



An  
Bord  
Pleanála

## Inspector's Report ABP 302690-18

---

<b>Development</b>	Demolition of house and outbuildings and construction of 2 and 3 storey residential blocks, car and bicycle parking spaces and ancillary site development works.
<b>Location</b>	St Joseph's, Coolock Lane. Dublin 17.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3506/18.
<b>Applicant(s)</b>	D9 White Lands Development Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To Refuse Permission.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	D9 White Lands Development Ltd.
<b>Observer(s)</b>	Anne O' Neill & Others.
<b>Date of Site Inspection</b>	January 9 <sup>th</sup> , 2019.
<b>Inspector</b>	Breda Gannon.

## 1.0 Site Location and Description

- 1.1. The site is located at St Joseph's, Coolock Lane. Dublin 17. It consists of a large rectangular site that accommodates a two-storey house and associated outbuildings. The house is set back into the site with private garden space to the front and the rear. It is adjoined to the east and west by two-storey dwellings and to the rear by the residential development at Aulden Grange. The front boundary of the site is formed by a low stone wall/hedgerow. The rear boundaries are defined by a concrete wall and the side boundaries are formed by hedgerows. To the front, the house is separated from the adjoining house to the east by a low wall capped with brick.
- 1.2. The area is residential in character and includes the housing development at Aulden Grange to the north and east and Woodlands to the north. Clonsaugh Business & Technology Park lies further to the north and Northside Shopping Centre is located to the east.

## 2.0 Proposed Development

- 2.1. The proposal involves the demolition of the existing house and ancillary outbuildings on the site and the construction of 2 no. residential blocks, consisting of 9 no. residential units and associated car parking (9 no. spaces) and bicycle parking (24 spaces). It is proposed to widen the existing site access to accommodate two-way traffic.
- 2.2. Block A would be located forward on the site. It would be 2/3 storeys in height and accommodate 1 no. two-bed apartment and 2 no. three-bed duplex units. Block B would be positioned to the rear of the site, would be 2/3 storeys in height and accommodate 2 no. two-bed and 4 no. three-bed duplex apartments. Private amenity space would be provided in the form of balconies/roof terraces. Communal open space, car and bicycle parking would be provided between the two blocks. The development would have an overall height of 9.5m.
- 2.3. The buildings would be provided with a flat roof and the exterior would be finished in red brick.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for the development on the following grounds;

1. The proposal due to its siting, scale and mass and the proximity to adjoining property would be overbearing and impinge on access to sunlight/daylight with impacts on residential amenity and would be contrary to the provisions of Section 16.10 of the development plan.
2. The proposal would be premature pending the submission of satisfactory information on sightlines, roadside boundary treatment, surface water management, connection to public sewer and an appropriate flood risk assessment.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **Planning Officer's** report of 7/9/18 notes that the existing house on the subject site together with the adjoining houses on both sides share a common front building line and form a small distinct character grouping. The houses are also aligned with a bungalow to the west, but which has two smaller houses within its front garden. However, the existing dwelling and its neighbours have no overwhelming design merit and are relatively uncoordinated in terms of form and design. There would be no objection to the replacement of these units with a high quality contemporary design low rise scheme.

It is considered that the development has been brought forward in a particularly unilateral manner and should have been better integrated with adjoining development. The set back of Block B behind the rear building line of the adjoining properties on both sides and the location of Block A forward from the front building line of these dwellings would be visually overbearing to the outlook from these dwellings. The development would be premature until a comprehensive redevelopment of the adjoining sites is demonstrated.

The total proposed net apartment floor area will be over 16.5% of the recommended minimum and the average unit size across the scheme will be c.98m<sup>2</sup>. Each apartments would be dual aspect and have its own access. The development would have a plot ratio of 0.54 and a site coverage of 24%, which accords with development plan requirements for Z1 zoned lands.

Concerns arise regarding the quality of private open space across the site. The space at the rear of Block B has a northern aspect and is contained within the blocks northern elevation and the high site boundary wall. The second floor terraces are provided with 1.7m timber screens. The scheme generates a requirement for 75m<sup>2</sup> of communal open space and 180m<sup>2</sup> is provided. No shadow assessment has been provided to confirm that the proposal complies with the BRE Site Layout Planning for Sunlight & Daylight. The space will be contained between the two apartment blocks which may well reduce the amount of sunlight it achieves. There are limited landscaping details provided.

