Date of Site Inspection	8 th and 22 nd April 2019.
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is located in an established residential area on the eastern side of Botanic Road(R108) in Glasnevin, almost opposite the entrance to the Botanic Gardens.
- 1.2. The site of 0.45ha comprises two plots; the larger is occupied by a small hotel/pub/restaurant (Addison Lodge) in an extended Georgian House about 4m from the footpath and otherwise surrounded by car parking and yard areas; the smaller site contains a detached two and half storey house (c.1980s) to the rear south-east corner and is separated by a boundary wall and fence.
- 1.3. The original Georgian lodge is a two storey 5 bay building with extensive single storey additions. A modern low wall with two vehicular entrances and a pedestrian entrance forms the road boundary. The remaining boundaries are defined by mature trees and hedges in addition to a mixture of stonewalls and block walls with timber fencing. The dwelling frontage is marked by a gated vehicular entrance to an approx. 50m long drive before the site opens out to form the house curtilage.
- 1.4. The overall site is bounded on 3 sides by the rear gardens of mature residential development along St. Mobhi Road, St. Mobhi Grove and Botanic Road.

2.0 Proposed Development

- 2.1. The proposed development involves
 - Demolition of buildings known as Addison Lodge and Glasnevin Lodge
 - Construction of 19 dwellings (16 no. 4 bed and 3 no. 3 bed as revised)
 - Construction of 2 no. four storey apartment blocks with 12 apartment units (1no. one-bed and 11 no. 2-bed.)
 - Basement car park for 47 cars a with ramped access from Botanic Road.
 - Central courtyard area and private gardens /balconies.
- 2.2. The layout comprises:
 - A pair of House type D - 3 storey: part basement, ground level and first floor – mansard type roof with windows in stairwell and bathrooms facing eastwards onto back of St. Mobhi Grove at a distances of 2.13-2.617m from the boundary and 13-20m from the rear elevations.

- A terrace of 8 no. 3 -storey over basement houses of House types A, B and C (Note: the winds openings at first and second floor levels do not align with the elevations. These back onto St. Mobhi Road to the south. roof level 23.2m. Rear windows include bedroom windows at first (vertical) and second floor levels (rooflights)
- A terrace of 7 no. 3-storey over basement houses of type A, B and C which back onto dwellings Botanic Road (at an angle) to the north
- A pair of three-storey dwellings of House type E.
- Bedroom and living room in top floor – bedroom lit by rooflights.
- Two four storey over basement apartment blocks with standard apartments and duplex apartments and a communal room.
- All terraced dwelling units have direct private access from the basement level through utility areas. Each apartment block has lift and stair access to basement. Car parking and bike parking and communal bin storage are provided at basement level
- The application is accompanied by a Planning Report; Architectural Report; Shadow, Sunlight and Daylight report; Photomontages; Landscape Design Report; Tree Survey and Report; Engineering Report on Drainage and Water Supply Issues; Outline Construction Management Plan; and Ground Investigation Report.

Revised Plans: House type D replaced with one house (type D2) and changes to open space and access

Revised detailed submitted in respect of layout, landscaping and revision to houses 8, 9 and 10. A Flood Risk Assessment is also submitted.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission subject to 28 conditions:

Condition 1 – standard compliance

Condition 2 – Section 48 contribution

Condition 3 – requires revisions: Dwelling nos. 7 and 8 (Type B2) shall be reduced in height to provide for dwellings of a maximum height of two storeys. Details to be submitted for written agreement prior to commencement of any development on site: To avoid an overbearing impact on nos 153 and 155 St. Mobhi Road

Condition 4 – requires revisions:

(a) Those 2 no dwellings (House type E) located to the south west of 155 Botanic Road shall be omitted and the resultant open space shall be designated and permanently maintained as Public Open Space for the enjoyment and use by the wider public. It shall be comprehensively landscaped and the planting design of such a provision shall be botanically themed reflecting its location in close proximity to the National Botanic Gardens. The landscape design shall include secure boundary treatments to the side and rear of nos. 155 Botanic Road and the proposed residential units.

(b) House type D2 shall be omitted and the resultant open space shall be designated as Communal Open Space for use by future residents of the proposed scheme.