With regard to impacts on adjoining property, there are concerns regarding the positioning of Block B behind these properties which would result in undue obstruction of their access to daylight and result in overshadowing of the rear garden of Silverdale to the east.

In terms of overlooking there will be a 21m gap between opes in the blocks at ground/first floor levels. Most of the windows in the rear elevation of Block A serve non habitable rooms. There is potential for the southern screen to Block A's second floor private amenity space to be lowered without facilitating overlooking of third party property and visa versa. Block B while directly opposite the older apartment scheme to the north would be largely overlooking the neighbouring shared car park and communal space areas, with the existing apartment's southern opes serving non-habitable rooms. It is noted that the rear second floor elevational detail of Block B does not correspond with the floor plans where 2 no. windows are provided for the living rooms serving Unit No 8 & 9.

### **Other Technical Reports**

The **Drainage Division** in their report of 13/8/18 stated that additional information was required on matters relating to insufficient surface water management details, flood risk assessment and public sewer connection.

The **Waste Management Division** raised no objection to the development subject to conditions.

The **Roads, Streets and Traffic Department** in their report of 27/8/18 recommended that further information be sought on matters relating to the provision of the provision of sightlines and front boundary treatment.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

Issues raised are similar to those raised in respect of the appeal.

## 4.0 **Planning History**

The Planning Officer's report documents the planning history in the vicinity of the site. With the exception of Reg Ref No 0232/18 relating to a Certificate under Section 97 of the Planning and Development Act, 2000, as amended confirming that the provisions of Section 96 do not apply, there are no other details of any other planning history relevant to the site.

## 5.0 **Policy Context**

### 5.1. **National Policy/Guidance**

5.2. 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.

5.3. 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.

- 5.4. 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.
- 5.5. 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'*.
- 5.6. Apartment design parameters addressed in the guidance include, locational considerations, apartment mix in apartment schemes, internal space standards, dual aspect ratios, storage spaces, amenity spaces, car parking etc.
- 5.7. The operative development plan is **the Dublin City Council Development Plan 2016-2022**. The site is located in an area zoned Z1 with an objective 'To protect, provide and improve residential amenities'.

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.

Relevant policies include;

*Policy QH8* -To promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals with respect to the design of the surrounding development and the character of the area.

*Policy QH18* -To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments and within each apartment development, and ensuring that suitable social

infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

*Policy QH21* – To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.

*Policy QH22* – To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

*Policy QH23* – To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land.

## 5.8. **Natural Heritage Designations**

None.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

#### *General*

Under the policies of the National Planning Framework 2040 and the Dublin City Development Plan, the proposed development is considered to be in compliance with general requirements for increased density provision, more sustainable use of urban lands, the appropriate use of urban lands served by public transport and associated objectives for a more compact city.

#### *Roads*

It was assumed by the applicant that as the entrance is established and the front boundary of the property consists of a low wall and boundary planting, that the provision of sightlines would be considered acceptable subject to minor alterations to facilitate two-way traffic. The provision of adequate sightlines is not insurmountable

and should not constitute a reason for refusal. The Council's road engineer recommended that further information be sought and did not recommend a refusal of the application. Given the time constraints associated with the appeal process the applicant was unable to consult a traffic engineer to gain an appropriate opinion regarding sightlines. Based on the attached photographs, it is considered that adequate scope exists to reduce the height of the boundary hedge to provide sightlines over the existing low boundary wall or to remove the hedge completely, if deemed necessary. If this is not sufficient the applicant is prepared to engage the services of a specialist road's engineer to ensure that the proposed development will not have a negative impact in terms of traffic safety. The Board is requested to condition the application accordingly.

#### *Drainage/Flooding*

Sufficient land exists within the car parking area for the provision of storm water attenuation tanks. If the principle and design of the proposed development is considered acceptable, the Board are requested to condition the provision of a Surface Water Management Plan to be agreed with the planning authority prior to commencement of the development.

The request for a flood risk assessment appears excessive. The site is not identified in the OPW flood mapping system as an area liable to, or at risk from flooding. The site like the rest of Dublin is included in the area identified as at risk of Extreme Pluvial Events. The ability to capture and dispose of surface water to accommodate such an event can be adequately addressed by a Surface Water Management Plan.