(c) The outdoor amenity spaces indicated as areas F and G on the Landscape Masterplan received by the planning authority on 29/6/18 shall be designated as Communal Space for future residents of the proposed scheme

(c) Areas A and B as indicated on the Landscape Masterplan (drawing 170-DD-01) received by the planning authority on 29/6/18 shall be designated as Private Open Space to solely serve the future occupants of Apartment units Nos A1-1 and A1-2 and appropriate boundary treatment largely in the form of soft landscaping shall be incorporated

(d) Areas C and D as indicated on the Landscape Masterplan received by the planning authority on 29/6/18 shall be designated Communal Open Space for use of future occupants of the proposed scheme and the wider public. Appropriate seating and boundary treatment largely in the form of soft landscaping features shall be incorporated.

....Revised drawing for written agreement prior to commencement of development.

Such works shall be fully implemented prior to occupancy

Condition 5, 6, and 8 - landscaping, trees (and bond security), play area

Condition 9 – security Bond

Condition 10 – Boundary details

Condition 11 – Balconies design, drainage and area

Condition 12 Roads and Traffic requirement for traffic management, vehicular access design detail, visitor parking, provision for repair, individual car park space marking of allocation, electric charging,

Condition 13 – drainage requirements

Condition 14 – communal store at ground level of Block A2 for residents of Blocks A1 and A2

Condition 15 – Materials and finishes

Condition 16 – Compliance with Codes of Practice for drainage, roads and traffic and noise and air pollution sections.

Condition 17 – Naming and numbering

Conditions 18, 19 and 20 – construction hours and standards re noise and cleaning

Condition 21 - restriction on exemptions

Condition 22 - Manage net and taking in charge

Condition 23 and 24 – waste management

Condition 25 – restriction on roof level development

Condition 26 – public lighting

Condition 27 - Part V Housing

Condition 28 – archaeological assessment

3.2. Planning Authority Reports

3.2.1. Planning Report: This notably makes reference to the following matters:

- The open space to the front of the Apartment blocks is considered not suitable due to accessibility and disturbance. It would be preferable to be private open space for ground floor units.
- Private open space: at least 60 sqm per house is acceptable having regard to 10sqm per bed space. Concerns with house types A, A1, B, C and C1 regarding terrace and access. Concern about garden depth for house type D.
- Apartments: concerns about access/quality for ground floor units otherwise upper floor have adequate open space.
- Public open space: 10% required for apartment means 450 sq.m.. the 835 is disputed as includes circulation and buffer areas. The courtyard at 10.5 x 37 is considered proper open space at 389. It is considered the courtyard space would be more appropriate as a form of communal open which is required in addition to private open space and 280 sq.m. is calculated as being the required amount.
- Children's play area is needed.
- The separation distances are generally acceptable except for the 2.5m distance from northern boundary and issues of overlooking/overbearing impact
- Boundary treatment: 2m setback would be preferred as per submitted Architectural report but contrary to drawings.
- Sunlight daylight and shadow impacts are acceptable.
- Roads and traffic: The 47 spaces exceed standards but is acceptable given shortage of on-street parking. Otherwise no significant issues arising.
- Flood Impact: FRA required.
- The site is within a Zone of Archaeological Interest contrary to application form.
- No appropriate assessment issues are considered to arise.

3.2.2. Revised drawings and clarifications were submitted and in its further appraisal the pa concluded:

- Open spaces A and B not acceptable and should be revised to private open space.

- 531 (450 private plus 81 communal for apartment) is needed. The proposed 503 (courtyard of 408 plus C and totalling 49) exceeds quantitative minimal standard but there are qualitative issues relating to two new pockets F and G. House type D should be removed which would further add 140 sq.m. of open space.
- The revision of house types and layout to provide at least 60 sq.m of private open space to rear of all 19 dwelling is acceptable
- Courtyard: Notwithstanding absence of gate and open hours and management it is considered that public open space is inadequate and house type E are proposed to be omitted in light of Parks comments. No contribution in lieu of public open is therefore required. [match Board's conditions]
- It is clarified that a separation distance of 4m is provided between the ground floor apartments and public footpath and this is generally satisfied with this interface subject to conditions.
- Impact on 155 157 St. Mobhi Road. No changes are made having regard to the Board's decision. The planning authority remains of the view that nos 7 and 8 (type B2) should be reduced in height.
- House type D and 2,5m set back from rear boundary is addressed by omitting the pair of House type D and replacing with a detach house of 5-6m from boundary. The PA considered it appropriate to omit this house and replace with open space.
- The architectural report is updated to reflect original plans submitted i.e. excluding FI revisions)
- The flood risk is noted in respect of conclusion that the risk of flooding is Low to Extremely Low. The drainage division has no objections.
- Subject to condition the overall scheme is acceptable in the context of the Development Plan.

3.2.3. Other Technical Reports

Parks and Landscape Services: courtyard not acceptable as public open space but is suitable as communal open space and should provide a play area

Preference for public space along road frontage. Existing vegetation should also be retained.

Roads and Traffic Planning Division: No objection subject to conditions.

City Archaeologist: No report but previously No objection subject to conditions.

Waste Management Division: No objection subject to conditions.

Engineering-Drainage Division: No objection subject to conditions.

3.3. **Third Party Observations**

The Planning Authority received a number of submissions raising the following issues:

- Does not address previous reasons for refusal and concerns raised.
- Poor design of apartment block- should be 3 storeys
- Car park entrance needs redesign
- Boundary ownership/oversailing
- 4-bedroom maximum limit
- Timber boundaries not acceptable.
- Drainage issues relating to underlying watercourse and flooding
- Lack of car parking
- Balconies detract from amenities of public road
- Materials
- Overlooking
- Loss of a public house

4.0 **Planning History**

- 4.1. **An Bord Pleanála Ref PL29N. 249222** refers to an appeal against a refusal of permission 19 no. houses and 12 apartments all with basement level car parking similar to the subject proposal. The inspector's report highlights concerns regarding minimum standards and recommended a refusal. The board decided to grant permission subject to omitting 4 units in total by omitting house type D and revising houses types in the opposing pair of terraces to house type A only and limiting each terrace to 6 and 7 units in addition to other standard type conditions. (File attached)

- 4.2. **Ref 3493/09/X1 refers to an** Extension of Duration of Permission GRANTED for a mixed-use development (including 17 no. townhouses and public house & restaurant). Permission extended until 11th December 2020.
- 4.3. **Ref PL29N.235912 (ref 3493/09): refers to** Permission GRANTED in 2010 for a mixed-use development consisting mainly of 17 no. townhouses and restaurant and public house.

5.0 Policy Context

5.1. National Policy Guidance

- 5.1.1. Policies and standards for housing development are contained in, “Sustainable Urban Housing: Design Standards for New Apartments”) (2015) as updated in 2018.
- 5.1.2. Guidance for design approach to residential schemes in an urban context are contained in ‘Sustainable Residential Development in Urban Areas’ and associated ‘Best Practice Urban Design Manual’
- 5.1.3. It is advised to design public open space so as to maximize its potential benefit to the residents, e.g., by eliminating small, poorly-defined or poorly integrated areas of public open space that are frequently unusable as well as being costly to maintain and a source of nuisance to residents. (p.30)

5.2. Dublin City Development Plan 2016-2022

The site is zoned Z1, ‘to protect, provide and improve residential amenities’ and adjoins a Z2 area, Residential Conservation Area. The Botanic Gardens are close by on the opposite side of the road and are in a Z9 area – Amenity/Open Space/Green Network.

The site is located within the Zone of Archaeological Constraint for the Recorded Monument DU018-0090 (Dwelling possible), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. The site is located within the Zone of Archaeological Interest in the Dublin City Development Plan 2016-2022.

Chapter 5 refers to Quality Housing

Chapter 16 refers to Development Standards.