#### *Design/Visual Impact*

If the planning authority required a 'mini masterplan' to make an informed decision, this should have been requested as further information. To suggest that the proposal 'would be premature until a comprehensive redevelopment of the adjoining sites is demonstrated' is prejudicial to the development proposal and clearly beyond the scope of the application.

In the absence of a clear policy requirement for a masterplan, in accordance with the provisions of the Planning and Development Acts, the council are restricted to consider the application before them on its own merits. The planning authority have essentially penalised the applicant on the basis of the failure by the applicant to



demonstrate how the proposed development interacts with un-established future developments, on lands outside the site edged in red and over which the applicant has no control.

The comments by the planning officer, regarding the redesign of the scheme and preserving the building line as established by the adjoining two dwellings conflicts with the assessment that all three sites should be master planned as a single entity. To assert an ill-conceived 'interim' design on the applicant which includes 'shared access arrangements and Section 47 agreements' is outside the scope of the application and the planning authority's powers regarding same and suggests that only one design approach is feasible and acceptable.

### *Masterplan*

If the Council had requested further information requiring the applicant to demonstrate how the development as proposed might potentially interact with the redevelopment of adjoining sites, the attached sketch proposal would have been submitted for consideration. It highlights the proposed development in the context of possible future development of the adjoining lands, noting the existing pattern of development and the need for increased densities. Wider consideration of the context of the site clearly shows the establishment of a strong building line along Aulden Grange. The continuation of this building line is considered more in keeping with the established pattern of development in the area and affords the opportunity for redevelopment of the corner sites at a higher density while not impacting negatively on the amenities of the established residents on Aulden Grange. The two smaller houses constructed within the front garden to the west was also a continuation of the building line on Aulden Grange.

Contrary to the suggestions of the planning authority, due consideration was afforded to the potential redevelopment of surrounding lands. However, as noted, the applicant has no control over third party lands and cannot be held accountable for the fact that the development of these lands may not occur. The applicant has clearly demonstrated that the subject proposal does not prevent the future development of adjoining sites in a similar manner and is prepared to consider shared access, car parking and open space to facilitate same.

### *Reason for refusal*

It is submitted that the planning authority's opinion that the proposed development would unduly impinge upon existing access to daylight and sunlight thus undermining the residential amenity of adjoining properties has no basis in fact and is unproven. The planning authority should have requested further information to provide the applicant with an opportunity to demonstrate otherwise.

Appendix 1 contains a shadow analysis which clearly shows that on 31<sup>st</sup> March between the hours of 09.00 and 15.00 the associated shadow cast by Block B has limited impact on surrounding properties. The proposed development provides in excess of 2 hours of direct sunlight to 50% of private open space associated with the adjacent properties and as such is not in breach of the standards identified by the planning authority.

The proposed development is in accordance with requirements regarding separation distances from existing properties and associated boundaries and will not result in overlooking. It will not be overbearing to the outlook of the adjoining residents. It will not impinge upon their existing access to daylight and sunlight and will not undermine the residential amenity of adjoining properties. It is considered that the matters referred to in the second reason for refusal can be dealt with by condition.

### **6.2. Planning Authority Response**

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

### **6.3. Observations**

An observation on the application was submitted by Corr & Associates on behalf of the residents on both side of the appeal site. The issues raised are as follows;

- The proposed development is not considered to be in line with the existing context and the established pattern, form, density and scale of the surrounding area.

- There is insufficient information on drainage and how surface water run-off from the development will be addressed. No information is provided to demonstrate that the proposal will not result in a flood risk to adjoining property.
- A comprehensive landscaping plan demonstrating boundary treatment and open space layout is required. Having regard to the existing trees on the site, it would be a reasonable expectation that an Arboriculture Impact Assessment be carried out on the subject site.
- No justification made for the demolition of the house which has vernacular merit (1950's).
- Potential overbearing nature of proposed development and impact on neighbouring properties.
- No shadow diagram analysis submitted and accordingly level of impact on sunlight/daylight cannot be assessed. Screening at second floor level may exacerbate blocking of sunlight/daylight.
- Overlooking of property to the west from location of the stairs in the proposed duplexes. Impacts of roof terraces on the residential amenity of adjoining property.
- All traffic related matters should be in accordance with Dublin City Council standards and DMURS.
- A visual impact assessment is required to demonstrate that no negative impacts will occur.
- Necessity for a construction management plan to indicate how access/egress to the site would be managed. No drawings have been submitted which demonstrates that adequate sightlines are available. There is under provision of car parking on the site, which cannot be justified in terms of good transport links, e.g. no rail/light rail system and limited bus service.
- No details on foul sewer connection.

It is concluded that there is insufficient information provided with the planning application.

#### 6.4. Further Responses

##### **Observers' response to First Party Appeal**

The observation is submitted on behalf of the occupants of the houses on both sides of the site.

##### *Introduction*

- The apartment development on the subject site would be completely out of sympathy with the existing context of detached houses set back from the road. To insert such a large and unsympathetic development between existing detached houses would be at variance with established principles.
- The proposed development due to its siting, scale and massing would have overbearing impacts and hinder the residential amenity of adjoining property. The proposal does not conform to building lines, heights, roof patterns or existing finishes.
- All infill developments within the immediate area were conditional on such developments being single household dwellings in order to maintain the existing pattern of development, including both detached housing and houses in adjoining estates.
- The applicant has requested An Bord Pleanála to consider a variety of items at appeal stage rather than through the formal planning application process. There are issues regarding the provision of storage, bicycle parking and accommodation mix which have not been addressed.
- It is considered that the original application and the appeal fails to address concerns regarding sightlines at the entrance, the integration of the development within the existing low density area and the objections raised in the submissions to the planning authority.

##### *Access to Sunlight/Daylight*

- The applicant has provided shadow analysis diagrams which indicates the extent of overshadowing to adjoining property. It is submitted that it will be minimal and that the concerns highlighted in the reasons for refusal have been addressed.
- Uncertainty remains regarding the validity of this work as the drawings have not been titled by a professional practice.
- Notwithstanding the shadow analysis submitted, there will be substantial loss of sunlight, light and outlook from both houses because of the size and location of the apartment blocks. There will be impacts on the private amenity space of both houses.
- If planning permission was refused for two houses at the rear of Dalgonar on the grounds that they would impinge adversely on the housing adjacent to the site, then logic and consistency in the application of planning principles should apply to the proposal in relation to Block A which is even more obtrusive to Ashgrove than the houses which were refused permission at the rear of Dalgonar.

*Design standards for new apartments.*

- The proposed development is not in line with the minimum storage requirements for new apartments. The ability of the proposed development to meet the required standard has not been demonstrated. No details have been provided to describe storage space allocation in m<sup>2</sup> and the specific location within the residential unit.
- There is no internal storage for bulky personal items such as bicycles within the apartments. Given the absence of internal storage, the provision of secure covered bike spaces would become the only option left for future households.
- The proposal consisting of 2 and 3 bedroom units fails to enable a mix of apartment types that better reflects contemporary household formation, housing demand and that complements the existing housing typology in an area mostly made up of 3 no. bed houses.
- These matters should have been addressed at planning application stage.

### *Lack of adequate sightlines*

- No details of sightlines or final boundary treatment have been provided, which are necessary to secure the personal safety of local residents.
- Ashgrove has extensive mature planting on the boundary with St Joseph's including a number of mature trees. Any disturbance to the boundary could potentially damage those trees. This matter has not been addressed by the applicant.
- Should boundary treatment plans be submitted they would require a full assessment by a roads engineer and may require third party consent due to potential effect on adjoining property.

### *Integration with the adjoining alignments*

- Dublin City Council's request for a masterplan highlights that the development of any one of these sites in isolation is premature and contrary to the proper planning and sustainable development of the area. The occupants of the adjoining developments have no intention of developing their properties as envisaged in the master plan as they are intending on maintaining their family homes.
- The proposal does not demonstrate how the proposal will assist in the consolidation of the area or integrate with existing/future developments.

### *Appropriate flood risk assessment and surface water management*

- Examination of the maps produced by the OPW for fluvial and pluvial flood events raises concern in terms of the potential for flood events to occur. The site is located in an area that may be directly flooded by rainfall in an extreme rainfall event. The site is located
- The Drainage Division stated that in the absence of adequate information it is not possible to state that satisfactory proposals for management of surface water can be provided for this development and that permission should be withheld until satisfactory information is submitted and approved.