- 5.2.1. Sustainable neighbourhood – policies and objectives: SN2: To promote neighbourhood developments which build on local character as expressed in historic activities, buildings, materials, housing types or local landscape in order to harmonise with and further develop the unique character of these places.
- 5.2.2. Section 16.7.2: In terms of building height, the site is located in the outer city area, where heights of up to 16m residential may be acceptable subject to compliance with all other standards for residential accommodation.
- 5.2.3. Section 16.10.10 refers to the policy of promoting development of underutilised inner and outer city lands with development that respects the character, building lines etc of the surrounding areas.
- 5.2.4. Open Space is a key element in the shaping the city in its role as part of green infrastructure and amenity use for city dwellers and visitors. This is set out in Shaping the City in chapter 4 and in the development standards in Chapter 16. In respect of the different types of spaces it is stated that development must incorporate design measures for maintaining a clear distinction between public and private open spaces

5.3. **Natural Heritage Designations**

The nearest Natura sites are the South Dublin Bay and River Tolka Estuary SPA (004024), North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), which are approx. 3km from the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. In line with zoning the proposal provides a high standard of accommodation which avoid loss of amenity to adjacent residents and enhances the character of the area and streetscape.
- 6.1.2. Both public and communal open spaces exceed minimum requirements as per the development plan.

- 6.1.3. The planning authority is erroneous in its assessment which results in the unnecessary removal of 3 houses and over provision of open space which is contrary to the Board's previous decisions on the site.
- 6.1.4. Condition 3 which requires the reduction in height of dwellings nos 7 and 8 house type B2 is appeal on the basis of
- The Board's decision and the inspector assessment which address the impact on 155 and 157 St. Mobhi Road and refers to separation distances exceeding 25m and the opinion that no significant overlooking will arise.
 - The separation and relationship between opposing rear elevations. Illustrated diagrammatically.
 - The overall height of 9.055m as compared to 9.1m of existing housing
- 6.1.5. Condition 4 which is based on the need for more public open space and requires the omission of House type E x 2 is rejected on the basis of:
- Rejects the need for public open space – there is over provision of same.
 - the approval for the same houses by the Board.
 - The inspector's reference in that case to the courtyard being both communal in nature but with a public dimension.
 - The calculation for open space requirements is incorrectly calculated.
 - The provision of 503 sq.m.(comprising the courtyard and the landscaped areas marked as E F and G) exceeds the 450 sq.m. (10% of site) requirements for the subject site area.
 - The combined space requirement of 531 is rejected.
 - The provision of 624 sqm well exceeds requirement.
 - Condition 4 effectively creates 1114.4sq.m. of combined open spaces and is excessive by reference to the Development Plan requirements - it is109% increase over the minimum.
 - The omission of House Type D is without merit.
 - The spaces F and G terminate the views form the courtyard while offering a separate amenity area and variety.

- 260 sq.m. of communal open is excessive and it should be only be for apartments. Only 82 sq.m. is needed for 12 apartments. The calculation of 81 is incorrect.
- 120 sq.m. is provided in Plots A, B C and D to the front of the Apartment blocks.
- Condition 4C which requires the revision to communal open spaces A and B as private space is appealed on the basis that it is unjustified in context of professional and considered landscape design which includes separation between adequately sized private and communal spaces.
- Condition 4 D which requires areas C and D to be communal spaces with seating is effectively provided and to the satisfaction of the Planning authority.
- Further general comments supporting the scheme and standard of development and case against removing dwellings refer to
- Open space in the vicinity – e.g. National Botanic Gardens 100m away and Griffith Park 800m away
- There is no requirement for provision of children's play area on the basis that the 12 apartments do not require such (only apartment schemes greater than 25 units require such) and also the siting of such facilities in the central courtyard makes the space more communal rather than public in terms of wider usage.
- Previous schemes of comparable scale have already been judged to be acceptable. PL29N.235912. The Board is requested to acknowledge the positive planning history.

6.2. **Planning Authority Response**

No further comment.