- The applicant failed to submit a surface water management plan at application stage and no further details to address the concerns raised have been submitted at appeal stage.

#### *Conclusion*

- Application is premature.
- The proposal would result in overdevelopment of the site and severely injure the residential amenity of the area.
- There is no pressing need for apartment type developments in this area as DCC is in the process of developing the Lawrence lands Oscar Traynor Road on a large site across the road from the development. It will include a large number of apartments.

#### **First Party response to Observers' submission.**

##### *Sunlight and Daylight*

- The shadow analysis was undertaken by Project Architect Brian Cashman and a statement of competency is attached.
- The proposed development provides in excess of 2 hours of direct sunlight to 50% of private open space associated with adjacent properties (on March 21<sup>st</sup>) and as such is not in breach of the standards identified by the planning authority. The submitted shadow analysis is consistent with the BRE recommended assessment and clearly demonstrates that the loss of sunlight is not a justifiable reason for refusal in this instance.

##### *Design standards for new apartment*

- The proposed development has been designed in accordance with the requirements of the *Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities*.
- The attached drawings clearly show compliance will all standards as recommended by the guidelines in terms of apartment size and associated storage provision.
- There are 24 no. bicycle parking spaces proposed as part of the scheme. The parking bay is located in an area of high visibility in terms of natural

surveillance and has been designed appropriately given the scale of the development. The provision of a compound with electric access is not warranted in this instance and to cover the bicycle bay would reduce the natural surveillance and associated levels of security for future residents.

- The proposed development consists of 9 no. units on a site less than 0.25 ha and is not bound by any restrictions in terms of mix of unit types proposed (Planning Policy Requirement 2 of the Apartment Guidelines).

#### *Lack of adequate sightlines*

- Minor alterations are proposed to facilitate two-way traffic at the existing entrance and if required to facilitate sightlines, the existing wall can be removed and a new wall erected behind the sightline. The provision of adequate sightlines is not insurmountable.
- It is considered that sightlines are adequate subject to the removal of the existing hedge along the front boundary and widening of the entrance.

#### *Integration with adjoining alignments*

- The Council's and 3<sup>rd</sup> party's call for a mini masterplan are excessive in this instance particularly in the context of the observers' statement that *'the occupants of Ashgrove and Silverdale have no intention of developing their properties in the manner envisaged as they intend on maintaining their family homes'*.
- The applicants has clearly demonstrated that the proposed development does not adversely affect the surrounding properties or their ability to develop in a similar manner at some stage in the future.

#### *Appropriate Flood Risk Assessment and Surface Water Management*

- This has been sufficiently addressed as part of the appeal which recognises that the site may be subject to potential flooding as a result of a severe rainfall event. The entirety of Dublin city is designated as such and standard attenuation is sufficient to address this issue. A Flood Risk Assessment is not justifiable in this context. The Board is requested to condition the proposed development for the provision of attenuation on site to be agreed prior to commencement of the development.



## *Conclusion*

- The proposed development is compliant with recognised standards in terms of unit size and bicycle parking and has been designed to reflect current needs in terms of housing families.
- The proposal does not constitute overdevelopment of the site and is considered to be an increase in density to modern requirements.
- The site has no history of flooding and requires only standard attenuation measures.
- The shadow analysis is accurate and demonstrates that the proposal will not impact negatively on surrounding properties with regard to loss of light.
- Sightlines are sufficient subject to the removal of the existing hedgerow along the front boundary of the site.

## **Observers Response to First Party Response**

### *Floor plans*

- The floor plans submitted with applicant's response have been altered when compared to those submitted with the application. The bathroom has been downsized to accommodate storage (Fig 1). This suggests that the original design of the apartments was not adequate as they failed to meet basic storage standards set out in the apartment guidelines.

### *Internal space requirements*

- The revised floor plans includes overall figures for storage space but does not make the distinction between whether this would be 'designated internal storage space' or simply room furniture such as a wardrobe. Clarification is required to ascertain if the proposal is designed to meet apartment storage guidelines. (Fig 2). The altered floor plans submitted by the applicant raises questions if the original floor plans will be still be used (for some of the apartments) or whether the development will be executed on the basis of unsolicited revised floor plans.