7.0 **EIAR screening**

- 7.1. Having regard to the nature and scale of the proposed development which relates to a minor variation of an extant permission and the location of the site in a served site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can,

therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Assessment

8.1. General

- 8.1.1. This appeal relates to conditions of permission - specifically to **conditions 3 and 4**. In view of the planning history whereby there are two extant permissions, one of which was recently determined by the Board for similar development (PL29N.249222 attached) by reference to the same Development plan and statutory guidance and generally under the same circumstances. For this reason and furthermore having regard to the submissions on file, I do not consider the principle of development is at issue and do not consider a *de novo* consideration to be necessary. The issues therefore can be substantially confined to those within the scope of the conditions under appeal.
- 8.1.2. The issues relate primarily to **lowering the height of houses** so as to reduce impact on neighbours and **the omission of dwellings** (reducing to 15 houses) so as improve overall layout and open space as required by the planning authority. In support of dismissing these conditions the appellant relies heavily on the Board's previous permission for similarly proposed development. For clarity, I draw attention to that decision which did in fact require omission of 4 houses around the courtyard (also reducing the number of houses to 15). Drawings that demonstrate compliance with those conditions of permission have not been fully represented in the submitted details by the applicant/appellant. From my examination of these drawings the omission of dwellings from each terrace and revision to Houses type A would reduce both of the respective blocks by about 1.5m in length. This has informed my appraisal.
- 8.1.3. Furthermore, in assessing applications for infill development, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban areas acknowledge that a balance has to be struck between the reasonable protection of

the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

8.2. Condition 3 – reducing height

- 8.2.1. This condition requires the reduction in height of two dwellings backing onto 155 and 157 St. Mobhi Road for the stated reason to avoid impact on St. Mobhi Road. Notwithstanding the decision of the Board to previously permit the three storey high terraces in the same location, and the inspector's favourable appraisal on this aspect, the planning authority holds the view that the impact of three storeys is not acceptable.
- 8.2.2. I note the overall height at just over 9m as compared to the established ridge height at 9m and potential for overshadowing of gardens and overlooking of property. And while, I note that the Board omitted a house in both terraces by condition and sought more generous house types to address internal standards, the net effect which at best would set the gable of the terrace back a further 1.5 would not, in my opinion, significantly alter the back to back relationship between the subject terrace and adjacent St. Mobhi Road dwellings. (Although it is my understanding that this reduction was to increase setback from the public road.)
- 8.2.3. The plans have altered marginally in the course of this application in relation to the terraces. I note in original plans that the roof is slightly stepped for houses 7 and 8 and the mansard extends down over first and second levels. The stepping is changed to the front elevation with balconies in the amended plans and the mansard is altered. The appellant's diagrammatic section in the written appeal illustrates some of the comparative changes relative to St. Mobhi Road - It usefully compares the approved development and existing house on site and original proposed plans in terms of relationship with St. Mobhi Road at a point where the setback is 12m. The gardens however vary in depth and I note the proposed first and second floor windows in proposed house numbers 7 and 8 are in the order of 10-12m from the rear boundary shared with St. Mobhi Road. The upper level windows in no. 8 amount to two bedroom windows and two bathroom windows.
- 8.2.4. There are a number of aspects that mitigate overlooking and overbearing impacts. A mature tree is marked for retention in addition to proposed planting along the

boundary. The set back of the gable end of up to 8m from the northern boundary (St. Mobhi Grove) protects a relatively open aspect to the rear of no. 155 which will only be adjoined by a single domestic dwelling (no.8). The 10m distance only marginally encroaches a preferable and standard 11m set back.

- 8.2.5. The proposed terraced block backing onto St. Mobhi Road is in some respects favourable on comparison with the existing dwelling on site which is about 7m from the boundary with no 155 and incorporates upper floor windows at this distance which could be potentially habitable rooms.
- 8.2.6. I also note that the proposed mansard roof profiling as amended provides for a slight angling skywards of the windows at second floor level. The set back of the windows from no 157 are over distances of about 11 and 12m and the rear elevation of 157 is angled at a greater distance away than no. 155. A minor amendment could be made by handing the layout in the end of terrace unit so that the bathroom window instead of bedroom window becomes the nearest opposing window to existing dwelling. This would make a very modest improvement.
- 8.2.7. The impact on St. Mobhi Grove is another aspect in terms of assessing a reduced height. For example, the visual impact and overall quality of light and amenity are salient considerations. I note that those houses are also on lower ground such that the apparent height is closer to 10m rather than the c. 9m above ground level. This relationship is however latterly addressed by omitting a pair of houses (Type D) close to the boundary. Accordingly, taking account of the permitted development and the omission of house type D as varied, the protection of amenities in this regard is I consider substantially addressed.
- 8.2.8. On balance, I consider that subject to the conditions restricting extensions as set down by the planning authority and by the Board previously, that the separation distance between upper floor windows and the relationship between the existing and proposed development would be acceptable. I am of the view that the retention in height is acceptable subject to provision of revised upper floor layout and window arrangement and recommend that condition 3 be amended accordingly. Alternatively condition 3 could be omitted and the requirement for revised plans could incorporated into condition 4.