### *Appropriate Flood Risk Assessment and Water Surface Management*

- The applicant questions the need to prepare a flood risk assessment, while at the same time stating that one could be required as a condition of permission. Photographic evidence of flooding is attached (Fig 3).

### *Daylight*

- It is unclear if the information on daylight is in accordance with BRE standard. Even in the absence of a full assessment of daylight/sunlight impacts, there will be a loss of amenity due to the location, bulk and scale of the proposed development. It would appear that there is still a loss of light to adjoining properties on both sides.

### *Traffic Impact*

- Overflow parking on Coolock Lane is already a problem and there is a risk of increased problems arising from the proposed development. The applicant failed to prove that adequate sightlines are achievable.

### *Conclusion*

- The applicant fails to demonstrate that the proposed development has been designed in accordance with the relevant guidelines in areas like internal storage space or the provision of secure cycling facilities (electronic access and CCTV)
- The proposed development fails to fulfil DCC Drainage Division requirements or to submit a flood risk assessment.
- Applicant fails to provide details of boundary treatment or details of appropriate sightlines.

## 7.0 Assessment

The main issues that arise for determination by the Board is respect to this appeal relate to the following;

- The principle of the development.
- Impacts on the established character of the area.
- Impacts on residential amenity.
- Drainage & Flooding.
- Roads & Traffic.

### 7.1. Principle of the development

Having regard to the Z1 zoning objective, where residential uses are permissible, the proposed development is considered acceptable in principle on the subject site. The proposal also accords with national policy/guidance which seeks to provide a more compact city through the more sustainable use of urban land and higher residential densities in built up areas of the city.

The proposal involves the demolition of an existing habitable house. The house is not listed for protection and is not of any particular architectural merit to warrant retention. The proposal involves infill development, which is promoted in the development plan (Section 16.10.10) as a means of securing sustainable use of land and existing urban infrastructure. The requirements for infill housing is that it respects the character of the street, complies with the appropriate habitable minimum room sizes and that it provides for safe access to and egress from the site which does not create a traffic hazard. These matters are discussed in more detail below.

### 7.2. Impacts on the established character of the area

The proposal is to construct 2 no. blocks of apartments between two existing detached houses. To ensure satisfactory infill development, it is a requirement of the development plan that the existing character of the street is respected and attention

is paid to established building line, proportions, heights, parapet levels and materials of surrounding buildings.

The blocks will be positioned both forward of, and behind the established building lines of existing houses. Whilst there is precedent for development forward of the building line on a site to the west of the appeal site, these houses are set back from the roadway and follow the building line of the row of houses further west at Aulden Grange. There is no precedent for a building of the height, mass and scale of Block A in such close proximity to the road (1.8m). There is similarly no precedent for a development positioned so far behind the building line of neighbouring property.

It is my opinion that the proposed development due to its position on the site, its design characteristics which does not reflect the intended use of the building, combined with its overall mass, scale and height is not reflective of the character and pattern of development in this area. The proposed development does not sit comfortably within its surroundings and will result in an uncoordinated form of development, which is inconsistent and out of character with the established form of development in the area. The proposed development would, therefore seriously detract from the character and visual amenities of the area.

### **7.3. Impacts on residential amenity**

The concerns raised relate to both the potential impacts of the development on adjoining property and the level of amenity that would be afforded to future residents of the scheme.

The issues raised by the observer relate to overlooking and overshadowing. The north facing windows of Block A and the windows in the southern elevation of Block face inwards onto the site. Whilst the upper level windows would have oblique views over the adjoining property, the potential for impacts on privacy is insignificant given that the majority of the windows serve bedrooms/staircases and overlook the front garden areas, which are semi private. The windows in the front elevation of Block A face the public road and accordingly no issues arise.

The rear windows of Block B, which includes living room windows at second floor level, do not create significant overlooking considerations as they face the front garden of the apartment block at Aulden Grange and its gable wall which is punctuated by windows fitted with obscure glass. Due to the siting of Block B behind

the rear building line of the adjoining houses, there is potential for overlooking from the external staircases and the terraced areas of open space located at second floor level on both blocks. The terraced areas will be directly accessible from the living room area associated with the apartments. Whilst the potential for overlooking of the rear amenity space of both houses could be addressed to a degree by privacy screens, the proximity of the terraces to neighbouring property (4m), coupled with their position to the rear of adjoining dwellings is far from ideal and raises concerns regarding potential impacts on amenity arising from noise and general disturbance. Issues have been raised by the observers regarding increased levels of overshadowing both to their property and to the communal open space associated with the proposed scheme. I accept that the house to the east of the site will experience increased shadow particularly in afternoon/ evening periods. The degree to which this will impact on the amenity of the house and its garden has not been assessed in accordance with the BRE standard. The communal area of open space will be overshadowed to various degrees at different times of the day, but will continue to provide a reasonable level of amenity to residents of the proposed 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, an accommodation schedule was not provided in support of the application, but it appears that all of the individual apartments comply with the *Sustainable Urban Design Standards for New Apartments* (DoHPLG, 2018) in terms of floor area parameters, rooms sizes and aggregate floor areas. I accept that the proposal lacks clarity on how the storage standards set out in the guidelines are complied with. The applicants rebuttal includes a set of drawings identifying storage proposals for individual apartment types. Much of the space provided appears to be in the form of bedroom/kitchen furniture and appears to encroach into aggregate floor areas particularly in the two-bed units. I would also point out to the Board that the scaled

dimensions of the rooms (scale 1:100) do not correspond with the dimensions on the application drawings (scale 1:200), which confuses issues. No external storage for bulky items is provided within the scheme.

Communal open space is provided within the scheme well in excess of the minimum requirements set out in the guidelines. Private open space is proposed in the form of balconies and roof terraces and to an acceptable standard. The Board will note that the balconies serving Block B are orientated to face north which coupled with significant levels of overshadowing will result in a low level of amenity for future occupants.

### **Drainage**

The proposal will significantly increase the area of hard surface and the rate of surface water run-off, with the potential to cause flooding. No proposals have been submitted indicating how it is proposed to manage these discharges within the site. A photograph submitted in response to the appeal suggests that at least part of the site has experienced flooding in the past. While it is applicant's contention that the site has the capacity to mitigate the impact and that this matter can be addressed by condition, I share the view of the Drainage Division that these matters should be comprehensively addressed prior to a decision being made on the application. More detailed information is required indicating that the system that is put in place is sufficient in capacity to accommodate surface water discharges and the design storm rainfall event, to ensure that the risk of flooding is minimised.

### **Roads & Traffic**

The site plan (Dwg No 100-10) submitted in support of the appeal indicates that it is intended to remove the entire front boundary wall and gateway. The proposed new vehicular access will be located further east on the site frontage. Whilst the number of on-site car parking spaces proposed (9 no.) is less than recommended in the development plan (1.5 spaces per unit in Zone 3), these are maximum permissible requirements. Cycle parking is proposed for 24 no. cycles which accords with both development plan standards and the apartment guidelines.

Visibility in a western direction from the existing access is curtailed by the road alignment in this location. It is proposed to position Block A in close proximity to the front boundary, which coupled with restricted visibility to the west and the

intensification of the use of the site, has the potential to generate traffic safety issues if not properly addressed. Whilst I accept that the issue of sightlines may not be insurmountable, the onus is on the applicant to demonstrate that access to/egress from the site can be achieved safely without impacting on road and pedestrian safety.

## 8.0 Conclusion

- The proposed development is acceptable in principle in this location and would contribute to increased residential density and more sustainable use of urban land and infrastructures.
- The proposed development due to its position on the site and its design, scale, height and mass will result in a development which is inconsistent and out of character with the established form of development in this location.
- It is considered that the proposed development has the potential to impact on the amenity of adjoining property arising from overlooking and overshadowing.
- There are outstanding matters in respect of surface water management and the provision of adequate and safe sightlines at the site entrance which require further consideration.

## 9.0 Appropriate Assessment

Having regard to the location of the development within a serviced built up area, 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

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 Recommendation**

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 refused for the development for the reasons and considerations set out below.

## **12.0 Reasons and Considerations**

It is considered that the proposed development by reason of its siting, design, scale height and mass would result in an uncoordinated form of development, which would be inconsistent and out of character with the established pattern of development in the area. The proposed development would seriously detract from the character and visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Breda Gannon  
Senior Planning Inspector

28<sup>th</sup> January, 2019.