8.3. Condition 4 a – Omission of pair of houses (Type E) fronting Botanic Road for the provision of public open space.

- 8.3.1. The appellant makes the case that in quantitative terms there is more than adequate open space. In overall quantitative terms, the total area of non-private open space is I accept generous.
- 8.3.2. There is however some disagreement between the appellant and planning authority in interpreting classes of open space and in view of the nature of the layout it is not necessarily black and white. The 408 sq.m. courtyard for example while publicly accessible has an intimate relationship with the houses that open directly onto it. Front doors to houses are from the perimeter path which provides pedestrian access only – there is no vehicular access or through traffic which would contribute to quite a private character. At only metres from the house entrances, the courtyard therefore is quite integral to the immediate setting and has a communal quality more so than being part of the public realm. Essentially the area is semi-private which is appropriate in this courtyard format. Having regard to the layout which relies on communal spaces at basement and ground level and relationship with same I consider that communal space is important in the housing layout in addition to the apartments.
- 8.3.3. Notably, the Board previously considered the overall provision of open space in quantitative terms to not be lacking and did not seek any contributions in lieu as is provided for in the Development Plan and as was also considered in the planning authority's appraisal. I further note the area is well served by public open space. In quantitative terms I consider the proposed amount of open space to be acceptable.
- 8.3.4. With respect to the overall approach of open space it is clear that the qualitative aspect is the key issue in that the planning authority seeks to enhance the public realm.
- 8.3.5. The appellant relies heavily on the fact that Board permitted two houses -type E. The appellant fails to point out that the Board required the omission of 2 other dwellings and change of house type. Although not specifically stated in the reason, such omission would have facilitated potentially an additional 1.5m stepping back from the public road and enhanced open space. The planning authority has in fact been consistent with omitting 2 dwellings but has elected to concentrate the

consequent open space in the vicinity of Botanic Garden Entrance and so omitted the pair of dwellings fronting Botanic Road rather than the reducing the terrace lengths deep into the site. While I note the Parks Department comment and the rationale for siting public open space opposite the Landmark sylvan site, I do not consider the provision of a such a small public open space to be entirely warranted and consider that the entire site frontage and interface is more critical in enhance the public realm. In this regard I note the comments in the previous inspector's report about a modest increase in setback from Botanic Road 'Given the scale of the blocks at three storeys with a fourth floor set back, and given the departure in design from the surrounding streetscape and context of the residential building line closest to the site, I am of the view that the blocks require a further set back behind the building line of no. 129 Botanic Road, to form a minimum 5m separation between the front elevations and the footpath edge.'

- 8.3.6. While I accept that the submitted landscape details demonstrate how the street frontage can be part of cohesive boundary scheme, in view of the Board's previous decision and the importance of the public realm yet balancing this with the opportunity to maximise infill development, an option to consider would be to omit one rather than two of the terraced units e.g. No. 16 (type B2. This would allow for a stepping back of Block A at an angle, (aligning towards proposed House E) and provision of a public landscape buffer between the ground level units and the public road but primarily enhancing the public realm. A smaller unit could also be replaced by Type A. Furthermore, having regard to the omission of House type D, I consider the amount of open space which extends the courtyard and enhances the interface with existing houses to be adequate approach for the overall development.

8.4. **Condition 4(b) omission of one house - type D2**

- 8.4.1. In addition to the issues of open space referred to above, there are issues of housing standards. The original proposal which included 2 type D dwellings backing onto St. Mobhi Grove at distances of 2-3m was examined by the planning authority with reference to housing standards and impacts. Concerns were raised about light and layout having regard to the proximity to a boundary intended to be raised to 3.3m. The proposal then sought to reintroduce a modified type D2 dwelling (in further information) which is positioned between the opposing ends of each terrace at an

equidistance of 5.3m and while this increases the set back from St. Mobhi Grove it was rejected by the planning authority.

- 8.4.2. While the house has satisfactory internal standards, I consider the issue relates to the overall quality of site layout and therefore on the basis of design, the omission of House D2 is justified. I note for example that the planning authority raises concerns about the pockets of space to the rear on each side of house type D2. The Board similarly in its decision considered the omission of house D to provide a more usable open space to be reasonable and went as far to ensure that the residual open space, consequent on its omission, should be forward of front building lines of the terraces. The Planning authority decision omitting House type D is consistent with this. I would also have reservations about the proximity to and juxtaposition with the terrace façade and the cramped effect. This continued omission is I consider supported in the design guidance and should be upheld.

8.5. Condition 4(c) and (d) open space layout and design

- 8.5.1. The planning authority requires the open space areas marked F and G to the back of the site in the revised plans to be communal open space also incorporating the omitted house plot. I note in the Board's previous decision it required that such space be aligned with the building line of the terrace facades. As I am of the opinion that House D2 should be omitted, this condition is logical and reasonable. Accordingly, this condition should be generally upheld but amended to reflect the Board's previous decision. This would not preclude the provision of a variety of spaces within the overall space.
- 8.5.2. The planning authority also requires that open space areas A and B be revised as private open space whereas the appellant makes the case that this should be communal as set out in the landscape plans which also provide for defensible space. The stepping back of Block A will permit a marginal increase in private space but on balance it should I consider remain primarily public/communal. I consider that given the ample communal space that is semi-private in nature and in the context of the overall layout that an increase in private open space is not entirely warranted. It is important that there is a comprehensively managed frontage to assimilate the development in the interest of visual amenity and streetscape. Accordingly, I

consider that in line with the Board's previous decision the communal aspect is generally satisfactory and this portion of condition (c) should be omitted.

- 8.5.3. Condition 5 is stated as being directly appeal. However in view of the contents of the appeal which refers to objections by the appellant I make the following comments. This condition requires the provision of a children's play area and is disputed by the appellant on the basis that this is only required for 25 or more apartments. Having regard to the communal nature of the overall development, the size of the dwellings which could cater for larger families and the private open space being at the lower end of scale for many of the houses, I consider this to be a reasonable and appropriate requirement.

8.6. **Appropriate Assessment**

- 8.6.1. The nearest Natura sites are the South Dublin Bay and River Tolka Estuary SPA (004024), North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), which are approx. 3km from the site.
- 8.6.2. Having regard to the nature and scale of the proposed development on a serviced site and the scope of the appeal which relates to conditions of a permission for a variation of a previously approved development, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

- 9.1.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to OMIT condition number 3 and to AMEND condition 4 so that it all be as follows for the reasons set out.

4. The proposed development shall be amended as follows:

- (a) House Type D2 to the north of the site shall be omitted,
- (b) the resultant open space shall be designated as
 - (i) communal space forward of the building line of the terraced units,
and
 - (ii) shall be incorporated into the private open space of the
northernmost terraced units behind the building line, and

- (a) House Types B and C shall be omitted and replaced with House Type A
resulting in six number House Type A terraced units to the west of the
communal open space so as to permit an increased set back of Block A of
up to 5m from the public footpath.

- (b) The layout of House designated as no. 7 shall be handed so that the
bathroom window is more northern in the rear elevation.

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

Reason: In the interests of visual amenity of the streetscape and adjoining properties and residential amenity of future occupants.

Reasons and Considerations

Having regard to the planning history and pattern of development and to the proposed layout, it is considered that, subject to compliance with the conditions otherwise attached by the planning, the proposed development including House Type E, the three storey high terraced dwelling and communal space in areas generally marked A and B and subject to provision of enhanced open space along the road frontage and varied house layout would comply with statutory Guidelines

for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and with Development Plan policy with respect to the integration of the proposed development and provision of open space and interface with the public realm, would be acceptable in terms of the residential and visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Suzanne Kehely
Senior Planning Inspector

3rd May 2019